



**Brighton & Hove  
City Council**

# Cabinet Meeting

Title:	<b>Cabinet</b>
Date:	<b>14 October 2010</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Mears (Chairman)</p> <p>Alford, Brown, Caulfield, Fallon-Khan, K Norman, Simson, Smith, G Theobald and Young</p>
Contact:	<p><b>Tanya Davies</b> Acting Democratic Services Manager 01273 291227 tanya.davies@brighton-hove.gov.uk</p>

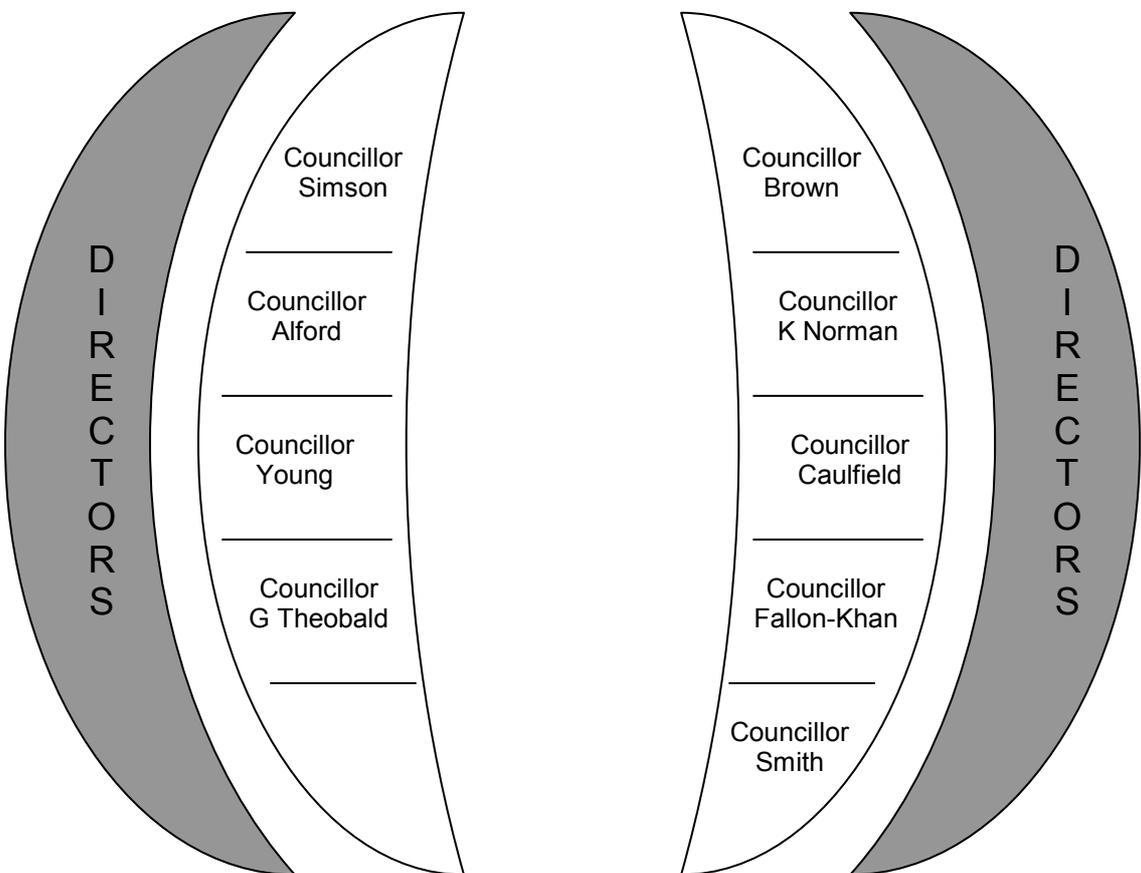
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# Democratic Services: Meeting Layout

Director of Strategy & Governance    Councillor Mears    Chief Executive    Democratic Services Officer

OFFICERS

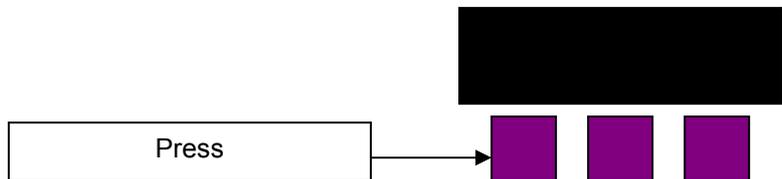
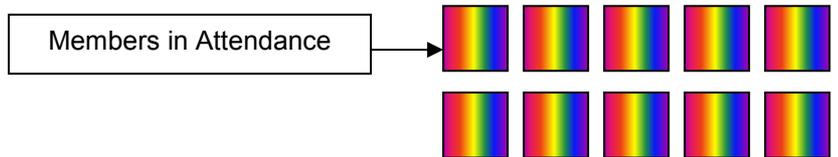
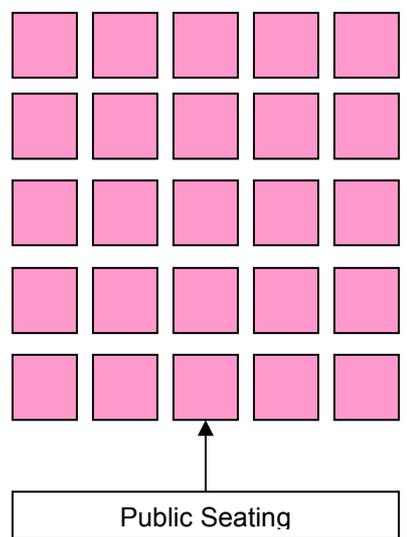
OFFICERS



OFFICERS

OFFICERS

Speaker    Leader of the Labour Group    Convenor of the Green Group    Leader of the Liberal Democrat Group



## AGENDA

**75. PROCEDURAL BUSINESS**

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

**76. MINUTES OF THE PREVIOUS MEETING****1 - 8**

Minutes of the Meeting held on 23 September 2010 (copy attached).

**77. CHAIRMAN'S COMMUNICATIONS****78. ITEMS RESERVED FOR DISCUSSION**

- (a) Items reserved by the Cabinet Members
- (b) Items reserved by the Opposition Spokesperson
- (c) Items reserved by Members, with the agreement of the Chairman.

*NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.*

**79. PETITIONS****9 - 10**

Report of the Acting Director of Strategy & Governance (copy attached).

Contact Officer: Tanya Davies

Tel: 29-1227

Ward Affected: All Wards

**80. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 noon on 7 October 2010)

No public questions received by date of publication.

## CABINET

### 81. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 7 October 2010)

No deputations received by date of publication.

### 82. LETTERS FROM COUNCILLORS

11 - 12

(The closing date for receipt of letters from Councillors is 10.00am on 4 October 2010)

(i) **Scrutiny Panel on Support Services for Victims of Sexual Violence.** Letter from Councillor Phillips (copy attached).

### 83. WRITTEN QUESTIONS FROM COUNCILLORS

(The closing date for receipt of written questions from Councillors is 10.00am on 4 October 2010)

No written questions have been received.

### 84. NOTICES OF MOTION

No Notices of Motion have been referred.

## STRATEGIC & POLICY MATTERS

### 85. Strengthening Communities Review - Stage One Report

13 - 22

Report of the Acting Director of Strategy & Governance (copy attached).

Contact Officer: Mary Evans

Tel: 29-1577

Ward Affected: All Wards

### 86. SE7 ICT Joint Working

23 - 30

Report of the Director of Finance & Resources (copy attached).

Contact Officer: Catherine Vaughan

Tel: 29-1333

Ward Affected: All Wards

## FINANCIAL MATTERS

### 87. Value for Money and Financial Planning Update

31 - 56

Report of the Director of Finance & Resources (copy attached).

Contact Officer: Nigel Manvell

Tel: 29-3104

Ward Affected: All Wards

## PROPERTY & REGENERATION MATTERS

### 88. New England House

57 - 74

Report of the Acting Director of Environment (copy attached).

Contact Officer: Max Woodford

Tel: 29-3451

Ward Affected: All Wards

**CONSTITUTIONAL MATTERS**

**89. Changes to the Scheme of Delegations to Officers**

**75 - 174**

Report of the Acting Director of Strategy & Governance (copy attached).

*Contact Officer:* Abraham Ghebre-  
Ghiorghis

*Tel:* 29-1500

*Ward Affected:* All Wards

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

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

For further details and general enquiries about this meeting contact Tanya Davies, (01273 291227, email [tanya.davies@brighton-hove.gov.uk](mailto:tanya.davies@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Wednesday, 6 October 2010



**BRIGHTON & HOVE CITY COUNCIL****CABINET****4.00PM 23 SEPTEMBER 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Mears (Chairman), Alford, Brown, Caulfield, Fallon-Khan, K Norman, Simson, Smith, G Theobald and Young

**Also in attendance:** Councillors Watkins (Opposition Spokesperson), Randall (Opposition Spokesperson) and Mitchell (Opposition Spokesperson)

**Other Members present:** Councillors

**PART ONE****54. PROCEDURAL BUSINESS****54a Declarations of Interest**

54a.1 There were none.

**54b Exclusion of Press and Public**

54b.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

54b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of Item 73 onwards.

**55. MINUTES OF THE PREVIOUS MEETING**

55.1 **RESOLVED** - That the minutes of the meeting held on 22 July 2010 be approved as a correct record.

**56. CHAIRMAN'S COMMUNICATIONS**

- 56.1 The Chairman noted that the meeting would be web cast both online and at Jubilee Library.
- 56.2 The Chairman welcomed everyone back after the summer break, and welcomed those who were watching the meeting at Jubilee Library as part of the Democracy Day event.
- 56.3 The Chairman stated that many of the reports for consideration focused on finance.
- 56.4 The Chairman was pleased to report that Brighton & Hove Seaside Community Homes had formally responded to the council's offer in setting up a housing Local Delivery Vehicle. This would give the council a capital receipt and additional investment to help refurbish housing stock. The Chairman thanked the Board for the hard work which had been undertaken to reach this position. A report would come to a future meeting of Cabinet to advise on progress made on reaching a deal with the funders.
- 56.5 The Chairman congratulated Democratic Services for achieving their ISO award. Democratic Services worked hard to support Members through coordinating paperwork for meetings, supporting member development and arranging events such as Democracy Day.
- 56.6 The Chairman congratulated the organisers and winners of the recent Sussex Eco Awards.

**57. ITEMS RESERVED FOR DISCUSSION**

- 57.1 **RESOLVED** – That all items be reserved for discussion.

**58. PETITIONS**

- 58.1 A petition had been due to be presented, but at the request of the petitioner had been deferred.

**59. PUBLIC QUESTIONS**

- 59.1 There were none.

**60. DEPUTATIONS**

- 60.1 There were none.

**61. LETTERS FROM COUNCILLORS**

- 61.1 There were none.

**62. WRITTEN QUESTIONS FROM COUNCILLORS**

- 62.1 The Chairman reported that one written question had been received:

62.2 Councillor Hamilton had submitted the following question:

“It is frequently stated that there is a large unskilled workforce in this country. What training and courses leading to career pathways are available to unskilled council employees in order that they may have the opportunity to improve their prospects and aspirations of career development, and are there any plans to increase this provision?”

62.3 Councillor Hamilton was unable to attend the meeting, officers would respond in writing.

### **63. NOTICES OF MOTION**

63.1 There were none.

### **64. TARGETED BUDGET MANAGEMENT (TBM) MONTH 4**

64.1 The Cabinet considered a report of the Director of Finance & Resources setting out the revenue and capital forecast outturn position as at month four.

64.2 Councillor Mitchell welcomed the Value for Money Programme, particularly the Re-enablement Strategy. Councillor Mitchell noted with concern the overspend in Communications, which had occurred for the second year running. The purchase of new gritters was welcomed. The loss of the play building funding was regretted, and was concerned that consultants had been paid £70k but there wasn't sufficient fund to pay for a new playground.

64.3 The Chairman noted the concerns about the budget for Communications, explaining that previously Communications had been part of the Environment Directorate and the current administration had taken the decision to make Communications a corporate team. This change had impacted on the budget, but would bring savings in the long term.

64.4 Councillor Randall noted the overspend in Area Integrated Working, which was mainly due to use of agency social work staff and an increase in court fees. Council Randall asked how long agency staff were employed for, and whether those who jobs were at risk could be moved to those positions where agency staffed were used. The Housing Culture and Enterprise Directorate had a new budget of £300,000 to recommission 46 HRA dwellings and Councillor Randall asked for more information about the timetable for that. It was noted that the mobile library would be replaced and asked if the new library could be as green as possible. Councillor Randall was concerned that when events such as Burning of the Clocks were held, the organisers would be responsible to pay for the loss of parking revenue. The Chairman offered a written response on the final point.

64.5 Councillor Watkins was pleased to note that new gritters were being purchased that would be able to manoeuvre up steep and narrow roads.

64.6 Councillor Young stated that agency staff would not be used and where possible staff would be retrained to undertake other positions.

- 64.7 Councillor Caulfield referred to the budget of £3000k for the 46 properties and stated that surveys had been completed and the budget available should be sufficient to undertake the work needed to ensure the properties could be put back into use.
- 64.8 Councillor Brown stated that agency staff were only used in exceptional circumstances. There had been a shortage in social workers, but a number of new social workers had recently been employed. The increase in court fees was difficult, but it was necessary on occasion to take court proceedings and the fees had to be paid.
- 64.9 Councillor Theobald stated the Events Team dealt with events such as Burning of the Clocks and the matter would be referred to them and they would respond to Councillor Randall.
- 64.10 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the provisional outturn position for the General Fund be noted.
  - (2) That the provisional outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2010/11 be noted.
  - (3) That the changes to the capital programme, as set out in appendices 3, 4, and 5, be approved.

**65. RESPONSE TO THE RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMISSION'S CLIMATE CHANGE ADAPTATION SCRUTINY PANEL**

- 65.1 The Cabinet considered a report of the Acting Director of Strategy & Governance responding to the recommendations of the report of the Overview & Scrutiny Commission's Climate Change Adaptation Scrutiny Panel, including how the city could increase its preparedness for extreme weather events made more likely by climate change.
- 65.2 Professor Gordon MacKerron who chaired the scrutiny panel, was unable to attend the meeting but he provided a written statement to accompany the report which tabled.
- 65.3 Councillor Mitchell was delighted that Cabinet would, in principle, be agreeing the recommendations of the Panel. Some of the recommendations would need to be worked though but they were practical tools which would help the council.
- 65.4 Councillor Randall thanked the Panel for their report and commended Recommendation 8. Councillor Randall asked when the Adaptation Test would be used.
- 65.5 Councillor Alford said that the Adaptation Test would be looked at to ensure that the implementation of it was do-able and would help local businesses.
- 65.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the recommendations of the report from OSC be noted and the work of the scrutiny panel be acknowledged.
- (2) That further work in respect of the recommendations from the OSC, which fall beyond the remit of the Cabinet, be taken forward through the Brighton & Hove Strategic Partnership and the City Sustainability Partnership.

## 66. IMPROVING BRIGHTON CENTRE ECONOMIC IMPACT

- 66.1 The Cabinet considered a report of the Acting Director of Culture & Enterprise concerning proposals for re-designs for the front of the Brighton Centre recommended in order to improve the economic impact of the venue.
- 66.2 The Chairman commended the excellent work of the in house design team.
- 66.3 Councillor Simson thanked the officers on behalf of the Community and Voluntary Sector. Redundant equipment had been donated to many Third Sector organisations.
- 66.4 Councillor Mitchell stated that the Brighton Centre was a business hub and was key to the local economy. In requesting information as to the timescale for a replacement she noted the efforts the Labour administration had made to maximise its potential.
- 66.5 The Leader questioned Councillor Mitchell's comments and noted that the previous administration had announced that the Brighton Centre was being closed down and replaced, which was not the case, and had led to a loss of business for the Centre. The Leader noted that the current economic downturn had impacted on the ability to replace the Centre, but it remained a priority.
- 66.6 Councillor Randall stated that the changes were an improvement, but a new Centre was needed.
- 66.7 Councillor Watkins welcomed the changes, in particular the new seats.
- 66.8 Councillor Smith stated that SEEDA had previously committed 16m funding towards a new centre, but the funding had been withdrawn.
- 66.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That an allocation of £350,000 towards improvement works in order to deliver intermediate employment benefits to the city during the currently difficult economic climate, to be funded as indicated in paragraph 3.10 of this report, be approved.
  - (2) That officers be instructed to review the funding strategy in the medium term financial strategy to ensure that the level of the Brighton Centre re-development reserve is adequate in future years to support the proposed development.

**67. WAIVERS OF CONTRACT STANDING ORDERS**

67.1 The Cabinet considered a report of the Director of Finance & Resources concerning all waivers authorised under Contract Standing Orders 18.2 & 18.3 compared to previous financial years.

67.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendation:

- (1) That the action taken to reduce the number of waivers by more than 50% since 2007/08 be endorsed and the information set out in table 1 and the appendices be noted.

**68. CONTRACT FOR THE PROVISION OF MODERN RECORDS STORAGE SERVICES TO BRIGHTON & HOVE CITY COUNCIL**

68.1 The Cabinet considered a report of the Director of Finance & Resources seeking approval for the tendering of a contract for the provision of a Modern Records Management service and seeking to reduce the cost of the current service while mitigating legal risks to the Council.

68.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the tendering of a contract for the provision of a Modern Records Management service for a period of 3 years with an option to extend for 2 further years be approved.
- (2) That delegated authority be given to the Director of Finance & Resources to determine whether joint procurement with neighbouring authorities would be financially advantageous to the council at this time.

**69. RECRUITMENT ADVERTISING MARKETING & COMMUNICATIONS CONTRACT**

69.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval to contract jointly with East Sussex County Council and Sussex Police Authority for the provision of Advertising Marketing & Communications Services in order to negotiate more favourable terms of quality and cost in relation to the placement of recruitment adverts, public notices and media advertising.

69.2 Councillor Randall felt that the partnership with procurement was good, but suggested that some savings would be achieved through advertising on the internet rather than in papers.

69.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That Brighton & Hove City Council enter jointly into tendering and letting a contract in conjunction with East Sussex County Council and Sussex Police Authority (the

Consortium) for the provision of Advertising Services and that the contract be for a period of five years with an option to extend for a further two years.

- (2) That, following a full European tender process, delegated authority be given to the Head of Human Resources to award the contract on behalf of the Consortium.

## **70. RESPONSE TO THE RECOMMENDATIONS MADE BY THE STAFF DISABILITIES SCRUTINY PANEL**

70.1 The Cabinet considered a report of the Acting Director of Strategy & Governance responding to the findings and recommendations of the Staff Disabilities Scrutiny Panel.

70.2 Councillor Watkins thanked Cabinet for accepting the recommendations of the Panel. The Council had excellent equality policies and it had been an interesting scrutiny panel to be involved in. The Disabled Workers Forum would be asked to ensure that agreed recommendations were carried out. Councillor Watkins wanted to remind everyone that 5<sup>th</sup> October 2010 as Disabled Workers Information Day and an event was being held at Hove Cricket Ground.

70.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the contents of the report be noted.
- (2) That important role played by the Occupational Health Service in promoting disability equality be noted.
- (3) That the formal response to each of the Scrutiny Panel's recommendations and planned actions as set out in Appendix 2 be agreed.

## **71. OLD MARKET TRUST**

71.1 The Cabinet considered a report of the Director of Finance & Resources concerning urgency action taken by her in accordance with Part 7.2 A 7(2) of the constitution ("Urgency Powers") in relation to the Old Market Trust.

71.2 Councillor Watkins said that local residents were sad that this had happened. In future, when that amount of money was involved, a member of the Council should sit on the board of trustees.

71.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendation:

- (1) That the urgency action taken be noted.

## **72. SURVEILLANCE POLICY**

72.1 The Cabinet considered a report of the Director of Finance & Resources apprising Members of activities undertaken utilising powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the June 2010 and to confirming that the activities were

authorised in line with the necessity and proportionality rules and the council's priority of fair enforcement of the law.

72.2 Councillor Mears stated that a further report would come to Cabinet in November.

72.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the continued use of covert surveillance and the accessing of communications data as an enforcement tool to prevent and detect all crime and disorder investigated by its officers, providing the necessity and proportionality rules are stringently applied, be approved.
- (2) That the surveillance activity undertaken by the authority since the last report to Cabinet in June be noted.

### **PART TWO SUMMARY**

#### **73. PART TWO MINUTES OF THE PREVIOUS MEETING**

73.1 **RESOLVED** - That the Part Two minutes of the meeting held on 22 July 2010 be approved as a correct record.

#### **74. PART TWO ITEMS**

74.1 **RESOLVED** – That item 73, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of

**Subject:** Petitions  
**Date of Meeting:** 14 October 2010  
**Report of:** Acting Director of Strategy & Governance  
**Contact Officer:** Name: Tanya Davies Tel: 29-1227  
E-mail: tanya.davies@brighton-hove.gov.uk  
**Key Decision:** No  
**Wards Affected:** Various

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

1.1 To receive the following petitions presented at Council, any petitions presented directly to the Cabinet or any e-Petition submitted via the council's website.

**79. (i)** To receive the following e-Petition submitted via the council's website by Jonathan Watson and signed by 157 people:

*We the undersigned petition the council to Proud of Portslade We, the undersigned, are proud of our community and our college [sic]. We strongly believe that the new Principle has reawakened our community spirit and passionately oppose the plan to turn our college into an academy. We celebrate the diversity within our community and wish every member of that community to have the opportunity to grow and flourish. We do not believe that this can happen under the flag of entrepreneurship. Although our college has suffered, it is now moving forwards under a strong leader who, we believe, should be given the opportunity to prove that which we can see is happening.*

**79. (ii)** To receive the following e-Petition submitted via the council's website by the East Brunswick Residents' Association and signed by 80 people:

*11x Bus Route*

*We the undersigned petition the council to EBRA thinks this is an atrocious waste of public money that could be much better spent elsewhere! We ask you to join us in getting the Council to stop wasting our money and cancel the service. Please sign this Petition.*



**COUNCILLOR ALEX PHILLIPS**

Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove BN3 2LS

Councillor Simson  
King's House  
Grand Avenue  
Hove  
BN3 2LS

**Date:** 27 September 2010

**Our Ref:** AP

Dear Cllr Dee Simson,

I am writing to you with regards to the recent Scrutiny Panel on which I sat with fellow councillors David Watkins, Juliet McCaffery and Averil Older, which looked into Support Services for Victims of Sexual Violence.

I am pleased with much that is detailed in its report, and I very much hope that implementation is speedy, because as we speak stats suggest that more than 2,000 women are being raped each week in the UK, and 14% of female university students experience some form of sexual violence whilst at university. Clearly sexual violence is prevalent – and these are just the reported instances we know of.

These are crimes that effect women in the main and the support services are simply are not there to deal with the traumatic effects these crimes have on the women involved, their friends and family, as well as the wider implications on society. And with a sharp increase in lesser-known offences such as anal rape for instance, this issue is becoming more and more serious.

Under the previous Labour government, women without recourse to public funds had access to sexual violence support services. However that was merely a temporary project which ended in August of this year, and has not since been continued. These are amongst the most vulnerable women in society, and they, like anyone deserve support.

I was pleased that all bar one of my recommendations were accepted by the panel, and I hope that support services will be improved. Nevertheless, I would like to re-request that the Chief Executive, John Barradell to write to the Government to ask for yearly ring-fenced funding. Without this material support, organisations such as the Survivor's Network and RISE will not be able to carry out their much-needed and valuable work.

Yours sincerely,



Councillor Alex Phillips

Telephone (01273) 294539

email: [alex.phillips@brighton-hove.gov.uk](mailto:alex.phillips@brighton-hove.gov.uk)

Green Member for Goldsmid Ward



<b>Subject:</b>	<b>Strengthening Communities Review – Stage One Report</b>		
<b>Date of Meeting:</b>	<b>14 October 2010</b>		
<b>Report of:</b>	<b>Acting Director of Strategy and Governance.</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mary Evans</b>	<b>Tel:</b> 29-1577
	<b>E-mail:</b>	<b>mary.evans@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Forward Plan No. (7 Digit Ref): CAB 16733</b>	
<b>Wards Affected:</b>	<b>All</b>		

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

- 1.1 On 14 January 2010, Cabinet agreed a formal review of the Strengthening Communities commissioning activity.
- 1.2 The activity commissioned under this theme is split into three areas of activity; Third Sector Representation, Stronger Communities Partnership and Community Development Commissioning, (see further detail at 3.9 of this report).
- 1.3 On 9 March 2010, Governance Committee also agreed the review and set up a cross party working group to steer the process. Regular updates and briefings have been presented to Governance Committee.
- 1.4 On 22 March 2010, Cabinet agreed 'Creating a Council the City Deserves' which set the review in the context of the transformation programme and the need for stronger engagement with citizens and communities.
- 1.5 Due to the size and complexity of the work, reporting of the Strengthening Communities Review will be made in two stages.
- 1.6 This initial report, (Stage One), focuses on activity commissioned under the 'Strengthening Communities and Involving People' chapter of the Sustainable Community Strategy.
- 1.7 The Stage Two report will focus on broader engagement activity in the city, with a particular focus on the City Council's own engagement practice and processes.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the contents of this initial report.
- 2.2 That Cabinet agree the following principles for commissioning based on review findings:

- a) Third Sector Representation
    - Continuing to commission third sector representation across all activity linked to Intelligent Commissioning.
    - Continuing to commission third sector representation and involvement in the delivery of the Sustainable Community Strategy.
    - In particular, ensure support focuses on supporting smaller, neighbourhood and grass roots groups.
  
  - b) Strategic Coordination of Community Engagement
    - Continuing to commission strategic coordination of the Community Engagement Framework and action plan.
    - Continuing to commission activities that support and develop best practice in community engagement.
  
  - c) People and Place
    - Commission through a need analysis approach that takes into account both people and place, ensuring those less able to engage and participate are supported.
    - Commission for bottom up solutions that support communities to identify their own solutions to local issues and problems.
    - Commission for the outcomes of engagement rather than activities that impose structures, allowing different communities to decide what works for them
- 2.3 That Cabinet notes that a further (stage two) report focussing on broader engagement activity in the City with a particular focus on the City Council's own engagement practice and processes will be submitted to a further meeting of the Cabinet

### **3. RELEVANT BACKGROUND INFORMATION**

- 3.1 The Strengthening Communities Review report follows two months of consultation and research and over 200 different stakeholders have taken part.
- 3.2 Stage One – Commissioning Priorities (this report).
  - 3.2.1 The engagement and representation activity detailed in this report is currently funded through Area Based Grant (ABG), and Local Public Service Award (LPSA) funds. The Communities and Equalities Team have been able to access approximately £500,000 through these funding streams to deliver the activity.
  - 3.2.2 The activity has supported Third Sector representation and involvement in the city, alongside strategic community engagement activities and community development support to neighbourhoods. (Further detail on this activity at paragraph 3.9).
  - 3.2.3 ABG and LPSA funds are concluding and there is a need to identify funds from mainstream sources. Consideration of joint funding across public sector partners has also been explored (further detail on this activity is at paragraph 3.10)

### 3.3 Stage Two – Engagement in the City (to be drafted)

The next report will be substantial. It will include a qualitative examination of community engagement and Third Sector representation activity in the city, with a particular focus on the City Council's approaches.

### 3.4 REVIEW STRUCTURE AND KEY FINDINGS

There have been four elements to the review process:

- A) An on-line mapping of engagement activity in the city.
- B) A qualitative analysis of the City Council's engagement activity.
- C) An independent evaluation of commissioned community engagement and third sector representation activity.
- D) Exploration of joint commissioning.

These are set out below, with initial findings:

#### 3.5 A) On-line mapping of engagement activity in the city

To date we have received 150 responses to the online mapping exercise. The data is currently being analysed against a number of factors to determine the range and scope of engagement activity in the city. These include:

- An analysis of provision across the private, statutory and voluntary sectors.
- An examination of the people and places engaged with – i.e. communities of interest/identity, individuals and geographical areas.
- An analysis of the types of engagement linked to the Community Engagement Framework definitions of informing, involving, consulting, empowering and collaborating.

3.6 150 individual responses is a statistically reasonable sample. However the analysis takes into account that the number of replies is unlikely to offer a complete picture of engagement activity in the city.

3.7 The following points are therefore a summary of mapping findings to date, with further information to follow during stage two.

3.7.1 Interim conclusions demonstrate a huge diversity of engagement activity in the city; including emerging evidence of private sector investment and interest. There remain gaps in activity in relation to those communities and groups less able to participate in society, (for example, gypsies and travellers, homeless persons and parents of children with multiple disabilities).

3.7.2 There is complication and confusion across all sectors about definitions and types of community engagement. In summary; activity being defined as 'community engagement' would appear to be more accurately described as 'customer or service user engagement'. The term 'customer' is being used to describe relationships where there is actually no choice in provision, (for

example with statutory services). This work would be better described as 'service user engagement'.

- 3.7.3 Findings indicate that the majority of providers feel that the focus of their engagement approach is through 'informing', (41% ranking this as their most relevant area of activity). This is a positive response but suggests a lack of investment of other more empowering approaches.
- 3.7.4 An 'empowering' approach was a higher priority for the Third Sector, with 21 organisations ranking it as their key area of activity (compared to 6 council teams). This may be interpreted as signifying a lack of investment in empowerment activities, (and therefore the notions of co-production and co-design), and requires further exploration and investment at stage two.
- 3.7.5 The Community Engagement Framework enables us to cut through the issue of definition and most importantly describes what engagement means to Brighton and Hove as a result of extensive front line consultation.
- 3.7.6 Duplication of engagement activity is an issue, particularly within the City Council, (where some departments and front line teams are having 'separate' conversations with service users). However, it is also clear that in terms of service delivery, engagement with customers is high priority, part of an ongoing business approach, and in some cases legally required. There are opportunities to intelligently target engagement and increase the quality of our interactions with our customers.
- 3.7.7 This duplication in engagement activity, can, however extend to other public sector organisations. For example, the City Council and Primary Care Trust occasionally commission the same organisations to carry out engagement activity.
- 3.7.8 The online mapping could become a useful tool to help to reduce some of this duplication. Using this, commissioners, service managers and partners could potentially access the same information to support their work.
- 3.7.9 The proliferation of activity in the City would suggest that there is little need to commission new engagement arrangements. A more effective approach would be to focus on reducing duplication, raising awareness and strengthening partnership and collaborative working.
- 3.8 B) A qualitative analysis of the City Council's engagement activity
- 3.8.1 As described above, the review has examined City Council engagement activity and this provides helpful underpinning information to support the reorganisation programme.
- 3.8.2 Some teams of the Council, (for example the Partnership Community Safety Team), have undertaken their own evaluation of their engagement practice, and/or are producing engagement strategies.
- 3.8.3 A separate paper describing this is being developed in partnership with community engagement service leads across departments and will form part of the Stage Two report.

3.9 C) An independent evaluation of commissioned community engagement and third sector representation activity.

3.9.1 The Communities and Equalities Team accessed £500,000 from various funding sources to commission community engagement and third sector representation activity in the city. This has enabled:

- Funding to the Community and Voluntary Sector Forum (CVSF), for third sector representation and community engagement support, (e.g. third sector representatives involved with Local Strategic Partnership and family of partnerships).
- Funding to the Stronger Communities Partnership (SCP), (a sub group of the LSP), for strategic activity and the promotion of community engagement, (e.g. Get Involved, Democracy Day, community engagement training).
- Funding for community development support to neighbourhoods in 13 of the city's most deprived areas through third sector partners.

3.9.2 An independent evaluation was commissioned to evaluate the effectiveness of this work, and this together with other review consultation activity forms the basis of the following conclusions:

3.9.3 The evaluation found that the work of the CVSF in facilitating third sector engagement and representation is fundamental to collaborative working in the city. This is critical given that there is a move towards commissioning and the Third Sector holds vital intelligence which will support needs assessments, service review, planning and outcome design.

3.9.4 Engagement of the third sector through this work focuses on ensuring that the sector is informed, represented and has influence in citywide strategic planning and decision-making. The CVSF currently has 529 member organisations (all third sector groups active in the city) and supports 60 reps on 30 strategic groups.

3.9.5 CVSF also supports a wide variety of themed networks, (such as the Children and Young Peoples Network). This facilitation enables statutory organisations to engage with specialist community and voluntary sector organisations and their service users. It also enables small organisations to collaborate and provide holistic solutions to commissioning needs (for example, a local after school club working with a disabled children's organisation).

3.9.6 Despite 30% of CVSF members coming from small groups, members still feel that small groups tend to be under-represented in its work. CVSF recognises this and feels that involving small community groups is key to achieving the vision of co-design and co-production of services.

3.9.7 The review also found that involving the third sector also brings added value by building individual and organisational capacity. This can help to create a more effective, professional and diverse third sector in the city. This kind of market development is central to the intelligent commissioning agenda and the CVSF is supporting the implementation of this throughout the city.

- 3.9.8 The Stronger Communities Partnership, (SCP), is successfully taking forward the cross sector approach to the community engagement and delivering on the Strengthening Communities chapter of the Sustainable Community Strategy. It is leading on the implementation of the Community Engagement Framework and associated actions. Its successes to date include, the Get Involved Campaign, (which includes the recent Democracy Day event), and community engagement training pilot.
- 3.9.9 SCP also provides an important mechanism for “grass roots” issues and representation to feed directly into policy, good practice and strategic decision-making through the community representatives on the partnership.
- 3.9.10 However, the review found a lack of organisational ‘buy in’ amongst some partners, particularly with regard to senior level investment. This would benefit from further work and review.
- 3.9.11 The SCP has been one of the few groups in the family of partnerships to undertake joint commissioning (of engagement) activity. This has led to the successful application for LPSA funding which has been used to support new projects, including those that support seldom heard communities.
- 3.9.12 Community Development Support has had strong and positive impact on neighbourhoods and improved perceptions of place. Individual empowerment is evident, new community groups have formed and the work has supported resident involvement in service design, delivery and planning.
- 3.9.13 A Social Return on Investment evaluation found that 100% of residents asked and involved in projects supported by community development reported increased confidence, skills and knowledge.
- 3.9.14 Historically, community development in the city’s deprived neighbourhoods has been funded through government initiatives such as Neighbourhood Renewal. The work has had significant impact on issues such as fear of crime, neighbourhood pride and belonging.
- 3.9.15 However, national evaluations of these programmes, together with the Brighton and Hove Reducing Inequality Review, indicate that inequality remains an issue in deprived neighbourhoods. It also found that social and economic disadvantage extended to groups of individuals across the entire city.
- 3.9.16 The Reducing Inequality Review suggested that as long as particular parts of the city are specifically designated as areas to house poorer people, inequalities will persist.
- 3.9.17 The review concludes that there is a need for a stronger focus on measures which will serve more directly to reduce inequality. This is being addressed through the refreshed Community Strategy and strategic plans of the council and other public sector organisations.
- 3.9.18 The establishment of a range of neighbourhood forums in the city enabled residents to determine how allocated area based funds were spent in partnership with service providers. The forums also succeeded in influencing mainstream service provision and continue to focus on this.

3.9.19 In some areas community development support for forums and their work has consumed a significant proportion of the available resource for the neighbourhood, with some residents feeling that meetings are taking priority over grassroots activity.

3.9.20 With a changed public sector climate, it is unlikely that such significant area initiatives will exist in the near future. We therefore need to ensure that our funding is used to maximise support for community activity.

3.9.21 Senior representatives of partner agencies in the city value the extent and ways in which residents are involved in service planning. It will be important to capitalise and build on the learning and practice of neighbourhood forums through the reorganisation plans of the City Council and others.

3.9.22 These points, together with national priorities such as Big Society, would suggest the need for a continued, but strengthened approach, which enables community development to focus on supporting communities to find their own solutions.

#### 3.10D) Joint Commissioning of Engagement and Representation activity

3.10.1 The review has examined the possibilities of partner contributions to this area of work. It is of collective importance, and has collective impact. There is growing acknowledgement of shared responsibility for a variety of reasons, including:

- The need to engage communities with some of the difficult decisions that are likely to be made in the next few years and support communities to help themselves where appropriate and possible.
- The need to engage with the third sector as key partners in designing and delivering services into the future and in to support their role as experts at working with 'hard to reach' individuals and communities.
- The need to better integrate people and place approaches to ensure that issues of multi-disadvantage are targeted and tackled, particularly in the context of pressurised public services.
- The statutory responsibilities across sectors to involve local people and customers.
- The shared commitment to the Sustainable Community Strategy and the Community Engagement Framework.

#### Barriers to Joint Commissioning

3.10.2 There are a number of valid reasons why joint commissioning of engagement and representation work is however problematic.

- A lack of knowledge about future funding allocations, coupled with knowledge of planned immediate reductions.
- Competing and differing timescales and processes for decision making.

- Competing and different priorities for engagement and representation, (for example, engaging for health outcomes and/or engaging for community safety outcomes).
- A current lack of commissioning approaches amongst some public sector partners.
- Anxiety about new approaches and a lack of tried and tested models.

3.10.3 This report has been shared with the Public Service Board and a discussion on joint commissioning indicated interest in this from key partners. At the same time operational discussions with organisations such as the Primary Care Trust and Sussex Police are continuing and may result in some quick wins; for example, funding for projects where contract targets are similar.

### 3.11 Conclusions and Next Steps

Cabinet are asked to note the excellent work that has been commissioned under the Strengthening Communities theme. It has had significant impact across a range of council priorities and there is a sound business case for continued support.

The ability for communities and individuals to support themselves through self help, early intervention and voluntary activity presents an excellent business model. Local people are often well placed to identify ways in which local need can be met efficiently. Engagement with third sector organisations enables the collation of intelligence related to need and enables collaborative approaches to delivering services into the future.

This report recommends that we therefore continue to commission projects that support this model. The review recommends that this commissioning take into account the need to maximise impact with reducing resources. The commissioning principles set out at paragraph 2 provide a framework for a new strategy to achieve this.

## 4. CONSULTATION

- 4.1 Over 200 stakeholders have taken part in the Review, (in addition to and including those involved in the mapping process). It is high priority for the majority of partners involved in the Local Strategic Partnership and is critical to delivering the Sustainable Community Strategy.
- 4.2 To date 150 organisations (or teams of the Council), have taken part in the online mapping survey.
- 4.3 During the recent LSP partnership review sessions, engagement and third sector involvement was consistently noted as a priority for the future.
- 4.4 Consultation methods have included focus groups, interviews, questionnaires, a Social Return on Investment (SROI) analysis, and an independent evaluation.
- 4.5 Feedback from Community Engagement Framework consultation processes demonstrated strong support for approaches which focus on enabling communities address their own priorities.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 Commissioning activity as described in 2010/11 can be met by agreed grant funding. Future commissioning expenditure will need to be agreed as part of the Council's budget strategy, partner contributions and any identified external funding.

*Finance Officer Consulted: Anne Silley*

*Date: 21/09/10*

### Legal Implications:

- 5.2 There are no legal implications to raise in respect of this report. The review is consistent with the Council's legal powers and duties.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 21/09/10*

### Equalities Implications:

- 5.3 An equalities impact assessment is underway and will be included with the stage two report. The process has already identified the need to ensure that equalities considerations are embedded in any future commissioning arrangements.

### Sustainability Implications:

- 5.4 Future commissioning arrangements will take into account the need to promote sustainability considerations in all aspects of planning and delivery.

### Crime & Disorder Implications:

- 5.5 On behalf of the Safe in the City Partnership, the Partnership Community Safety Team (PCST), Communities against Drugs and Environment Improvement Teams deliver a range of activities which engage and build cohesive communities. Some of these activities are integrated within the delivery plans of priority crime areas: facilitating the community led Racial Harassment Forum is one example of that. Other work such as supporting the network of Local Action Teams link closely with meeting the delivery requirements of Neighbourhood Policing and as such, have specific outcomes which are about identifying local policing priorities and delivering community safety solutions in partnership with local people. The PCST carries out targeted work with refugee and migrant individuals and communities and its programme of activities to 'build resilience to violent extremism' is a specific programme of work with Muslim and other faith based communities. Performance on this programme is measured against national indicators within the LAA process.
- 5.6 The Partnership looks forward to working with future commissioning approaches and achieving a consistent approach across the City.

Risk & Opportunity Management Implications:

- 5.7 The lack of resource to continue community engagement, development and third sector representation activity into the future carries significant risk in relation to our ability to ascertain and meet the needs of local people and deliver on the organisational change programme of the City Council. Re-focusing on the key principles underpinning the activity does however provide the opportunity to ensure the targeting and value for money of any work undertaken.

Corporate / Citywide Implications:

- 5.8 The scope of the review includes city-wide provision of community and neighbourhood engagement and engagement with the third sector. This has implications for all wards and supports the corporate objective to “Reduce inequality by increasing opportunity”.

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

- 6.1 Not applicable.

**7. REASONS FOR REPORT RECOMMENDATIONS**

The report recommends that Members agree to formally review this area of work for the following reasons:

- 7.1 Current arrangements for funding of strengthening communities commissioning will come to an end in April 2011.
- 7.2 The Reducing Inequality Review recommended that we review and resolve our approach to targeting both people and place, and therefore our priority neighbourhoods work.
- 7.3 The work underpins our ability to deliver on the ‘Creating a Council the City Deserves’ programme.
- 7.4 The national policy and legislation focus on localism is still emerging and is likely to be a key area of activity for the City.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members’ Rooms**

None

**Background Documents**

None

<b>Subject:</b>	<b>SE7 ICT Joint Working</b>		
<b>Date of Meeting:</b>	<b>14 October 2010</b>		
<b>Report of:</b>	<b>Director of Finance &amp; Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Catherine Vaughan</b>	<b>Tel:</b> <b>29-0283</b>
	<b>E-mail:</b>	<b>catherine.vaughan@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

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

1.1 Brighton & Hove City Council is working as part of the South East 7 (“SE7”) group of authorities in the south-east to improve services and secure greater value for money and millions of pounds in savings for the public purse.

1.2 This report sets out the work that has been undertaken on information technology which has been led by Brighton & Hove City Council and seeks approval for the strategic vision and detailed workstream proposals.

**2. RECOMMENDATIONS:**

2.1 That Cabinet agree the strategic vision of a “network of networks” for the southeast region.

2.2 That Cabinet agree the six proposed ICT workstreams.

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

3.1 The SE7 group comprises Brighton & Hove City Council, West Sussex CC, East Sussex CC, Hampshire CC, Surrey CC, Kent CC and Medway Unitary Authority. The SE7 group have signed a memorandum of understanding setting out how they will collaborate to explore opportunities for joint activities, including procurement and contracting arrangements, to yield major savings across the region. In addition to procurement and contracting, there is potential for closer working around sharing information, skills and resources. The SE7 group intends to use their combined strength to drive down costs and improve services.

3.2 The councils, which have a combined budget of over £3.4 billion and serve about 5.3 million people, have identified four areas of work where they are currently concentrating their efforts. These are:

- highways construction and maintenance;
- special education facilities;
- waste management;

- and information technology.
- 3.3 Brighton & Hove City Council is the lead authority for the ICT work and this is being sponsored by the Director of Finance & Resources. Reports on progress on the other workstreams will be brought to future Cabinet meetings.
- 3.4 All ICT departments are facing the same high level challenge – to deliver significant savings against their own direct expenditure while maintaining sufficient skills and capacity to enable savings to be delivered by the rest of their organisations through the effective use of technology. It is clear that greater collaboration across the region can make a significant contribution to meeting that challenge and also that IT is central to successful public sector transformation programmes.
- 3.5 The SE7 authorities start from a position of relative strength in their collective ICT provision. Overall there is a strong and recognised track record of delivering significant projects on time and on budget particularly in relation to central government and other public agencies. Where they exist, benchmarks demonstrate relatively low costs compared with public and private sectors. There is also a great deal of innovation and nationally recognised good practice across the region. The recommendations in this report seek to build on this.

### **Communications**

- 3.6 Communications between all the SE7 ICT departments have strengthened, and this in itself has already brought benefits. The networking opportunities have been spread to staff below CIO (Chief Information Officer) level, many of whom have become directly involved in the seven separate workstreams originally identified. Of particular benefit has been the links made between technical infrastructure managers who are often grappling with similar highly technical issues and are able to do some joint problem solving (e.g. networks, software management, security and data centres).
- 3.7 A shared website hosted by ESCC has enabled documents to be pooled and web-based telephone conferencing once a month has contributed to efficient working, including minimising travel times, costs and carbon footprints.

### **Lobbying , influence and supplier negotiations**

- 3.8 The SE7 CIOs have begun the process of joint working to lobby for cost reduction from IT suppliers and also reduced burdens from central government. Procurement data has been captured on where interests overlap and plans are being developed to start detailed cost reduction negotiations with IT suppliers across the SE7 group. Lobbying of central government is likely to be in areas such as procurement (e.g. the role and contribution of OGC – Office of Government Commerce) and in policy (e.g. the cost of the ‘Code of Connection’).
- 3.9 The SE7 have agreed to send representatives to national strategy meetings who are mandated to speak on behalf of all the SE7 group, including:
- Membership as SE7 group at the Local Government ICT Collaborative Procurement Forum;

- Meetings with OGC Buying Solutions as an SE7 group, specifically on LA software licensing needs;
- National and Local CIO Council, which sets national IT strategy and policy (e.g. Code of Connection).

### Priority Workstreams

- 3.10 A prioritisation exercise was undertaken to identify the areas of work of most significant strategic and financial benefit. The following six workstreams are proposed:
- Networks
  - Data Centres / Disaster Recovery
  - Procurement
  - Desktop services and equipment
  - Mobile & Flexible Working
  - Contact Centres / Customer Access
- 3.11 A high level assessment of the potential scale of savings in each workstream is set out below in Table 1. Work in these areas could help IT departments deliver planned savings targets in a more efficient and effective manner than could be achieved without this degree of collaboration. This is therefore not to suggest that the level of indicative savings is only achievable through, or as a result of SE7. However, all CIOs agree that they will achieve greater savings together than apart.
- 3.12 The level of savings in each authority and the timing of them will depend on a number of factors including:
- the current infrastructure;
  - the level of joint working and procurement already in place;
  - contract end dates and values; and
  - the ability to align business processes.

**Table 1 – Savings ranges**

Workstream	Estimated spend across SE7 * £m	Range of potential savings for each authority	Timeframe for delivery
Networks	19.266	5-20%	2 - 10 years
Data centres / Disaster Recovery	4.143	10-50%	1 - 3 years
Procurement	19.370	10-30%	6 months - 3 years
Desktops	7.793	10-40%	6 months - 2 years
Mobile & Flexible working	Currently unquantifiable		1 - 3 years
Contact Centres/ Customer Access points	Currently unquantifiable		2 - 10 years

\* excludes spend by WSCC

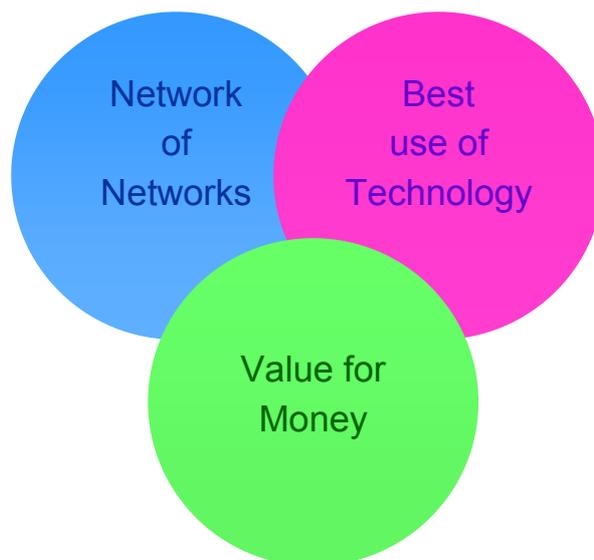
- 3.13 As a consequence of these actions there should also be savings in ICT contracts and through aligned IT plans, pooled resources and potentially joint appointments in the longer term. However, the biggest savings will not be in IT.
- 3.14 At a strategic level the '**Networks**' proposal is the cornerstone for the wider and more ambitious programme of works represented by the multiple workstreams. It is recommended that Brighton & Hove City Council as part of the SE7 group commit to the principle of developing a "network of networks" over the next 2 to 5 years. Kent and Hampshire already have Public Service Networks in their localities and the other areas are likely to need to consider a similar move.
- 3.15 There is not a proposal to move to a single regional network, as the evidence is that this will not deliver the optimum technical design or most cost efficient solution<sup>1</sup>. It is essential that we should be planning jointly for future network requirements and ensuring connectivity between them. This requires effective collaboration across SE7 to allow multiple solutions to be managed as a common service enabling:
- Improved design of networks through shared expertise and lower backbone/edge switching and routing costs;
  - Aggregation of demand results in the sharing of infrastructure and management costs and reduces the overall cost to the public purse;
  - Joint purchase of educational internet access for whole region;
  - Lower cost procurement of infrastructure by creating common approaches;
  - Cost reductions elsewhere through use of ICT to transform business delivery;
  - Reduced management overheads;
  - Lower energy costs and carbon footprint through the reduction in numbers of network cabinets and locations.
- 3.16 This ambition has already been achieved across public service in Wales and there are no technical barriers to achieving it. It is proposed that the SE7 should be pushing government strongly to allow local authorities in the region to lead on this work rather than having a central government determined solution at potentially higher cost imposed on it.
- 3.17 The workstream on **data centres and disaster recovery** would link to the "network of networks". It is clear that there are too many data centres to be sustainable in the SE7 region. Districts, Unitaries, Boroughs, Counties and many other public service organisations have their own data centres of various sizes and cost. It is the government's intention to move to a leaner, more joined up approach, and a smaller number of linked data centres across the SE7 would reduce costs and improve IT disaster recovery considerably.
- 3.18 **Procurement** remains a high priority, and it is clear that overcoming the barriers that each SE7 organisation faces in being able to share contracts, must be overcome. If necessary, this should be taken to the OGC so that we can avoid unnecessary costs of tendering. This procurement activity is as important to

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<sup>1</sup> Gartner benchmarking of local authority networks, including the Kent network, identified costs over 50% lower than the equivalent service available from government's national GCSX network

resolve as the benefits on networking. Support from legal teams in SE7 organisations will be needed.

- 3.19 In the area of **desktop services and equipment**, there are two elements. The first of this is procuring similar technologies on a scale that reduces costs of acquisition, support and disposal. The second is to align our ICT strategies around desktop technologies that maximise the benefits for flexible and mobile working in a consistent fashion. This has clear links to the mobile and flexible working workstream.
- 3.20 Both the **mobile and flexible working** workstream and the **contact centre access** workstream have identified significant savings which are possible but these depend, typically, on the willingness of organisations to operate in a similar fashion; and many of the savings will not lie directly in IT.
- 3.21 While the network strategy would drive savings in the other workstreams, many of the other elements also stand alone, in particular there are overarching themes of improving value for money and also making the best use of existing technology. The overall priorities for the programme can be illustrated as follows:



#### 4. CONSULTATION

This work has been developed jointly between the seven local authorities.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

- 5.1 The potential scale of savings across the region is set out in Table 1. This approach will help the Council achieve its planned VFM savings targets for ICT.

*Finance Officer Consulted: Catherine Vaughan*

*Date: 30/09/10*

Legal Implications:

- 5.2 Cabinet has the necessary authority to agree the recommendations in this report.
- 5.3 The form of collaboration underway by the SE7 group is consistent with the council's powers.

*Lawyer Consulted:*

*Oliver Dixon*

*Date: 01/10/10*

Equalities Implications:

- 5.4 There are no direct implications from this joint working.

Sustainability Implications:

- 5.5 Sustainability considerations are inherent in much of this work, for example the development of mobile and flexible working.

Crime & Disorder Implications:

- 5.6 No implications arising from this report.

Risk & Opportunity Management Implications:

- 5.7 Each workstream has a risk log developed for each area of work. The model of working here enables the Council to be flexible in its decision making about the future operating model for ICT and how it wants to procure and deliver services.

Corporate / Citywide Implications:

- 5.8 These are set out in the main body of the report.

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

The agreed workstreams were identified following a detailed prioritisation process. Working in isolation would jeopardise the Council's ability to deliver the levels of projected savings.

**7. REASONS FOR REPORT RECOMMENDATIONS**

Joint working across the SE7 helps to ensure that Value for Money is achieved in ICT provision. More joint planning of ICT will provide a common infrastructure for future collaboration.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents In Members' Rooms**

None

### **Background Documents**

None



<b>Subject:</b>	<b>Value for Money and Financial Planning Update</b>		
<b>Date of Meeting:</b>	<b>14 October 2010</b>		
<b>Report of:</b>	<b>Director of Finance &amp; Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Nigel Manvell</b>	<b>Tel:</b> 293104
	<b>E-mail:</b>	<b>nigel.manvell@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

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

- 1.1 This report provides an update on the council's Value for Money (VFM) Programme and other initiatives being considered to achieve substantial efficiency savings across the council over a four year period.
- 1.2 The Government's Comprehensive Spending Review will be announced on October 20<sup>th</sup> 2010. This will give headline information about the totality of local government funding. Detailed information on the implications for Brighton & Hove will only be known following the local government finance settlement. This is expected to be announced late November / early December. It is likely that more detailed information on specific grants will only emerge in the weeks after that.
- 1.3 In addition to the VFM programme and the work to develop budget strategies in line with the July Cabinet decisions, significant effort is being devoted to maximising the council's funding position. This report sets out the wide range of consultation documents that are being responded to at the moment and, in particular, highlights concessionary fares as a lobbying priority.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the continued progress of the Value for Money Programme.
- 2.2 That the consultation documents on changes to elements of the local government finance system be noted.
- 2.3 That concessionary fares be prioritised for lobbying central government.

**3. RELEVANT BACKGROUND INFORMATION**

- 3.1 Value for Money (VFM) is a commonly used term across private and public sectors. Good value for money requires that the cost of providing services is appropriately balanced with the outputs and outcomes (results) required. The

council's Value for Money Programme is primarily concerned with achieving the same or, preferably, increased outputs and/or better outcomes while driving down costs by delivering services more efficiently. The programme aims to achieve substantial efficiency savings through significantly changing systems, processes and ways of working (e.g. mobile or home working), and further improving the use of resources, particularly property.

- 3.2 Since 2007 the council has regularly achieved efficiency savings of approximately £10 million per annum in response to challenging central government grant settlements, government efficiency targets, 'use of resources' assessments, and maintaining low council tax increases. The current VFM Programme was developed in response to revised projections about future grant settlements combined with recent upward trends in service pressures, which significantly increased the estimated savings requirements over the next four years to £15 million or more per annum.
- 3.3 Current projections about the potential implications of the government's Comprehensive Spending Review (CSR) suggest that over the 4 year period the savings required may be significantly underestimated. The council is therefore proactively responding by broadening the scope of its VFM work as well as implementing the new commissioning model.
- 3.4 The current VFM Programme is therefore more transformational and ambitious in its approach than previous efficiency programmes and is aiming to achieve savings of up to £35 million over 4 years with potential ongoing savings of up to £18 million. Other opportunities are also being explored to increase the level of savings and/or reduce anticipated service pressures.
- 3.5 Following a prioritisation exercise, which took into account the scale of spend, areas of high cost, and experience from other authorities, the following high priority areas were identified for VFM improvement:
- Adult Services – introducing new models of delivery and 'Personalisation' for greater choice (e.g. Personal Budgets);
  - CYPT – improving prevention, planning and delivery of care;
  - ICT – improving investment decisions and reducing infrastructure costs;
  - Procurement – making the best use of the council's buying power;
  - Sustainable Transport, Fleet and Outdoor Events – reducing costs by organising and procuring services and fleet more efficiently;
  - Workstyles – making more efficient use of our property estate by improving office working environments and using new IT to enable more flexible and mobile working.
- 3.5.1 The main areas of focus within each of the above priority areas are detailed at Appendix 1. The current VFM Programme started in January 2010 and is overseen by the VFM Programme Board which ensures that each project is appropriately resourced and has effective project plans and risk management arrangements in place.

## 4. PROGRESS TO DATE

- 4.1 The savings planned from the Value for Money Programme over the next 4 years were set out in the 'Budget Process & Budget Update' report to Cabinet on 22 July 2010. Across the six priority areas the anticipated savings (gains) are as shown in the table below:

### Summary of Net VFM Gains (Benefits Realisation)

VFM Project	2010/11	2011/12	2012/13	2013/14	Cumulative Gains - All Years	Total Ongoing Gains
	£m	£m	£m	£m	£m	£m
Adults Personalisation	1.342	1.922	4.315	4.315	11.894	4.894
CYPT	0.984	1.519	2.565	2.972	8.040	2.450
ICT	0.105	0.315	0.525	1.050	1.995	1.050
Procurement	0.330	1.230	2.130	4.380	8.070	4.380
Sustainable transport:						
Bus Subsidies	0.098	0.148	0.172	0.184	0.602	0.184
Fleet Management	0	0.150	0.150	0.150	0.450	0.150
Sustainable Transport	0	0.115	0.115	0.115	0.345	0.115
Outdoor Events (Fees)	0	0.060	0.060	0.060	0.180	0.060
Workstyles *	0	0.100	0.300	3.000	3.400	4.500
<b>Total VFM Programme</b>	<b>2.809</b>	<b>5.559</b>	<b>10.332</b>	<b>16.226</b>	<b>34.976</b>	<b>17.783</b>
<b>Net additional savings</b>	<b>2.809</b>	<b>2.750</b>	<b>4.773</b>	<b>5.894</b>		

\* Workstyles savings have been revised and include potential capital receipts

- 4.2 Further analysis will be required to determine whether gains result in cash savings ('cashable efficiencies') or whether gains reduce future potential costs and service pressures ('non-cashable efficiencies'). Both types of gains are important and can reduce the overall budget requirement for the council.
- 4.3 Services have re-prioritised existing staffing and resources to ensure effective support for the delivery and implementation of these projects. The projects also include other 'invest-to-save' resources and costs where these are essential to lever in the substantial value for money gains. Some of these are funded from external sources, for example, the Adult Social Care Personalisation project is substantially supported by government Social Care Reform Grant in 2010/11.
- 4.4 **Progress on individual projects:**
- Adult Social Care:**
- 4.4.1 Re-ablement services continue to be developed alongside collaboration with partners to develop the marketplace for Personal Assistants including a Personal Assistant (PA) Notice Board on the internet recently launched by the Federation of Disabled People. An accredited PA scheme, 'Support with Confidence', is also being developed for an expected launch toward the end of the year.

- 4.4.2 The service continues to trial referrals and case reviews through a new Resource Allocation System (RAS) which is used to identify indicative personal budgets for Self-directed Support.

#### **CYPT:**

- 4.4.3 Common Assessment Framework (CAF) activities are being improved to reduce the number of referrals that move on to more expensive social care interventions. The CAF is a standardised approach to assessing children and young people's additional needs. This works alongside the Team Around the Family (TAF) process which addresses these needs through improved action planning.
- 4.4.4 A more consistent approach to identifying children and young people's levels of need has been designed to reduce the number of inappropriate referrals into social work or child protection services. This involves adopting a 'continuum of needs model' similar to that developed by London authorities.
- 4.4.5 The Functional Family Therapy model is being tested with a small number of social work cases to understand whether this model can prevent cases moving on to become Looked after Children.
- 4.4.6 Similarly, the Family Pathfinder Service is working with a number of cases to see where prevention from re-referral to social care teams can be achieved.
- 4.4.7 An improved profile of children in care, child protection cases and children in need is being developed to more effectively target preventative work.
- 4.4.8 Early planning will be strengthened to improve the quality and timely completion of pre-birth assessments.

#### **ICT**

- 4.4.9 Work is now underway to develop detailed 'applications portfolios' to understand software application usage levels and identify areas where there are opportunities to share data across systems. This in turn will help to rationalise the number of applications and reduce support costs.
- 4.4.10 The service continues to develop and implement electronic document management (EDM), desktop and voice/data solutions to support the current Smartspace project (see Workstyles). This will enable remote and flexible working and the rationalisation of office space.
- 4.4.11 A range of ICT initiatives have been identified by the South East 7 (SE7) group of authorities who will combine resources, knowledge and skills to identify improved ICT solutions, reduce procurement costs, and maximise ICT investment. Information about SE7 is included elsewhere on the agenda.

## **Procurement**

- 4.4.12 Two short term 'Category Managers' have now been engaged (Fleet and ICT) to ensure delivery of procurement savings in these areas.
- 4.4.13 The Corporate Procurement Team have identified a wide range of potential procurement efficiency opportunities which should save in excess of £0.8 million in 2011/12. These include the following contracts and external services where potential efficiencies range from 2½% to 25%:
- Desktop & Laptop computer replacement including imaging and delivery
  - Cabling and Server Storage
  - Internet Provider Services
  - Bulk Printing Services
  - Modern Records Services
  - Application software licenses
  - Mobile devices and VOIP (Voice over internet) and Data services
  - Outdoor Play contracts
  - Home to School contracts
  - Groceries, provisions and stationery contracts
  - Legionella contracts
  - Corporate & Civic Window Cleaning services
  - Corporate buildings & boiler maintenance services
  - Leisure Management services
  - Corporate Cleaning & Materials (Facilities)
  - Advertising/marketing and Communications
  - Corporate Lift maintenance contracts
- 4.4.14 A government Procurement Card Scheme is also currently being piloted. Once this has been assessed, a corporate scheme will be designed and a mini-competition conducted to select a card provider. Each department/delivery unit wishing to adopt the use of cards will need a separate business case. Although some discounts will be available through the use of procurement cards by accessing internet suppliers or special offers, the main benefits to the council will predominately come from making the ordering and payment process more efficient and removing/reducing the need for petty cash and some bank accounts. This will reduce the overhead costs in these areas.

## **Sustainable Transport, Fleet and Outdoor Events**

- 4.4.15 A Vehicle Replacement Programme has now been completed for Adult Social Care which indicates potential savings of at least £0.100 million per annum. Further replacement programmes will be developed for CYPT and environmental and cultural services. Savings are generated through standardised specification and brand selection and associated procurement savings.

## Workstyles

- 4.4.16 Plans for the new Customer Service Centre and changes to office accommodation in Bartholomew House (known as 'Smartspace') continue to progress well and will enable the move of staff out of Priory House through better flexible working arrangements and improved IT capability. This will release substantial efficiency savings through reduced lease rentals for Priory House.

## 5. OTHER VFM INITIATIVES

- 5.1 The VFM Programme will generate substantial efficiencies but further efficiencies will need to be identified to meet the financial challenges ahead.

- 5.2 As previously reported, a programme of training in Systems Thinking (or "Lean") reviews has been provided across the council. A number of services have embarked on Systems Thinking reviews, as detailed in the 2010/11 budget strategy. These include:

- Revenues & Benefits
- Finance
- Development Control (Planning)
- Financial Assessment Services (Adult Social Care)
- Culture & Enterprise
- Housing Management

- 5.3 Other services are also expected to undertake Systems Thinking reviews over the next few years. Essentially, these reviews provide a better analysis of the way in which things are done and help to identify where there are blockages or delays or where processes don't work well from a customer perspective. The aim is to redesign the system of working so that a high percentage of services are provided 'right first time'. This can both improve the customer experience and also reduce the cost of dealing with customer enquiries, complaints, or having to 're-do' work.

- 5.4 Other potential areas for efficiencies will need to be considered. The CBI report, "Doing More for Less", identifies the following areas as having high potential for efficiencies across all areas of the public sector:

- 5.4.1 Re-engineering public services – the council's response to this will be through both a new commissioning approach (as set out in 'A Council the City Deserves' reported to Cabinet in July 2010) and through more widespread application of Systems Thinking reviews as described above;

- 5.4.2 Reducing non-essential expenditure – the council's response to this is to strengthen the governance (decision-making and controls) around ICT investments and Procurement decisions. Scrutiny of all non-essential expenditure will also be undertaken, aided by our response to the government's drive to increase transparency (e.g. publishing all expenditure over £500);

- 5.4.3 Reducing sickness absence costs – the council is continuing to develop well-being policies and practices to align with best practice in the public and private sectors;
- 5.4.4 Sharing services and resources – the council’s response is to look for partnership or collaboration opportunities with other agencies or councils where this can genuinely increase efficiencies or improve service quality. For example, working with the South East 7 group of authorities is identifying significant opportunities for maximising ICT investment and reducing costs by sharing expertise and capacity. Collaborative or joint procurement can also save money. Another example is the current collaboration with Sussex Police and East Sussex County Council to jointly procure Recruitment services.
- 5.4.5 Improving debt recovery and tackling benefit fraud – the council’s response has been to streamline the management of debt recovery to drive up recovery rates alongside the implementation of various fraud detection and prevention initiatives. However, other opportunities for improving recovery and fraud detection and prevention will be explored; some of these are likely to be backed by central government initiatives.
- 5.4.6 Using technology to boost productivity – the council’s response to this is the Workstyles project above (part of the VFM Programme) which aims to identify a range of ICT solutions to enable remote, home and flexible working (e.g. hot-desking) to reduce its office and carbon footprint. Further possibilities are likely as technology develops and/or becomes cheaper over the next few years. Productivity improvements are also linked to the aforementioned focus on well-being and Systems Thinking reviews.

## 6. FINANCIAL PLANNING

- 6.1 The Coalition Government has been consulting on a wide range of finance related matters, mostly about the distribution of different types of government funding, with the publication of 7 separate consultations as listed in the table below.

**Timetable for 2010 Finance related consultation papers**

<b>Government Department</b>	<b>Consultation</b>	<b>Response Deadline</b>
Communities and Local Government (CLG)	Local referendums to veto excessive council tax increases	<b>10<sup>th</sup> September – Response submitted and reported to Governance Committee on 28<sup>th</sup> September</b>
Department for Environment, Food and Rural Affairs	Distributing funding to Lead Local Flood Authorities for Local Flood Risk Management	<b>17<sup>th</sup> September – Response submitted</b>

CLG Department of Health	Local Government Finance Formula Grant Distribution Consultation on changes to the allocation formulae for the learning disability commissioning transfer grant, preserved rights grant, aids support grant	<b>6<sup>th</sup> October – Response submitted</b> <b>6<sup>th</sup> October – Response submitted</b>
CLG	Revenue Support Grant top-slice for improvement services to Local Authorities	<b>6<sup>th</sup> October – Response submitted</b>
Department for Education	Consultation on school funding 2011-12 – Introducing a pupil premium	<b>18<sup>th</sup> October</b>
Department for Transport	Concessionary Bus Fares reimbursement arrangements	<b>11<sup>th</sup> November</b>

- 6.2 The Government has been able to set relatively short periods for each consultation because they are deemed to be technical in nature. Officers have been working on the responses with the Leadership and the Leader has approved the responses made to date. The consultation on local referendums to veto excessive council tax increases was also reported to Governance Committee on 28 September.
- 6.3 The spending review will determine the total amounts for all local government grants for next financial year and beyond so the grant distribution consultations are not about whether a grant will continue or how much it will be but rather about what share of the total grant pot each authority will receive. The intention in each response is to show justification of options that lead to a fairer distribution of resources nationally and that maximise the proportion of each grant received by the council.
- 6.4 Cabinet will be aware that the council is and has been for several years at the formula grant floor. This means that most changes proposed to the formula grant distribution will *not* change the amount of cash received by the council in the medium term i.e. any gains will be offset by reduced floor support and any losses will be offset by increased floor support. However, there are two areas within the formula grant consultation that will impact on the resources received by the council. These relate to: i) the question on whether the level of the floor should be set close to the average national grant increase; and ii) the changes brought about by moving responsibility for concessionary travel from district councils to county councils. A copy of the consultation response is included at appendix 2.
- 6.5 There is a further very recent consultation on the methodology used to reimburse bus operators for concessionary travel. Future government funding for concessionary travel and reimbursement levels pose the greatest financial uncertainty for the ongoing finances of the council arising from these consultations. The funding options exemplified in the formula grant consultation paper show that after the application of floor damping, the council could either

gain up to £1 million or lose approximately £0.1 million resources. Options to change the calculation of the amount the council pays to the local bus operators may give rise to similar large variances. The council will be lobbying relevant Ministers in these critical areas, particularly as the council believes it receives the lowest level of funding towards concessionary travel of all unitary councils as demonstrated by one of the tables in the response.

## 7. CONSULTATION

Each of the VFM projects will require extensive internal and external consultation with a wide range of customers and stakeholders. As and when implementation proposals emerge, the council's normal decision making and consultation processes will apply.

## 8. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 8.1 The VFM programme supports the council's medium term financial strategy and budget setting process. Costs associated with the delivery of the programme are funded partly by the council's VFM Transformation Fund together with additional one-off resources identified in the 2010/11 budget strategy approved by Full Council. Additional resources and/or costs may also be deployed in the delivery of VFM projects on an 'invest-to-save' basis subject to approval of a supporting business case. Some elements of the programme are also supported by grant funding, for example through use of the Social Care Reform Grant in Adult Social Care. The resources required to support the programme are also identified in the Medium Term Financial Strategy which will continue to be revised for future years depending on resourcing requirements.

*Finance Officer Consulted: Nigel Manvell Date: 30/09/10*

### Legal Implications:

- 8.2 Cabinet has authority to agree the recommendations in section 2 of this report.
- 8.3 Further, the Value for Money Programme is consistent with the council's "best value" duty under section 3 of the Local Government Act 1999 to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

*Lawyer Consulted: Oliver Dixon Date: 03/10/10*

### Equalities Implications:

- 8.4 As implications for services become known, equality impact assessments will be carried out to establish equalities considerations. Services will be evaluated as the programme goes forward.

Sustainability Implications:

- 8.5 These will be evaluated across each work stream as the VFM programme goes forward.

Crime & Disorder Implications:

- 8.6 None directly.

Risk and Opportunity Management Implications:

- 8.7 Risks will be assessed by the VFM Programme Board as the programme advances and will be fully mapped and monitored in accordance with the council's Risk and Opportunity Management framework and good programme management practice.

Corporate / Citywide Implications:

- 8.8 The VFM programme is a key component for the success of 'A Council the City Deserves' and has strong links to 'Improving the Customer Experience'. The VFM Programme is also a critical element of managing services within a challenging financial environment over the next few years.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Summary of Value for Money Programme Priority Areas
2. Copy of grant distribution consultation response

**Documents In Members' Rooms**

None

**Background Documents**

None

## VFM Programme – Summary of Priority Areas

Priority Area	Identified Value for Money Opportunities
<b>Adult Services</b>	<ul style="list-style-type: none"> <li>• Increasing the speed of implementation of Self Directed Support (Personal Budgets) to achieve 100% personalisation within 3 years.</li> <li>• Developing the Resource Allocation System (RAS) to improve the prioritisation and allocation of resources across different types of need.</li> <li>• Implementing re-ablement services more widely and increasing the number of people benefitting from re-ablement services to reduce long-term care needs.</li> </ul>
<b>Children's Services</b>	<ul style="list-style-type: none"> <li>• Investing in prevention and ensuring it is more effectively targeted and aligned with other support through improved use of the Common Assessment Framework (CAF).</li> <li>• Changing the planning and processing of care placements, in particular, so that the whole-life costs of different care pathways are fully understood at the point of being commissioned.</li> <li>• Improving procurement and commissioning through the review of contracts and other provider arrangements.</li> </ul>
<b>ICT</b>	<ul style="list-style-type: none"> <li>• Enhancing governance and processes to ensure that all ICT investment provides value for money, is supported by a valid business case, improves the service for the customer, and is aligned with corporate priorities.</li> <li>• Improving ICT application management to rationalise the number of systems (currently around 400) to improve data management and reduce the cost of the council's ICT infrastructure.</li> <li>• Improving ICT infrastructure management and costs by reviewing the current architecture and use of networking technologies and hardware.</li> </ul>
<b>Workstyle</b>	<ul style="list-style-type: none"> <li>• Rationalising the council's administrative buildings through the use of available ICT technologies and by redesigning offices to support more flexible ways of working.</li> <li>• Enhancing productivity through new ways of working (e.g. mobile working, home-working, hot-desking) supported by technological and performance management changes.</li> </ul>

Priority Area	Identified Value for Money Opportunities
<b>Procurement</b>	<ul style="list-style-type: none"> <li>• Introducing category management (compared with current service based procurement) to take advantage of the council's substantial buying power and rationalising the number of suppliers the council contracts with.</li> <li>• Implementing operational changes to improve procurement practice and increase compliance with ordering processes across the council.</li> </ul>
<b>Sustainable Transport &amp; Fleet Management</b>	<ul style="list-style-type: none"> <li>• Assessment of transport priorities and legal obligations in relation to bus subsidies.</li> <li>• Restructuring the workforce across Sustainable Transport to align services with priorities and achieve productivity efficiencies.</li> <li>• Improve the procurement of the council's entire vehicle fleet by managing this on a whole council basis to achieve value for money gains. There is also an opportunity to manage the fleet in a more efficient way using improved fleet management information and systems.</li> </ul>

**Brighton & Hove City Council Response to the Communities and Local Government Consultation Paper – Local Government Finance Formula Grant Distribution:**

**CHAPTER 3: ADULTS' PERSONAL SOCIAL SERVICES**

Q1 Do you agree that we should update the Low Income Adjustment (OPPSS1)?

Agree

Disagree

Any further comments

The council supports the use of the most up to date data.

**CHAPTER 4: POLICE**

Q2 Do you agree the activity analysis should be updated, and a three year average used instead of the current two year average (POL1)?

Agree

Disagree

Any further comments

The council believes it is completely unfair that it should lose grant as a result of changes to the Police formulae.

Q3 Do you agree that the log of weighted bars per 100 hectares indicator should be used in place of log of bars per 100 hectares indicator (POL2)?

Agree

Disagree

Any further comments

Not applicable

Q4 Do you agree that the three elements of Additional Rule 2 Grant should be rolled into Principal Formula Police Grant (Main Grant) and therefore distributed as through the Police Allocation Formula (POL3)?

Agree

Disagree

Any further comments

Not applicable

Q5 Do you agree that the whole of Additional Rule 2 Grant should be rolled into Principal Formula Police Grant (Main Grant) and therefore distributed as through the Police Allocation Formula (POL4)?

Agree

Disagree

Any further comments

Not applicable

#### CHAPTER 5: FIRE & RESCUE

Q6 Do you agree that the expenditure data used to determine the coefficients should be updated (FIR1)?

Agree

Disagree

Any further comments

The council believes it is completely unfair that it should lose grant as a result of changes to the Fire formulae.

Q7 Should annual cashable efficiency savings be added to the updated expenditure data used to determine the coefficients should be updated (FIR2)?

Yes

No

Any further comments

The council believes it is completely unfair that it should lose grant as a result of changes to the Fire formulae.

Q8 Would you prefer either FIR3 or FIR4 as an alternative to the current risk index?

FIR3

FIR4

Any further comments

Not applicable

## CHAPTER 6: HIGHWAYS MAINTENANCE

Q9 Do you agree that the daytime visitors component of daytime population per km should be removed (HM1)?

Agree

Disagree

Any further comments

It is very disappointing that it has not been possible to come up with good data for day visitors as this is a key driver of costs in a number of different parts of the formula.

Q10 Do you agree that the expenditure data used to determine the coefficients should be updated (HM2)?

Agree

Disagree

Any further comments

None.

## CHAPTER 7: ENVIRONMENTAL, PROTECTIVE & CULTURAL SERVICES

Q11 Do you agree that foreign visitor nights is a suitable replacement for day visitors in the district-level and county-level EPCS RNFs (EPCS1)?

Agree

Disagree

Any further comments

Whilst it is very disappointing that it has not been possible to come up with a measure for day visitors the council believes that it is vitally important that the formula recognises in some way the local spending pressures generated by visitors. In the absence of other data foreign visitor nights should be used as a temporary replacement for day visitors but further work needs to be undertaken to establish an appropriate measure.

Q12 Do you agree that the new GIS-based flood defence formula should be used (EPCS2)?

Agree

Disagree

Any further comments

The use of the GIS data provides a more appropriate basis for the new formula.

Q13 Do you agree that the new GIS-based coast protection formula should be used (EPCS3)?

Agree

Disagree

Any further comments

The proposed new GIS-based data provides a lot more funding for authorities that appear to be more rural and remote (i.e. Cornwall, Isle of Wight, Purbeck and Northumberland). Whereas more populated areas appear to receive less funding (i.e. Sefton, Blackpool, Torbay and Brighton & Hove). The council believes that the weightings applied to the three components need to be adjusted before this formula is introduced to address this imbalance.

## CHAPTER 8: AREA COST ADJUSTMENT

Q14 Do you agree with the proposal to update the weights given to the labour cost adjustment (ACA1)?

Agree

Disagree

Any further comments

The council supports the revised weightings as they are based on detailed research.

### CHAPTER 10: SCALING FACTOR

Q15 Do you agree think that the scaling factor for the central allocation should be close to one, so that equal importance is attached to the amounts above and below the threshold?

Yes  (if yes, please answer Q16)

No

Any further comments

None.

Q16 If so, would you prefer Ministers to be able to set judgemental weights for the Relative Needs Amount (CAS1) or the Relative Resource Amount (CAS2)?

CAS1

CAS2

Any further comments

None.

### CHAPTER 11: FLOOR DAMPING LEVELS

Q17 Over the next Spending Review period, do you think that the floor level should be set close to the average change or such that it allows some formula change to come through for authorities above the floor?

Close to the average

Allows formula change to come through

Any further comments

The council believes that the floor level should be set close to the average change because the current formula grant system suffers from significant

weaknesses and inequalities and is therefore not currently fit for purpose. The council welcomes the review of local government finance announced by the Secretary of State due to start next year and believes that this review provides the ideal opportunity to look at the current system and consider proposals to address the weaknesses and inequalities. The weaknesses include a lack of transparency in the 4 block model which produces unexpected and unintended results as well as being extremely difficult to understand with its results being expressed in tiny fractions to 15 decimal places. If the floor level is set well below the average increase then changes generated by the current discredited system may have to be reversed once any new or revised system is put in place.

## CHAPTER 12: TRANSFERS AND ADJUSTMENTS

Questions 4 and 5 on Additional Rule 2 grant are shown in the Police section above and not repeated here.

Q18 Which of the four options for removing concessionary travel from lower-tier authorities do you prefer?

- CONCF1
- CONCF2
- CONCF3
- CONCF4

Any further comments

The City Council believes it is seriously under-funded in relation to concessionary travel and that the proposals put forward in the consultation paper do not address the unfair distribution of funding between councils.

Table 1 below compares the notional level of funding received by each unitary council under the current arrangements (derived by apportioning the £795.397m in the consultation paper by the 2010/11 District level EPCS RNF and adding the special grant allocation for 2010/11) with the 2010/11 original budget for concessionary fares (as shown in the CIPFA statistics). Note that overall for these unitary authorities notional funding represents 101.4% of the budget. The table shows that the authorities that are the most under-funded include both tourist destinations and councils with extensive and good quality bus networks. Brighton & Hove falls into both these categories.

The proposal to use spending data to remove funding in the first stage of the transfer will merely sustain the historic funding inequalities as shown in the table and is therefore not acceptable.

TABLE 1: Unitary authorities comparison of notional funding to spend		
Unitary Authority Name / Notional funding as a proportion of spend / Surplus (+) or shortfall (-) in funding		
Thurrock	304.5%	1.7
Rutland	204.0%	0.3
West Berkshire	197.4%	1.1
Bracknell Forest	188.8%	0.9
Herefordshire	183.3%	1.5
Slough	166.6%	1.2
Wokingham	165.6%	0.8
Windsor and Maidenhead	160.5%	0.8
North Lincolnshire	148.3%	0.9
Luton	144.5%	1.5
North East Lincolnshire	142.8%	0.9
East Riding of Yorkshire	140.9%	1.6
Bath & North East Somerset	135.2%	0.9
Telford and the Wrekin	130.4%	0.7
Warrington	129.2%	0.9
North Somerset	121.6%	0.6
Portsmouth	116.7%	0.6
Milton Keynes	115.7%	0.5
Peterborough	114.1%	0.5
Derby	110.1%	0.7
Blackburn with Darwen	108.4%	0.2
Bristol	107.9%	0.6
Leicester	107.5%	0.5
Swindon	103.7%	0.1
Kingston upon Hull	103.3%	0.2
Southampton	99.8%	0.0
Halton	97.7%	-0.1
Medway	92.3%	-0.4
Blackpool	89.2%	-0.6
Stockton-on-Tees	88.9%	-0.4
Reading	88.9%	-0.4
Stoke-on-Trent	88.5%	-0.6
South Gloucestershire	86.1%	-0.6
Redcar and Cleveland	84.2%	-0.5
Poole	83.3%	-0.5
Torbay	83.0%	-0.8
Plymouth	81.9%	-1.1
Hartlepool	81.8%	-0.4

Nottingham	81.6%	-2.1
Southend-on-Sea	78.7%	-0.7
York	77.6%	-1.2
Isle of Wight Council	77.1%	-1.1
Darlington	75.6%	-0.9
Bournemouth	74.9%	-1.2
Middlesbrough	72.2%	-1.1
Brighton & Hove	64.5%	-3.4

Q19 Which of the six options for rolling in concessionary travel to upper-tier authorities do you prefer?

- CONCF5
- CONCF6
- CONCF7
- CONCF8
- CONCF9
- CONCF10

Any further comments

The council believes that the proposed formulae used for distributing resources in the second stage of the transfer largely fail to take into account some of the key drivers of spending. The most significant of these are the quality, frequency and breadth of the local bus service network and the extent to which a council is attractive to visitors from other areas for example for tourism, beach, shopping, leisure, medical, etc. The proposed factors also include one factor that appears to be spuriously correlated to concessionary travel i.e. "country of birth of residents" where the City Council fails to see any link between this factor and any kind of cost driver. There are factors that could be used as proxies for the key cost drivers such as bus patronage, number of concessionary trips undertaken within each TCA, overnight visitors (domestic) or retail floor space. However, these factors may not meet the stringent data requirements of formula grant so the City Council strongly supports the distribution of all concessionary travel funding by special grant where there can be more flexibility over the types of data used. There is a further strong argument for using special grant in that the way bus operators are currently reimbursed for concessionary trips is under review and any proposals will undoubtedly impact upon spending patterns across the country. The distribution of funding therefore needs to be flexible enough to take into account any changes that are made to the reimbursement system and only by using special grant could this flexibility be achieved.

The exemplifications given in the consultation document are extremely difficult to make sense of particularly from the results of applying floor damping. Some of the bizarre and inexplicable results from an examination of the unitary council exemplifications are listed below.

- The application of floor damping has moved some authorities from gaining grant to losing grant and in the same option has moved some authorities from losing grant to gaining grant. How is this possible?
- A number of authorities losing grant before floor damping lose even more after the application of floor damping. Similarly under the same option some authorities gaining grant before floor damping gain even more after the application of floor damping. The purpose of floor damping is to damp changes not enhance them.
- Specifically for the Brighton & Hove exemplifications, set out in table 1, it is not possible to determine the logic whereby option 4 produces nearly 5 times the grant gain of option 3 after damping but after applying identical methodologies for adding concessionary travel back in produces consistently lower grant gains and in some cases grant losses.

The council believes that the bizarre and inexplicable exemplification results provide a compelling case alone for concessionary fares funding to be distributed outside of the formula grant system.

TABLE 2: Results of exemplifications for Brighton & Hove City Council  
Exemplifications based on option 3 for adjusting the base position for lower-tier authorities      Exemplifications based on option 4 for adjusting the base position for lower-tier authorities

	Grant change before floor damping		Grant change after floor damping		
	Grant change before floor damping	Grant change after floor damping	Grant change before floor damping	Grant change after floor damping	
Option	£ million	£ million	Option	£ million	
3	+1.966	+0.319	4	+1.966	+1.488
5	+0.986	+0.306	11	+0.986	+0.196
6	+0.986	+0.104	12	+0.986	-0.114
7	+0.976	+0.415	13	+0.976	+0.196
8	+0.976	+0.105	14	+0.976	-0.113
9	+1.124	+0.524	15	+1.124	+0.306
10	+1.124	+0.243	16	+1.124	+0.025
Introduces bus density into formulae					
29	+0.799	+0.306	33	+0.799	+0.196
30	+0.799	-0.042	34	+0.799	-0.151
31	+4.543	+0.524	35	+4.543	+0.306
32	+4.543	+1.002	36	+4.543	+0.782
Options for adjusting the base position for lower-tier authorities that have not been exemplified					
1	+1.600	+0.218	2	+1.600	+1.380

Further options not exemplified based on option 1 are options 17 to 22; and options 37 to 40. Further options not exemplified based on option 2 are options 23 to 28; and options 41 to 44.

Although the council does not agree with the inclusion of concessionary fares within formula grant we would comment as follows on the CLG options.

- Firstly, the council supported the allocation methodology adopted to distribute special grant in 2009/10 and therefore prefers the use of this allocation to adjust the base position for the Special Grant Transfer.
- Secondly, the council believes that regression against concessionary trips provides the fairest option for determining the distribution formula because the number of trips cannot be influenced by the local authority whereas expenditure can be influenced through the reimbursement rate agreed with the local bus operators.
- Thirdly, the council believes that some measure of the scale of the bus network must be included in the formulae.

On the basis of these principles the council prefers options 31, 35, 39 and 43. The council does not have a preference amongst these options because all the options to adjust the base position for lower-tier authorities sustain the current unfair resource distribution to a large extent.

The council agrees that the methodology under-pinning option 45 is not sustainable and therefore cannot support this option particularly as it results in most unitary councils (69%) losing grant after damping some £17.3m in total.

Q20 Should concessionary travel have its own sub-block (within the EPCS block)?

- Yes
- No

Any further comments

If concessionary fares funding remains within formula grant then for transparency reasons it should have its own sub-block. The council is concerned about the future level of funding allocated to concessionary travel and the ability locally to deliver savings.

Regarding efficiency savings as a result of the transfer, administration costs are a tiny proportion of the overall budget of the City Council accounting for less than 1% of the total and although we will be looking to continue to reduce the cost and improve the effectiveness of this service the savings will be minimal. Any savings from moving the age for eligibility gradually upwards will be outweighed by the ongoing increase in the elderly population and the

improved health and therefore mobility of this age group. The number of concessionary trips in the city continues to rise and the service is hugely popular. The City Council forecasts this budget to increase at about 5% per annum for the next 3 years and this is on the assumption that there will be minimal increases in local bus fares. Any funding cuts in concessionary travel will therefore have to be met savings in other services provided by the council.

Q21 Do you agree with the methodology for adjusting the base position for unadopted drains?

Yes

No

Any further comments

The use of all properties is unlikely to properly reflect the distribution of unadopted drains across local authority areas. A suggested improvement would be to exclude the number of flats and council houses in each local authority area.

### CHAPTER 13: THE INCAPACITY BENEFIT AND SEVERE DISABLEMENT ALLOWANCE

Q22 Do you agree that the incapacity benefit and severe disablement allowance indicator should use quarterly data rather than annual data (DATA1)?

Agree

Disagree

Any further comments

The council supports the use of the most up to date data.

### CHAPTER 14: REPLACING THE CHILDREN'S INCOME SUPPORT BENEFIT INDICATOR

Q23 Do you agree that children in out-of-work families receiving Child Tax Credit (CTC) should replace the current children of Income Support / (income-based) Jobseeker's Allowance claimants (DATA2)?

Agree

Disagree

Any further comments

The council does not support CTC replacing the current children of IS/(IB)JSA claimants indicator due to the major distributional effects this has across authorities. The exemplifications for this potential change shift a total of £140.1m between individual authorities, with £87.9m being removed from metropolitan and shire areas into the London area. The council would need to see more empirical evidence that this major redistribution is justified before the proposed change is made.

### CHAPTER 15: STUDENT EXEMPTIONS AND THE COUNCIL TAXBASE

Q24 Would you prefer that May data only is used for the student exemptions adjustment in the taxbase projections (DATA3)?

Yes

No

Any further comments

As an authority that has a high level of student exemptions we can confirm that May provides a better reflection of the number of student exemptions in place.

### CHAPTER 16: UPDATING DATA ON LOW ACHIEVING ETHNIC GROUPS

Q25 Do you agree that the new definition of secondary school pupils in low achieving ethnic groups should be used (DATA4)?

Agree

Disagree

Any further comments

The council supports the change as it is based on a more detailed analysis of achievement and attainment data.

### ANY OTHER COMMENTS

Do you have any alternative proposals?

Do you have any other comments?

4 block model

The council believes that the 4 block model lacks transparency, is technically unstable and produces unexpected and unintended results. The council therefore supports the investigation of a new transparent model as part of the local government finance review due to start next year.

### ADDITIONAL OPTIONS

*The following section contains any additional options that have been requested by authorities during the consultation period, and where it has been possible to prepare an option for circulation during the consultation period.*

Additional Q1:

Do you agree that we should treat the City of London as two notional authorities for floor damping purposes (DAMP1)?

Agree

Disagree

Any further comments

This is consistent with the treatment of other police services within the Formula Grant system.

Thank you for completing this response form.



<b>Subject:</b>	<b>New England House</b>		
<b>Date of Meeting:</b>	<b>14 October 2010</b>		
<b>Report of:</b>	<b>Acting Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Max Woodford</b>	<b>Tel: 29-3451</b>
	<b>E-mail:</b>	<b>max.woodford@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: CAB16970</b>	
<b>Wards Affected:</b>	<b>All</b>		

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

- 1.1 This report, and the business case executive summary at Appendix 1, summarise the findings of the study to assess whether New England House might provide a hub for digital media businesses and the wider creative industries and, if so, what would be needed in terms of building renovation and project development to make the hub flourish. Following the inclusion of the future of New England House in the Leader's 10 Pledges document last year, a consortium of partners including the University of Sussex, Wired Sussex and the city council appointed DCA, a consultancy with sector specific knowledge and experience to examine the business case. The key finding is that there appears to be a viable project to deliver an innovation partnership and an improved facility at New England House.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the contents of the Executive Summary of the New England House, Brighton Digital media and Innovation Hub Joint Venture Vehicle Business Case at Appendix 1 (full report available in Member's Rooms).
- 2.2 That, based on the report's findings, Cabinet agrees to pursue development option D for the building, refurbishment and renewal with network and innovation space, whilst also exploring the potential for further development of the innovation partnership with the development partners Wired Sussex and the University of Sussex.

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

- 3.1 Primary and secondary research<sup>1</sup> demonstrates that there is a need for more flexible and affordable office space in the city for high tech and digital media firms, not only for start up businesses but also for 'move on' space for

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<sup>1</sup> Creative Industries Workspace in Brighton & Hove 2007-2017, March 2007  
Brighton & Hove Business Survey, Step Ahead Research, 2010

New England House, Brighton Digital media and Innovation Hub Joint Venture Vehicle Business Case, DCA, 2010

businesses on the verge of expansion. When this type of space can be provided in a single hub, as case studies in other cities have shown, the opportunities for collaboration between businesses, for working with education and training providers to exploit enterprise potential can be maximised. For Brighton and Hove, with its burgeoning creative industries, such a hub could be very beneficial, in particular for the growing digital media sector.

- 3.2 The potential for such a hub is recognised in the 10 Pledges document and a small consortium of partners including the University of Sussex, Wired Sussex and the city council have developed a partnership vision around this proposition and have been exploring its viability both financially and practically.
- 3.3 New England House occupies a pivotal position in terms of the wider regeneration of the surrounding area and is closely related to a number of key sites, such as Block J of the New England Quarter, which will need to be brought forward in a coherent way. Although approximately 40% of the floorspace is currently unlet due to its condition and size, the building has recently seen a significant proportion of its space occupied by businesses within the digital media and creative industries sector. This is due to the competitive rates, flexible terms and the location close to North Laine and the train station.
- 3.4 To establish whether New England House could perform the role of a hub effectively, the city council needs to properly assess all of the options, including preparing and testing a business case. Therefore, following a competitive tendering process, DCA Consultants were appointed to prepare a business case to test if it was a viable proposition for a digital media 'enterprise hub' to operate out of the existing building. The funding for this was agreed at the October 2009 Cabinet meeting. DCA have extensive experience of both business planning and developing similar facilities.
- 3.5 The resulting report is both thorough and realistic and encouraging about the potential future of the building and its place in this key employment sector in the city. DCA's key finding is that New England House is ripe for the development of this vision and reactions to the consultation have been positive and enthusiastic, and that doing nothing is a not a viable long term option.

#### **4. CONSULTATION**

- 4.1 There has been consultation with existing tenants of New England House and with potential new tenants. Officers and DCA are aware of the sensitivities of existing tenants in New England House and it has been made clear to them through the communications process that this project is not about removing existing tenants but instead creating more space, making better use of the space there is and potentially seeing change in the pattern of occupation develop naturally. DCA have written to all building users and spoken to a number of existing and potential building users about how the building does work and how it might be improved.
- 4.2 This project has an officer working group made up of officers from Property & Design, Culture and Economy, Finance, Legal Services and City Planning. They have reviewed the proposed business case and their input is integral to this report.

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

### Financial Implications:

- 5.1 Summarised in appendix 2 of this report.

*Finance Officer Consulted: Rob Allen*

*Date: 20/09/10*

### Legal Implications:

- 5.2 This report seeks agreement for the option D proposal to be further investigated. A comprehensive report will therefore be coming to Cabinet in early course and that report will deal with the detailed legal implications arising, including procurement, State Aid and any issues concerning best consideration and the application of Section 123 of the Local Government Act 1972.
- 5.3 The general legal implications relating to the options referred to in the report are included in appendix 2 of this report.

*Lawyer Consulted: Bob Bruce*

*Date: 23/09/10*

### Equalities Implications:

- 5.4 The Major Projects & Regeneration team is in the process of developing a bespoke Equalities Impact Assessment (EqIA) process that fits within the agreed corporate process but which better reflects the nature and decision making arrangements of major projects managed by the city council. Development of this process has involved the Corporate Equalities Team and their involvement will continue. An EqIA for the New England House project will therefore be prepared and will inform later phases of work and will in itself evolve as the project progresses.

### Sustainability Implications:

- 5.5 The existing building performs very poorly in terms of sustainability, due to its age and condition. The failing cladding system is a particular problem. Replacing that cladding will help to address this.

### Crime & Disorder Implications:

- 5.6 One complaint about New England House in its existing form is that it is very insecure. Part of any refurbishment would include measures to provide a new entrance giving both a better sense of arrival and increased security.

### Risk & Opportunity Management Implications:

- 5.7 A full risk and opportunity register has been prepared as part of this project.

### Corporate / Citywide Implications:

- 5.8 This is a major opportunity to cement the city's role as an important hub for the creative industries and digital media sector.

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

- 6.1 The methodology for undertaking the study has been in two stages and has developed the brief to assess the real level of demand in the city for space for the creative/digital media sector. The first stage developed a range of options through partner consultation and workshops, market testing and analysis of both the creative/digital and wider property economy, reviewing the building (condition and potential) and a research and strategy review. This helped identify the preferred option(s), the viability of which, in capital and revenue terms, was tested in the second stage of the study. As such the main report outlines the various alternative options that were assessed.

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

- 7.1 Officers have reviewed and considered the methodology and key findings of the study done by DCA and have summarised the financial and property implications at Appendix 2.
- 7.2 DCA's study is thorough and looks at the options for NEH in a holistic way ie - the supply and demand of creative and digital industries in the City and area ; the advantages and interdependencies on other associated industries; and the impact of property market failure on inward investment and sector development.
- 7.3 The report explores the existing and potential role of New England House in supporting development in the digital and creative sector, and how it might be used to harness the existing haphazard and ad-hoc nature of networking within the sector in the city. It outlines how NEH has the potential to provide a home to a range of activity which might be programmed and facilitated by a group of partners aiming to strengthen the innovation presence and profile in the city. Through the opening out of existing spaces for networking and showcasing, investment in the overall look-and-feel of the building, the development of high quality meeting rooms and hot-desking space and the presence of research intensive partners, NEH has the potential to play host to a range of activities, programmes and companies – including the University of Sussex and other Further and Higher Education partners. This could make NEH a compelling proposition for innovators and investors, and at the heart of the growth of the sector in the city. However, it is clear that such an innovation partnership does not have to wait for the completed refurbishment of the building to start operating. Officers can therefore work with Wired Sussex and the University of Sussex to explore how the partnership could start working ahead of and in parallel to the refurbishment of the building.
- 7.4 The headline finding of the report is that there is a viable case for a significant renewal option for the building, providing network hub and innovation facilities and that doing nothing is a not a viable long term option.
- 7.5 Next Steps  
The DCA report outlines the development options to realise the proposed scheme, including looking at the potential structure of the partnership. There are three main options:
- A Community Interest Company (CIC) comprising the three parties (BHCC, Wired Sussex and the University of Sussex) undertakes the development and then manages the space. DCA advise that this could lack flexibility and they

question how such a body would shoulder construction risk. The new CIC would not have the stature to underwrite the risks of the capital project. This would most likely fall instead to the city council.

- A second option would be for the city council to undertake the capital project, borrowing the necessary finance and bearing all risks, then investing the completed building into a joint management CIC. However, the relative stake of the three partners and their exposure to liability would be very uneven and therefore difficult to agree.
- A third option is that a private sector development partner be sought. The main benefit they can bring is the introduction of finance and carrying of risk. They could also provide resources to immediately move the project forward and not require further capital expenditure from the city council (e.g. on design work and condition survey). As part of the commissioned research, DCA spoke to a number of niche developers with experience of similar projects to soft market test what private-sector appetite there might be for the project. They received an enthusiastic response to the proposal and from developers who had interest in and motivation for providing innovative workspace. The key to making it work would be in ensuring that the development agreement would enable all partners to realise their ambition and vision for the project; allowing a degree of control for partners to ensure it goes on meeting the economic, innovation and sectoral needs that the project has set out to address. In the conclusions to their report, DCA suggest that this is the best option.

7.6 All of these options raise procurement issues and carry their own risks. As such they require development work, with the other partners, to analyse risk, costs and benefits, to be informed by DCA's work. The exact preferred route to achieving Option D can then come back to Cabinet for consideration.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. New England House, Brighton Digital media and Innovation Hub Joint Venture Vehicle Business Case, Executive Summary
2. Officer summary of the financial and property issues raised by the report

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

1. New England House, Brighton Digital media and Innovation Hub Joint Venture Vehicle Business Case, full report and appendices

### **Background Documents**

1. London Road Masterplan SPD



DRAFT



Brighton & Hove City Council  
Wired Sussex  
University of Sussex

New England House, Brighton  
Digital Media Innovation & Enterprise Hub Joint Vehicle Business Case

### Executive Summary

#### Background

New England House, in Brighton's New England Quarter, is an early 1960s industrial building with over 120,000 square feet of lettable space over eight floors. Part of Brighton & Hove's property portfolio, 60% of it is let as workshops and office units to a mix of businesses, quite a few of which fall within the creative industries and, more particularly, the digital media industries, but also include others like food, retail and wholesale, construction and direct marketing. Rents are low and terms are flexible, which ensures that NEH is popular, particularly amongst new and growing businesses.

The space that remains unlet requires varying levels of renovation to make it suitable for occupation and building as a whole suffers from exterior dilapidations and much of the services infrastructure is reaching the end of its useful life. Options for redevelopment were explored by Robinson Low Francis in 2004; their report, "New England House Masterplan", concludes that structurally the building is essentially sound.

The purpose of this study has been to assess whether New England House might provide a hub for digital media businesses and the wider creative industries and, if so, what's needed in terms of building renovation and project development to make the hub flourish.

#### Brighton and the digital media sector

Brighton has an international reputation in the digital media sector and is recognised now as a city in which the private sector is thriving - over the ten years from 1998 to 2008 Brighton saw the fastest growth in private sector jobs of any city in the country (Private sector cities: a new geography of opportunity; Centre for Cities 2010).

Increasing the supply of building land and strategic capital investment are amongst that study's key recommendations. Brighton & Hove's own strategic framework - Economic Strategy and Business retention and Inward Investment Strategy - recognises the importance of the digital media sector and the key role of business accommodation in determining business success.

Wired Sussex supports its member digital media businesses' development with business advice, training and networking. Based in New England House, it has a membership of around 1,700 businesses, over 1,400 of which are based in the Brighton area. The University of Sussex's strategic objectives include developing a more external focus and engaging more fully with the local business community, particularly digital media businesses. Wired Sussex and the University of Sussex have joined in partnership with Brighton & Hove City Council to explore the potential of New England House and to commission this study.

#### Workspace availability and patterns of business growth

The study looks at demand for and supply of workspace in Brighton. On the supply side, the study concludes that there is a reasonable amount of provision for micro and small businesses up to around 20 people (albeit in accommodation not always ideal for digital businesses), but there is a shortage of workspace in central Brighton of a suitable size and configuration for businesses with 20 and more people. This presents problems for digital media businesses, which typically start very small, but in some cases grow quickly, reaching 20-50 people within three to five years. Of these, an appreciable number then grow significantly more, to reach 100-120 employees, and in the next stage of growth, to larger numbers.

As businesses grow they find it increasingly difficult to find appropriate and affordable space in Brighton. This risks hindering and delaying growth, holding back external investment in Brighton businesses, encouraging relocation out of the city and possibly the region and frustrating opportunities to attract inward-investing larger businesses to establish in Brighton

New England House has the potential to address this market failure and help to alleviate some of the adverse business growth and economic development impacts that may result. Its scale and the configuration of spaces across large floor plates mean that it is suited to providing accommodation for these larger and growing businesses. At the same time, it can be sub-divided to provide smaller units where, although the accommodation shortage in the city is not so acute, the benefits of clustering will be more pronounced on a business's prospects.

### Demand and the development of a hub for the sector

Our research into the demand for space and services included both quantitative questionnaire based research with Wired Sussex members and qualitative research with a small pool of fast growing digital media businesses.

It evidenced a shortage of business premises suitable for medium and larger scale sector businesses and a body of already existing unmet demand that would more than fill the unlet space in New England House. Businesses participating in the quantitative and qualitative research showed considerable interest in locating their businesses in a redeveloped New England House. Businesses' key concerns when looking for businesses premises were competitive rents, big capacity data connectivity, easy in easy out terms and flexibility to expand. Other important considerations were on site bike parking, good public transport links and a central Brighton location. For most, though not all, businesses, the prospect of clustering with other sector businesses in a 'hub' development was a significant attraction - offering opportunities for sharing of ideas, product and service development, market intelligence, research and skills.

The redevelopment of New England House as a hub for the digital media sector therefore envisages more than simply the provision of workspace.

As with the creative sector more generally, the sector depends heavily on complex networks of supply, skills and joint working. There is a good deal of network activity in Brighton, much of it initiated or supported by Wired Sussex. However our research suggests that the lack of a defined hub for this activity limits its effectiveness, and particularly its visibility. This lack of visibility makes for a more fractured and less effective network and to missed opportunities for connection with larger businesses and other sectors outside the city. Facilities to support and extend this networking should form a central part of the proposition for New England House.

The partners also have the capacity and expertise to support creativity, innovation and R&D amongst tenants and the wider digital cluster. Wired Sussex is already engaged in a range of advice, training and networking interventions and activities and partnership with the University of Sussex has the potential to take this to a new level through the development of broader innovation programmes. In time, this Digital Innovation Partnership has the potential to develop links with other HEIs, leading digital sector entrepreneurs, major companies in adjacent sectors (broadcast media, telecommunications, information technology and others), venture capitalists, and other investors and national and international networks of digital innovation.

### The options for development

The rest of the study considers the options for development of the building and the project and the means of achieving it.

The study identifies six options, ranging from the 'do nothing option', disposal and or demolition through to full renewal and the option to develop more space on an adjacent site. The report evaluates the effectiveness of these options in meeting the objectives of the partners, the fit of each option to what we have learned about the property market in the city, the sector and its needs and the likely cost of realising each option.

The principal costs involved in renewal of New England House itself are related to the failing façade and dated services infrastructure. In the medium term these will require investment in all scenarios other than disposal/demolition, and there is therefore a significant cost involved in all redevelopment options. The marginal additional costs over and above these fabric works to provide the facilities specific to sector development discussed above are relatively limited. The range of redevelopment cost estimates is therefore between £7m and £10m.

Although the investments in fabric and infrastructure make entry level costs for the realisation of the project relatively high, they do present opportunities to deliver important aspects of the digital hub project. Renewal of the façade is necessary due to its progressive failure, but is also an opportunity to transform perceptions of the building and its contribution to the city skyline and the immediate area. Renewal of the services infrastructure of the building brings the opportunity to meet the specific needs of the sector for substantial data connectivity.

The additional opportunity to develop on the adjacent site significantly increases cost but we believe that this may be a significant opportunity for a second stage of development once the renewal of New England House itself is complete.

The report supports the case for a significant renewal option for the building, providing network hub and innovation facilities and shows how such a project can be financially viable and provide a return on investment in both cash and economic outcomes.

### Partnership and development structures

The report discusses the potential options for investment and development partnership and for the strategic direction and management of the project during and after the capital project.

In doing so we emphasise the importance of close connection and partnership with the sector, and of the development of the Innovation Partnership and programme discussed above.

The partnership developed by the City Council, Wired Sussex and the University of Sussex is an appropriate and powerful nucleus for the project and key decisions in both planning and operation, including the establishment of a brand and market position for the project, the development of a policy for tenant selection and management, close liaison with the sector and strategies for longer term development, will need to be shared in this partnership. Resources will need to be generated or committed to underpin sector business development, the animation of the building through activity and promotion and the delivery of innovation programmes.

Underpinning this strategic direction and the delivery of activity and programmes, the partnership will need to identify appropriate mechanisms for basic management tasks and for the delivery of distinct strands of work.

This presents options for the future structure of the project. Alongside these options, the report discusses wider possibilities for partnership, particularly in relation to potential private sector partners who may offer either or both capital investment and experience and expertise in the operation of similar projects.

During the study we talked to a range of developer/operators and there was significant enthusiasm for involvement. This opens the possibility of shared investment, shared risk and gain and the broadening of the partnership. The report outlines the need for, and possible form of, an immediate process through which these possibilities can be formalised and their benefits quantified so as to compare them with other structures for development that the project partners might themselves pursue. In this way, the next stage of work has the potential to be both a further detailed evaluation of the technical and business characteristics of the project and to represent real practical progress toward realisation.

Summary

The partners have developed, in their vision for New England House, a project which responds imaginatively and practically to the express needs of a key sector in Brighton's economy and business profile.

There is considerable evidence of express demand for the facilities the project will provide and of a sustainable economy for the new project that will optimise returns from the building and enable the partners to generate and dedicate new resources to development activity to support and strengthen the growth of the sector.

The enthusiasm of the private sector for partnership in the development gives confidence that others share the assessment that this is a highly viable and attractive project with measurable outcomes and returns and offers the opportunity to construct an innovative delivery mechanism bringing together the public, private, research and digital business sectors in a nationally and potentially internationally remarked project.

DCA  
September 2010

## Officer summary of the financial and property issues raised by the report

### Methodology

1. The consultants, DCA, have responded to the brief which, in summary, scoped the work as follows:
  - A two stage approach: Stage 1 being ideas focused, looking at problems and opportunities and identifying options for the redevelopment and operation of NEH; and Stage 2 providing detailed viability testing of one or more options.
  - Market research into supply and demand for workspace in the digital media sector (and the wider creative industries) and the impact of clustering (based on comparator work). Market and competition analysis.
  - Assessment of the added value impacts (economic and social) of the partnership and how any proposal meets the partners' joint and individual goals, to include a future trend analysis of the HE sector to help specify the University of Sussex's role in the development.
  - Assessment of the medium and longer-term financial viability of any proposal to include capital costs and funding, revenue costs and income streams, risk assessment and management/mitigation and sensitivity analyses.
  - Advice on governance structures for development and operation.

### 2 Summary of Key Recommendations

The report makes the following key recommendations:

- 'Do nothing' is not a workable option and does not offer financial or risk savings over time.
- Pursue option D for the building; refurbishing, providing new cladding and systems and creating networking, R&D and showcase facilities.
- The report outlines not only the very strong added value that the building can bring to the sector but also the value the sector can bring to the building and recommends the provision of network and innovation spaces. It outlines structures for how these spaces might be run, to be explored further amongst the partners, and makes a clear recommendation that such spaces should be included in any development brief, including suggested amounts of floorspace.
- Whilst the report does not rule out a single Community Interest Company (CIC) to develop and manage the building, it does highlight potential issues around risk sharing and governance. The report suggests it would be simpler, and expose the city council to less risk, to seek a development partner that shares the interest in and has experience of sector focused managed workspaces. This developer would take responsibility for bringing in the investment necessary to realise the project. The partners would need to agree a process and structure that retains control and bring forward a development brief to inform a formal tendering process.

### 3 Recommended Development Option

The report outlines the six broad future options for the development of the building that have been considered:

<p><b>A</b> Do Nothing</p>	<p>Building declines due to increasing dilapidation. Regeneration outputs compromised. Economic outputs decline. No Research/Innovation benefits.</p>
<p><b>A</b> Do Nothing</p>	<ul style="list-style-type: none"> <li>• Short term capital cost is low</li> <li>• Income to City Council declines over time</li> <li>• Potential complete closure or substantial renewal cost in time</li> </ul>
<p><b>B</b> Tidy up</p>	<p>Building condition stabilised in short term, in medium term significant investment required. Regeneration outputs compromised. Economic outputs decline. No Research/Innovation benefits.</p>
<p><b>B</b> Tidy up</p>	<ul style="list-style-type: none"> <li>• Short term capital cost in the order of £2m</li> <li>• Income to City Council stable over time or may grow slightly</li> <li>• Potential complete closure or substantial renewal cost in time</li> </ul>
<p><b>C</b> Renewal</p>	<p>Building refurbished and systems renewed, cladding and other major dilapidations resolved. Regeneration outputs enabled. Economic outputs stable. No Research/Innovation benefits.</p>
<p><b>C</b> Renewal</p>	<ul style="list-style-type: none"> <li>• Short term capital cost is significant – c £7.5m?</li> <li>• Income to City Council grows by increased occupation</li> <li>• Lifecycle costs manageable into future</li> </ul>
<p><b>D</b> Develop current</p>	<p>Building refurbished and systems renewed. New brand/focus on digital-media-creative sector. Network, showcase and R&amp;D facilities. Regeneration outputs delivered. Economic outputs increase. Significant research/innovation benefits.</p>
<p><b>D</b> Develop current</p>	<ul style="list-style-type: none"> <li>• Short term capital cost is significant – c £9.5m?</li> <li>• Income to Project grows by inc. occupation/increased rents</li> <li>• Lifecycle costs manageable into future</li> <li>• Project management/animation costs covered from income</li> </ul>
<p><b>E</b> Develop Additional</p>	<p>As D plus additional new development on adjacent site/roof.. Regeneration outputs delivered. Economic outputs significantly increase. Significant research/innovation benefits,</p>
<p><b>E</b> Develop Additional</p>	<ul style="list-style-type: none"> <li>• Short term capital cost is very significant overall – c £26m?</li> <li>• Income to Project grows by inc. occupation/increased rents</li> <li>• Development yield/sale contributes to capital costs of NEH</li> <li>• Project management/animation costs covered from income</li> </ul>
<p><b>F</b> Replace</p>	<p>Building demolished or sold for other purposes. Regeneration outputs enabled? Economic outputs decline. No Research/Innovation benefits, no contribution to sector development.</p>
<p><b>F</b> Replace</p>	<ul style="list-style-type: none"> <li>• Capital yield likely to be limited</li> <li>• No contribution from building income to sector development</li> </ul>

- 4 The report makes it clear that there are a number of risk factors with options A and B ('do nothing' or 'tidy up'). Investment in the façade and services of the building will become imperative in the medium term at least. Investment in fit out will be restricted by the leaking façade, leading to compound problem of increasing voids, restricted rents and less finance for further fit out. This would impact both the business model and economic potential of the building. Also outlined in the report there are environmental and regeneration risks from a do nothing option, with the city council in a position of having to defend the poor environmental performance of the current building and being the owners of the building at which the regeneration benefits from the New England Quarter effectively stop. In terms of legal implications the main issue would be relating to repairing covenants and insurance.
- 5 A cheaper renewal (option C) would overcome the legal issues arising from options A and B. However option C would not offer the potential to develop the facilities and services which will strengthen the sector, and it is questionable whether the profile of the building in the digital sector in particular would be sufficiently raised to support a shift in the building to that sector. If it does not the acute shortages of space that the sector needs to enable its continued growth will not be resolved. With the lack of improvements and provision to facilities in the building, rents would remain low and overall income would be constrained.
- 6 Option D emerges as the strongest option for the sector, providing the works necessary to secure the future of the building both physically and as a desired location for creative/digital media tenants. This demand would be created by providing business support in an innovative environment and this option allows the most scope for working with education partners.
- 7 Option E, building additional floorspace, could follow on from option D and would involve providing the highest quality accommodation for use by well established large digital media firms who want a Brighton presence to benefit from and feed into the Brighton digital media scene. This option can be further explored once a successful project in the existing building has become established and proved the demand.
- 8 The option of pulling the building down and rebuilding it, option F, may have some appeal by providing a more modern building, though recladding the existing building could have a similar effect in terms of external appearance and attract much less planning risk and issues concerning business interruption. Moreover, the costs involved in demolition and rebuilding of a similar sized building would preclude anything other than providing new grade A floor space aimed at the very top of the market. Key to this project is the concept of providing an assortment of rents. It is not viable to build new office floorspace and let it at cheaper rents. It would also mean that the existing informal network of companies that have sprung up within New England House would be dispersed across the city and would take years to evolve again elsewhere. It is likely, therefore that the shared interests of the sector, the Council and its partners will be served best by retaining and developing the current building as opposed to demolition.

9 Shared Facilities

Breaking the building up into 'let space,' 'network space' and 'innovation space,' the report lists the type of uses and potential returns that might be expected for the latter two shared spaces under option D. However, the benefits are not just in terms of rental from the innovation and network spaces (they are more valuable as let offices) but from the perception of the building they create and so the impact they have on rents and vacancies for the let space. DCA's market research suggests there would only be frictional voids (i.e. short voids between tenancies as one tenant moves out and another moves in) for this type of facility. The report outlines how this network and innovation space might be managed and run, though this would need to be agreed with the partners and any further development partner we might seek. The report also outlines the positive impact on reducing empty business rates and service charges through a more fully occupied building (p.63).

10 Existing Tenants

The report deals with the issue of how to turn NEH from an existing mixed building with c.49% Creative and Digital tenants into a predominantly digital and creative focused facility. The report accepts that throughout the transition the best financial and economic proposition is for the building to be kept as full and busy as possible. The most effective model for transition would therefore be a phased approach with natural wastage as the guiding principle to reduce non-target sector tenancies. Where any non-digital/creative tenants are looking to move on the city council can provide them with assistance in their premises search through contact with local agents, property market intelligence and the Commercial Property database.

11 Rents

Much of this work is predicated on the basis that improving the offer of NEH will improve the income by both increasing the amount of space and increasing the average rents. However, the project has always envisaged maintaining the affordability of New England House and is based on the intention of maintaining a range of affordable rents on different floors. The report also accepts that there is a ceiling price that the sector cannot go over without impacting on affordability.

12 **Financial Implications**

NEH currently contributes a net budget surplus of circa £400k pa, inclusive of empty business and service charges for void units. This surplus is built into the council revenue budget.

Significant investment will be required should the council seek to finance the redevelopment itself and capital investment options are limited primarily to borrowing, whilst the likelihood of current partner investment is negligible. The levels of additional income generated from each option vary and these are detailed below alongside the estimated cost of borrowing over a 25-year period and any additional management costs and reductions in voids for business rates and service charges. It should be noted that option B (tidy-

## Item 88 Appendix 2

up) is not classified as capital investment and would therefore be required to be funded through existing revenue budgets. Option B is not predicted to contribute additional rental income. Options A and F incur no direct capital investment as such and create no additional income.

	Option C (Renewal) £000 Annual	Option D (Develop) £000 Annual	Option E (Additional) £000 Annual
Additional rental income	140	720	1,800
Reduction in void service charge & NNDR	70	150	100
<b>Total additional income</b>	<b>210</b>	<b>870</b>	<b>1,900</b>
LESS Cost of borrowing	530	670	1,830
LESS Additional management costs	0	107	165
<b>Net savings / (deficit)</b>	<b>(320)</b>	<b>93</b>	<b>(95)</b>

This table is based on a model of council borrowing to fully finance each option. The report however outlines that there are other options for raising capital that can be explored more thoroughly. Options C, D & E will involve a degree of disruption to the operations of NEH which may create short term cash flow pressures to the operation of New England House.

The costs associated with the capital costs and income projections are indicative and further detailed work will be required on the assumptions within each option.



**Subject:** Changes to the Scheme of Delegations to Officers  
**Date of Meeting:** 14 October 2010  
**Report of:** Acting Director of Strategy & Governance  
**Contact Officer:** Name: Abraham Ghebre-Ghiorghis Tel: 291500  
E-mail: [Abraham.ghebre-ghiorghis@brighton-hove.gov.uk](mailto:Abraham.ghebre-ghiorghis@brighton-hove.gov.uk)  
**Key Decision:** Yes Forward Plan No: CAB 17758  
**Wards Affected:** All

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

1.1 Proposals for the introduction of the Intelligent Commissioning system were approved by Cabinet and a number of steps have already been taken in preparation for its implementation on 1<sup>st</sup> November 2010. One of the formal requirements before implementation is amendments to the Scheme of Delegations to Officers to reflect the new arrangements. In accordance with Article 15 of the constitution, this report seeks the approval of the Governance Committee (in so far as it relates to Council functions) and the Cabinet (in so far as it relates to executive functions) to the revised Scheme of Delegations to Officers.

**2. RECOMMENDATIONS:**

2.1 That Cabinet notes the recommendations of the Governance Committee as set out in the extracts in Appendix 2.

2.2 That Cabinet agrees:

- (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Executive functions, be approved;
- (ii) That the amended Scheme of Delegations comes into force on 1<sup>st</sup> November 2010;
- (iii) That the services provided by the Delivery Units on 1<sup>st</sup> November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle ;
- (iv) That the functions of the Council regarding Travellers and Gypsies be transferred from the Cabinet Member for Environment to the Cabinet Member for Housing;
- (v) That the Chief Executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;

- (vi) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.

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

- 3.1 The implementation of Intelligent Commissioning requires amendments to the Scheme of Delegations to Officers. Article 15 of the Council's constitution sets out the procedure for amending the Scheme of Delegations. The relevant parts of Article 15 provide that:
  - (a) Any proposed permanent changes to the Scheme of Delegations to Cabinet Members or Officers are normally required to be considered by the Governance Committee before a final decision is made by the relevant decision-making body;
  - (b) Any changes to the Scheme of Delegations to Officers, in so far as they relate to Council functions, are the responsibility of the Governance Committee;
  - (c) Any changes to the Scheme of Delegations to Officers or Members, in so far as they relate to executive functions, are for the Leader or Cabinet to decide subject to the need to consult the Governance Committee as in (a) above.
- 3.2 The draft revised Scheme of Delegations to Officers is attached as Appendix 1 to this report for approval by Cabinet to the extent that they relate to executive (i.e. Cabinet) functions.
- 3.3 It is difficult to set out Council and Executive functions in full detail without replicating the whole of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. But, in board terms, council functions include planning, licensing, general appeals, registration, elections, appointment and dismissal of officers, anything which is a local legislation function and appointments to external bodies. Most other matters are executive functions. For practical reasons and to enable an efficient and co-ordinated discharge of functions, the Scheme of Delegations does not separate the executive and non-executive functions at officer level.

### **4. PRINCIPLES UNDERLYING THE REVISED SCHEME**

- 4.1 The approach adopted in formulating the revised Scheme of Delegations is based on the following principles.
  - (1) *No Change to Member-Officer Balance of power*  
The changes do not affect the balance of power between Members and Officers. Anything that requires Member approval under the present structure will continue to require Member approval under the new structure.
  - (2) *No Change to Member Delegations*  
It is not proposed to make any changes to the Scheme of Delegations to the Cabinet, CMM, Committees and sub-committees at this stage. The only exception to this relates to the Council's functions regarding Travellers and Gypsies which it is proposed to transfer from the Cabinet Member for

Environment to the Cabinet Member for Housing. This is to reflect changes in legislation as well as enabling a co-ordinated approach.

(3) *Powers of the Leader, Cabinet and Committee to exercise powers*

Any delegations to Officers are without prejudice to the powers of the Leader, Cabinet Members or Committees to exercise those functions notwithstanding delegations to officers and the fact that a matter has been delegated to officers does not preclude the relevant officer from referring it to the Cabinet, CMM, Committee or Sub-Committee for decision.

(4) *Framework for the Scheme of Delegations*

In establishing a framework for the Scheme of Delegations, the Council has three broad options: (i) a traditional departmental structure with everything delegated to the Director or Chief Officer and others operating under authorisation from that officer; (ii) a complete separation of powers between commissioning and delivery with those commissioning and those delivering having separate and mutually exclusive terms of reference; and (iii) a system that allows freedom, independence and flexibility for delivery units but with the relevant Strategic Director having an overview of the function and the ability to intervene. It is this third model that had been adopted in developing the proposed scheme of delegations. In practice, this means:

- a. All officer functions of the Council will vest in the **Chief Executive** and **Strategic Directors**;
- b. **Lead Commissioners** and staff reporting to them will operate by way of authorisation from the relevant Strategic Directors to undertake commissioning activities in accordance with the operational procedures set out in the "commissioning framework." The mandatory parts of the Commissioning Framework will be approved by the Strategic Leadership Board. The Strategic Director for Communities will act as the Lead Commissioner for the communities function.
- c. **Heads of Delivery Units** will have concurrent delegated powers with Strategic Directors regarding the **delivery** of the functions comprised in their area of service, but this has to be exercised:
  - i. Subject to any instructions of the Strategic Director;
  - ii. The Strategic Director may suspend the exercise of any delegated powers by the Head of a Delivery Unit;
  - iii. The delivery of services has to be undertaken within the outcome and other performance indicators set by the Commissioning decision-maker providing that non-compliance with such internal performance indicators or instructions will not invalidate any decision taken by a delivery unit;
  - iv. The formal reporting line (for employment matters) of the Heads of Delivery units will be to the Chief Executive, although aspects of the management activity may be undertaken by the Strategic Directors at the request of the Chief Executive.
- d. On 1<sup>st</sup> November 2010, the activities currently undertaken by the Delivery Units will be deemed to have been commissioned with the relevant budgetary arrangements until such time as a commissioning review is undertaken.

## 4.2 Resource Functions

4.2.1 In relation to functions comprised in the delegations to the Strategic Director of Resources (Legal & Democratic Services, Policy Analysis and Performance , HR, Property and ICT and Communications) all officer functions, except some Legal and Monitoring Officer functions (being functions required to be undertaken by the individual appointed as the Monitoring Officer or a Member of the legal profession) will vest in the Strategic Director for Resources and all staff reporting to the Strategic Director will operate under authorisation from the Strategic Director. To the extent that the function is delivered by the City Services Delivery Unit, the Strategic Director will assume the role of the Lead Commissioner.

## 4.3 Finance Function

4.3.1 All finance and procurement functions will vest in the Director of Finance and staff within the Directorate will operate under a scheme of authorisation as now.

## 4.4 People Function (Education and Social Services)

### *Adults*

4.4.1 The Lead Commissioner for Adult Social care and Health will be the Statutory Director of Adult Social Services (DASS) and will have direct delegated powers regarding the discharge of the Council's adult social services and health functions. As the Statutory Director of Adult Social Services, he/she will be directly accountable to the Chief Executive in respect of the discharge of the statutory function of DASS. He/she will report to the Strategic Director for People in respect of any functions other than that of the statutory role of DASS.

4.4.2. The Adult Social Services Assessment and Delivery Units will operate under authorisation from the DASS as now.

### *Children*

4.4.3 The functions of the Council regarding Children's Services, including the statutory role of Director of Children's Services will vest in the Strategic Director of People. The two Lead Commissioners for People which relate to children's services will operate under authorisation from the Strategic Director.

4.4.4 The Head of Service, Children and Families (dealing mainly with Children's Social Services) will operate under authorisation from the Strategic Director of People. There will be no Delivery Unit dealing with Schools, skills and learning. It will all be comprised in the commissioning unit which will undertake the residual delivery function except school admissions, which will be delivered as part of City Services.

## **5. POWERS OF THE CHIEF EXECUTIVE**

5.1 All officers will be required, as now, to exercise powers in accordance with any instructions given by the Chief Executive. In addition to functions delegated to him directly, the Chief Executive may exercise any of the powers delegated to any other officer except where the function is required, as a matter of law or

rules of professional practice, to be exercised by a particular person or a member of a particular profession.

- 5.2 The Chief Executive will, as now, have the power to determine any issues regarding the interpretation of the scheme of delegations.

## **6. TRANSITIONAL PERIOD**

- 6.1 Between 1<sup>st</sup> November and 31<sup>st</sup> March 2010, the Chief Executive and the Strategic Directors will put in place the various Officer, budgetary and other practical arrangements necessary to operate the Intelligent Commissioning system. Although it is intended that the system comes into being on 1<sup>st</sup> November (as has happened in the past) when introducing significant changes to the way the Council operates there may be a need to address issues not resolved in advance. It is therefore proposed, in line with normal practice, that the Chief Executive is given delegated powers to deal with issues that may arise, including making transitional arrangements.

## **7. CONSULTATION**

- 7.1 All staff directly affected by the changes were consulted and any comments taken on board. There has also been a briefing with the Leaders' Group and Informal Cabinet on the principles and tables showing the allocations of responsibility at a high level.

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

### Financial Implications:

- 8.1 The structural changes brought about by the introduction of Intelligent Commissioning are reflected in the proposed, revised Financial Regulations elsewhere on this agenda. Any financial implications arising from the introduction of intelligent commissioning were covered as part of previous reports to Cabinet.

*Finance Officer Consulted: Patrick Rice*

*Date: 20/09/10*

### Legal Implications:

- 8.2 These are set out in the body of the report

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 17/09/10*

### Equalities Implications:

- 8.3 There are no adverse equalities implications arising from the Scheme of Delegations itself.

### Sustainability Implications:

- 8.4 There are no sustainability implications arising from the proposals in the report.

Crime & Disorder Implications:

- 8.5 None

Risk & Opportunity Management Implications:

- 8.6 There is likely to be some unfamiliarity with the new structure and ways of working which could lead to delays or possibly actions not being properly authorised. However, there will be training and information sharing sessions for Members and officers that should minimise such risks.

Corporate / Citywide Implications:

- 8.7 The adoption of the Scheme of Delegations will enable the council to proceed with Intelligent Commissioning which will assist the Council in its “Council the City Deserves” initiative.

**9. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 9.1 The principles to adopt this Intelligent Commissioning model were agreed by Cabinet before and this report is simply dealing with amendments to the scheme of delegations.
- 9.2 The broad options available to the Council are set out in paragraph 4.1(4) above. The options of an old fashioned Directorate delegations is incompatible with the proposal to give Delivery Units autonomy to innovate and deliver services covering a range of functions, not just those covered by a single Director/ate.

The separate and mutually-exclusive form of delegations would be too rigid and lacking in accountability. Neither of the other options is therefore recommended.

**10. REASONS FOR REPORT RECOMMENDATIONS**

- 10.1 The reason for the report and the recommendations stems from the need to amend the Council’s Scheme of Delegations to Officers to make it fit for a commissioning model.
- 10.2 The recommendation to give the Chief Executive the power to take steps necessary for the Implementation of the proposals follows good practice and is in line with the Council’s own practice in the past.
- 10.3 The body of the report sets out the background and other relevant factors that influenced the recommendations.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Draft Scheme of Delegations for Officers
2. Draft extract from the proceedings of the Governance Committee held on 28 September 2010.

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

None

### **Background Documents**

1. Existing constitution and previous reports to Cabinet on Intelligent Commissioning



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## INTRODUCTION

1. The delegations set out in parts A and B of this scheme of delegations shall be construed and applied in accordance with the following paragraphs.

2. The following expressions shall have the meanings assigned to them respectively:

“Strategic Director” means any one of the Strategic Directors of People, Place, Communities or Resources and the Director of Finance or any of their successors including any person appointed to undertake the functions of the Strategic Director by whatever name called unless the context suggests otherwise.

“Strategic Leadership Board” means the Board consisting of the Chief Executive, a Strategic Directors and the Director of Finance.

“Lead Commissioner” means an officer appointed to undertake commissioning on behalf of the Strategic Director.

“Head of Delivery Unit” means an officer appointed to exercise the Council’s functions in respect of the delivery (as opposed to commissioning) of services in respect of specific functions.

“Commissioning” means the exercise of commissioning functions on behalf of a Strategic Director in accordance with the Commissioning Framework as agreed from time to time by the Strategic Leadership Board. This shall include, but is not limited to, the assessment of need, formulating of outcomes, monitoring and enforcement of performance targets, evaluation of outcomes and reporting to a relevant decision making body where necessary.

“Chief Officer” means any of the Strategic Directors and the Lead Commissioner for Adult Social Care and Health (in so far as it relates to his/her role as the Statutory Director of Adult Social Services).

3. The functions of the council specified in Part A of this scheme are delegated to the Chief Executive and Strategic Directors in relation to their areas of responsibility. In so far as these relate to the delivery of services (as opposed to commissioning) the Heads of each Delivery Unit (except insofar as they relate to functions comprised in the Strategic Director for People and the Lead Commissioner for Adult Social Care and Health) shall have

concurrent delegated powers with the relevant Strategic Director in relation to the services for which they are responsible.

4. The functions of the Council specified in Part B of this Scheme are delegated to the officer/s described therein. The Heads of Delivery Units referred to under Part B shall have concurrent delegated powers with their relevant Strategic Director in relation to the delivery of the functions set out under their title.
5. The exercise of powers under Part A or B by the Heads of Delivery Units shall be subject to the following:
  - The power delegated to the Head of a Delivery Unit may be exercised by the relevant Strategic Director.
  - The exercise of the power by the Head of a Delivery Unit is subject to any instructions or guidance that may be issued from the Chief Executive or the relevant Strategic Director.
  - The relevant Strategic Director may suspend the exercise of any power by the Head of a Delivery Unit.
  - The exercise of the powers by the Head of Delivery Unit shall be subject to the outcome and other requirements stipulated as part of the commissioning decisions
6. Notwithstanding the provisions of paragraph 5 above, any failure to comply with any instructions or guidance or requirements imposed as part of the commissioning exercise shall not affect the validity of any decision or action taken by or on behalf of the Head of a Delivery Unit.
7. The functions delegated under this Scheme of Delegations to officers shall be subject to the Council's standing orders, financial regulations, policies and procedures and to any instruction or guidance of (i) the Council or the appropriate Committee or Sub-Committee acting under its delegated powers in respect of Council functions; or (ii) the Cabinet, a Committee of the Cabinet or a Cabinet Member in relation to executive functions.
8. Except in relation to any statutory power vested directly in the officer concerned, each officer shall, in exercising his/her delegated functions, comply with any instructions of the Chief Executive. The Chief Executive is authorised to rule on any questions arising under this scheme including the extent to which any function is delegated.
- 9(a). Where a function is delegated to an officer, he/she may authorise the carrying out of that function, in his/her name, by other officers within his/her Department, Directorate, Team, Unit or Section (or such other officers as report to him/her directly or

indirectly) either fully or under the general supervision and control of the authorising officer. Without prejudice to the generality of the foregoing, such authorisation may include authorisation to issue and sign statutory notices in the name of the relevant officer or any other person with delegated powers.

- 9(b). Without prejudice to the generality of 9(a) above the power of Strategic Directors to authorise other officers to exercise their functions includes the power to authorise Lead Commissioners and officers reporting to Lead Commissioners to exercise such powers insofar as they relate to commissioning.
10. All such matters as may be regarded as included by inference shall be comprised within the delegated functions of officers and any delegation to an officer shall include all consequential or ancillary matters as necessary. For example, where the exercise of a function has been delegated, it shall include, subject to any express reservations in this scheme, the power to serve notices or orders, authorise agreements, authorise proceedings or fix or vary fees and charges.
11. The delegations in Parts A and B of this scheme shall be complementary and any delegations to particular officers in Part B shall be without prejudice to the generality of the functions delegated in Part A. The powers delegated under this scheme are in addition to and without prejudice to any powers or authorisations under other parts of the constitution.
12. Where a function is delegated to more than one officer, any one of those officers may exercise it, but such function shall be exercised in accordance with any direction given by the Chief Executive.
13. Where under this scheme an officer is authorised to discharge a particular function, he/she shall not be precluded from placing the matter before the relevant Committee, Sub-Committee, Cabinet or Cabinet Member for consideration as the officer considers appropriate.
14. Any delegation of functions to an officer under this scheme shall not prevent the Council (or the relevant Committee) or the Leader, Cabinet or Cabinet Member as appropriate, from exercising those functions.
15. Without prejudice to the other provisions of this scheme and, in particular, paragraphs 9(a) and 9(b) above, the officers named in Column 2 below may perform, in their own names, the

functions (under Parts A and B of this Scheme) of the corresponding officers in Column 1 below where those officers are absent or otherwise unable to act.

Column 1	Column 2
Chief Executive	Any Strategic Director or a Member of the Corporate Management Team as the Chief Executive may determine.
Any Strategic Directors other than Resources and Director of Finance	Any Lead Commissioner or, Head of Delivery Unit responsible for any functions comprised in the Strategic Director's delegations.
Strategic Director of Resources and Director of Finance	Any Head of a Resource or Finance Unit as the case may be as the Director/Strategic Director may determine.

16. In the event of (a) any change in the job title of any officer mentioned in this Scheme, (b) any change in any other title mentioned in this Scheme (for example of any Councillor, Committee, Sub-Committee, Cabinet Member, group, or team), and/or (c) the transfer of any of the responsibilities of any officer who has delegated functions under this Scheme, to any other officer, the Monitoring Officer may make consequential amendments to the Scheme to take account of the change and/or transfer.
  
17. In this scheme a reference to any Act of Parliament shall be deemed to include a reference to any Act by which it is applied, extended, amended, consolidated or replaced. It shall also be deemed to refer to any statutory instruments, regulations, orders, byelaws or the like made or having effect as if made under such Act.
  
18. (a) Where an officer of any transferor authority ("former officer") was, before reorganisation day, specifically authorised to enter into a contract, prepare and execute a document or take any other action and that contract is not entered into, document not executed or, as the case may be, action not taken before reorganisation day, the officer of the Council holding the corresponding office shall, on and after reorganisation day, be deemed to have the authority previously granted to the former officer.
  
- (b) In paragraph (a) above:

"transferor authority" means Brighton Borough Council, Hove Borough Council and East Sussex County Council

"reorganisation day" means 1st April 1997

"corresponding office" means an office, by whatever name called, which carries or includes the powers and duties of the former officer to the extent that they are relevant to the matter or issue in question.

19. Any interpretation of this Scheme of Delegations to officers shall be in accordance with the Cabinet and Council's wish that the powers granted to officers under the scheme shall not be construed restrictively.
20. Where any matter is by law or under the Scheme of Delegation to Cabinet or Committee specifically reserved to the Council, its Committees or Sub-Committees or the Leader or Cabinet or Cabinet Member the functions delegated to officers under this scheme shall take effect as if they were limited to preparing the plan, strategy or proposal, as the case may be, for approval by Council or the relevant Committee, Sub-Committee, Cabinet or Cabinet Member.
21. Where powers delegated under Part B appear under the heading of an officer other than the Strategic Director or Director or head of the department, directorate or unit the powers are delegated directly to that officer providing that the Strategic Director or Director or head of the department may exercise the power to the extent that it is not by law or under rules of professional practice required to be exercised by a particular person or a member of a particular profession. The general powers specified under part A may also be exercised by an officer (including the Head of a Delivery Unit) under whose heading a function is listed under part B to the extent that the power relates to a function so listed.

## **PART A.**

### **GENERAL DELEGATIONS TO ALL CHIEF OFFICERS AND HEADS OF DELIVERY UNITS**

Save where indicated otherwise and subject to paragraph 15 and 21 of the Introduction, the following general powers are delegated to all Chief Officers in relation to the services for which they are responsible and, subject to any instructions of the relevant Strategic Director, to Heads of Delivery Units in so far as they relate to the Services for which they are responsible.

#### **1. Administrative**

To administer the services for which they are responsible, including taking and implementing decisions which facilitate the operation or effectiveness of those services, and which fall within the policy decisions taken by the Council or the Executive. This power shall include the continuing review of the services for which they are responsible to maximise resources and implement best value.

#### **2. Financial**

To exercise all the functions delegated to officers under the Council's Financial Regulations.

#### **3. Land Management**

In the paragraphs below: -

- (1) The disposal or acquisition of any interest in property or the creation, extension or variation of any interest therein shall be in such form as shall receive the approval of the Monitoring Officer.
- (2) The term "land" includes buildings or parts of buildings and any estate or interest in land.
- (3) The term "Valuer" means the valuer appointed or approved by the Director of Finance & Resources.

In respect of land held or used for the purposes of a service administered by the officer:

- (a) To approve the detailed terms of any disposal or acquisition authorised in principle by the Council, the Executive or a Cabinet Member where the terms are

certified by the Valuer to be the best consideration reasonably obtainable;

- (b) After consultation with the Monitoring Officer and the Valuer to dispose of any land or any interest in land where the person acquiring the land or the interest has a legal right to acquire the same granted by an Act of Parliament or any rule of law;
- (c) To acquire or dispose of the freehold or leasehold of land for a consideration of £25,000 or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and after consulting the Chairman of the relevant Committee or Sub-Committee or relevant Cabinet Member as appropriate;
- (d) To acquire or dispose of land on a lease for 25 years or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable;
- (e) In relation to the Strategic Director for Resources only:  
  
After consulting the Cabinet Member for Central Services, to acquire or dispose of land for a consideration of up to £250,000 provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and relates to property held for the purposes of the functions of the Strategic Director or is declared by the relevant Director/Strategic Director or Head to be surplus to requirements under sub-paragraph (k) below
- (f) To approve rent reviews where the Valuer certifies the terms to be the best consideration reasonably obtainable;
- (g) After consultation with the Valuer for all land in relation to item (i) below, and for all land except council housing in relation to item (ii) below –
  - (i) to approve the change of use of land let by the Council, and
  - (ii) to give consent for improvements or alterations to such land  
(except where any compensation payable by the Council is likely to exceed £10,000);
- (h) After consultation with the Monitoring Officer to take action on all matters concerned with the enforcement by or against the Council of the terms or provisions of any

lease or disposal, including the service of appropriate notices under any statutory provision whether or not including the forfeiture or other termination of such lease or other provision;

- (i) After consultation with the Valuer and the Monitoring Officer, to grant easements, licences and wayleaves;
- (j) Subject to the limitations expressed above, to undertake the general management of land, including the making of any necessary planning applications and applications for building regulation consent;
- (k) After taking appropriate professional advice in accordance with guidelines from time to time laid down by the Council to authorise land to be declared surplus to the requirements of the officer's area of service. Management and future use of the land will be transferred to the Strategic Director for Resources to be held corporately pending appropriation or disposal;
- (l) After consultation with the Monitoring Officer and subject to the advice of the Valuer to accept the surrender of leases.

#### **4. Human Resources**

- (1) Subject to the policies, practices and procedures of the Council, to manage staff reporting to the Chief Officer (including Lead Commissioners and Commissioners) and, in the case of Heads of Delivery Units, staff within the relevant delivery unit.
- (2) Without prejudice to the generalities of (1) above, to engage employees and extend contracts of employment, to promote, discipline, suspend and dismiss employees and to accelerate increments, and after consultation with the Strategic Director for Resources to extend the provisions of the Occupational Sick Pay Scheme at their discretion and in particular cases in accordance with:
  - (a) the policies and practices of the Council;
  - (b) the terms and conditions of employment recognised and approved by the Council in relation to the several categories of employees.

Provided that:

- (i) the above delegations shall not apply to the Director of Children's Services to the extent that separate arrangements have been made under the specific delegations (Part B);
- (ii) the above delegations shall not be exercised by any officer in relation to his/her own post;
- (iii) In addition to the general powers the Chief Executive shall be authorised to exercise the powers delegated above in so far as they relate to any officers reporting directly to the Chief Executive including Heads of Delivery Units.

[NOTE – the appointment of Chief Officers, the Monitoring Officer, the Director of Finance and Deputy Chief Officers is subject to separate arrangements set out in the Officer Employment Procedure Rules]

## **5. Surplus Property**

To sell or dispose of, at the best price reasonably obtainable, surplus vehicles, plant, stores and equipment, subject to competitive tenders being obtained wherever reasonably practicable and due compliance with the Council's Standard Financial Procedures.

## **6. Appointment of Authorised Officers**

- (1) In connection with any functions delegated to or administered by the officer:
  - (a) to act as and to appoint persons to act as authorised officers or inspectors (or in other similar capacities);
  - (b) to enter or authorise persons to enter land or premises.
- (2) Subject to the agreement of the Monitoring Officer, to authorise officers within his/her Service to prosecute or defend or to appear on the Council's behalf in proceedings before a Magistrates' Court, Family Proceedings Court, the County Court or any other Court or Tribunal.

## **7. Urgency Powers**

- (1) In cases where an emergency has been declared under the Council's emergency planning or business continuity procedures:-
- (a) After consultation with the Leader of the Council or a Deputy Leader, to exercise any of the functions within the service area of the officer in cases of urgency where it is not practicable to obtain prior approval of the Cabinet, relevant Cabinet Member or, in the case of Council functions, the relevant Committee or Sub-Committee . See also notes (i) to (iv) below.
  - (b) To approve expenditure of up to £1,000,000, the action taken to be reported for information to the Cabinet and Group Leaders as soon as practicable. See also notes (i) to (iv) below.

Notes

- (i) Contact the Civil Contingencies Duty officer on 07540 675 169 in connection with the exercise of the above delegated powers.
  - (ii) The Leader of the Council, or in his / her absence a Deputy Leader shall be informed as soon as is practicable if it appears likely that any such emergency will be declared.
  - (iii) If it is not possible or practicable for an officer who would normally exercise the above delegated powers to do so, the powers may be exercised by the officer who is designated to be in charge under the Council's emergency planning or business continuity procedures or any officer appointed by him / her to act on his / her behalf.
  - (iv) If it is not possible or practicable for the officer to consult the Leader or a Deputy Leader before exercising the above delegated powers the officer may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep Members informed of the action taken.
- (2) In any other cases of urgency:-
- (a) After consultation with:
    - (i) in relation to a Council function, the Chairman (or in his / her absence, a Deputy Chairman) of the relevant Committee or Sub-Committee; or
    - (ii) in relation to an Executive function, the relevant Cabinet Member (or, in his/her absence, the Leader)

to exercise any of the functions within the service area of the officer in cases of urgency where it is not reasonably practicable to obtain prior approval of (in the case of (i) above) a Committee or Sub-Committee; or (in the case of (ii) above), the Cabinet or Cabinet member as the case may be.

- (b) The action taken shall be reported, as appropriate, to the Committee, the Sub-Committee, or the Cabinet or Cabinet Member Meeting.

## **8. Miscellaneous Matters**

Subject to any general directions of the Council, Cabinet, relevant Cabinet Member or the relevant Committee or Sub-Committee:

- (1) to approve minor exceptions to schemes of general policy settled by the Council, Cabinet, Committee or Sub-Committee;
- (2) in accordance with the provisions of Contract Standing Orders, to open tenders for goods, services or other matters and, when the terms of Contract Standing Orders have been complied with, to accept the appropriate tender for any contract not exceeding £500,000 (or £250,000 in the case of Heads of Delivery Units) in value or, in respect of any greater tender, after consulting the relevant Cabinet Member (where the tender relates to an Executive function) or the Chairman of the relevant Committee or Sub-Committee (where the tender relates to a Council function);
- (3) where appropriate in connection with the service area of the officer and in the interests of the Council, to approve the attendance within the United Kingdom of any Member on external ad hoc duties (such as non-party political conferences and seminars) and to pay organiser's fees etc.

[NOTE - power to authorise payment of travel and subsistence allowances to Members in such circumstances or to approve attendance outside the United Kingdom is delegated to the Chief Executive – see Part B]

## **PART B.**

### **I DELEGATIONS TO CHIEF EXECUTIVE**

#### **1. General**

- (1) To be the designated Head of Paid Service under the Local Government and Housing Act 1989
- (2) As chair of the Strategic Leadership Board, to lead the overall direction and management of the Council's services including the initiation and development of strategic policies and corporate practices; and the delivery of priorities set by council Members and partners.
- (3) To direct, co-ordinate and implement the Council's actions in respect of legislation relating to council governance.
- (4) To exercise any of the powers delegated to any officer under part A or B of this Scheme of Delegations except those which, either as a matter of law or rules of professional practice, are required to be exercised by a particular person or a member of a particular profession.

#### **2. Interpretation of Delegation Schemes**

- (1) After consultation as necessary with other relevant officers:
  - (a) in cases of doubt or difficulty to determine whether an officer may deal with a particular matter under the terms of this scheme;
  - (b) where a matter for consideration or decision does not fall within this scheme to decide which Cabinet Member, Committee, Sub-Committee or Panel of the Council needs to consider it and whether that decision can be made under delegated powers or needs to be the subject of a recommendation to the Cabinet or the Council;
  - (c) without prejudice to any decisions made by a Committee under Standing Orders, to determine whether the Committee's decisions should be reported to the Council for information.

#### **3. Members**

- (1) To deal with the following matters relating to Members:

- (a) taking declarations of acceptance of office, receiving resignations from office and declarations and giving notice of casual vacancy in the office of Councillor;
- (b) convening Council meetings for election to vacant office of Leader or of Chairman;
- (c) to be the proper officer for the receipt of notices and other functions under Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 and to make or terminate appointments of voting Members to Committees and Sub-Committees in accordance with the wishes of political groups;

[NOTE – see also Council Procedure Rule 18.9 which confirms the power to make/terminate appointments]

- (d) where appropriate and in the interests of the Council, to approve the attendance outside the United Kingdom of any Member on external ad hoc duties (such as non-party political conferences and seminars) and to pay organiser's fees etc;
- (e) to authorise payment of travel and subsistence to Members for attendance at:
  - (i) conferences, seminars and other events within the United Kingdom approved by an officer;
  - (ii) conferences, seminars and other events outside the United Kingdom approved under (e) above.

[NOTE the payment of Members' allowances is the function of the Director of Finance & Resources]

#### **4. Returning Officer**

To be the Returning Officer (or Deputy Returning Officer in the case of National and European Elections) under the Representation of the People Acts.

#### **5. Executive Office**

To manage the Council's Executive Office.

## II STRATEGIC DIRECTOR OF RESOURCES

### 1. General

- (1) To manage the following Council services:-
- (a) Legal & Democratic Services
  - (b) Policy, Analysis and Performance
  - (c) Human Resources and Development
  - (d) Corporate Communications
  - (e) Property & Design
  - (f) ICT
- (2) To exercise any of the powers set out below except those delegated to the Head of Legal and Democratic Services marked # ( being powers which, either as a matter of law or rules of professional practice, are required to be exercised by a particular person or a member of a particular profession) .

### 2. Head of Legal and Democratic Services

(1) **Monitoring Officer #**

To be the Monitoring Officer of the Council for the purposes of Section 5 of the Local Government and Housing Act 1989 and discharge the functions of that officer under the Local Government Act 2000;

(2) **Solicitor Role #**

To be the Solicitor and the proper officer for the legal affairs of the Council and as such take all steps necessary to protect or secure the protection of the Council's interest from a legal point of view as he/she considers appropriate.

(3) **Proceedings #**

- (a) To institute, defend and carry on or settle legal proceedings to protect the Council's interest or to implement a decision made by the Executive, the Council, its Committees, Sub-Committees or officers or for the recovery of any debt or sum due to the Council;
- (b) To exercise the Council's functions under Section 222 of the Local Government Act 1972 to institute or defend proceedings in the interests of the inhabitants of the Council's area etc.

(4) **Conveyances, Agreements and other documents #**

- (a) To prepare and execute any contract, agreement, conveyance or other document necessary to give effect to a decision of the Executive, the Council, a Committee, Sub-Committee or officer acting under delegated functions;
- (b) In connection with the disposal of any interest in land or any other purpose to enter into supplemental or replacement leases, deeds of variation, or other appropriate documents for the purposes of correcting any errors, resolving any ambiguities or facilitating the exercise of any of the Executive's or Council's functions.

Provided that a Principal Solicitor may also exercise any of the functions delegated under sub-paragraphs (3) (a) and (b) above.

(5) **Review of constitution**

To ensure the review and update of the Constitution of the City Council from time to time and ensure the Council's decision making processes are robust.

(6) **Authorisation of officers**

- (a) To authorise any officer of the authority to prosecute or defend or otherwise appear in proceedings before a Magistrates' Court under Section 223 of the Local Government Act 1972;
- (b) To authorise any officer to represent the Council in the County Court under Section 64 of the County Courts Act 1984;
- (c) To authorise any officer to appear on behalf of the Council in any court, tribunal, arbitration hearing, meeting or any other forums where the Council has the power to grant such authority.
- (d) To authorise any officer or person representing the Council to sign statements of truth in court proceedings

(7) **Insolvency #**

To serve statutory demands, sign or present petitions in bankruptcy or corporate insolvency, and take such other action or steps under the Insolvency laws as is necessary to protect or promote the Council's interest.

(8) **Guardians ad Litem**

Where the Monitoring Officer, after consultation with the relevant Director, considers necessary to exercise the following powers:

- (a) From time to time to recruit, to make appointments to, and remove from the Panel of Guardians ad Litem and Reporting Officers in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991;
- (b) To administer the Panel and monitor the work of the Guardians ad Litem on behalf of the Council;
- (c) To agree the payment of expenses to persons appointed to the Panel and to agree other terms and conditions of appointment to the Panel;
- (d) To constitute complaints boards:
  - (i) to investigate complaints about the operation of the Panel; and
  - (ii) to make recommendations concerning proposed termination of an appointment of a Guardian ad Litem or Reporting Officer.

(9) **Authentication of Documents**

To be the proper officer for the purposes of certifying the authenticity of Council reports, minutes and resolutions providing that this power may also be exercised by the Chief Executive or the Head of Democratic Services, who will also be proper officers for this purpose.

(10) **Democratic Services**

- (a) To ensure proactive support to the democratic process and elected Members in accordance with the constitution.
- (b) To manage the Council's services for Members including the Mayor's office and in connection therewith to take all necessary steps to secure compliance with Part VA of the Local Government Act 1972 (Access to Meetings and Documents of the Council, its Committees and Sub-Committees), and with the

Local Authority (Executive Arrangements) (Access to Information) (England) Regulations 2000 and all subsequent related legislation.

(11) **Overview and Scrutiny**

(a) To ensure the Council has an effective overview and scrutiny function

(b) To manage the Council's overview and scrutiny function, and to take all necessary steps to ensure compliance with section 21 to 21E of the Local Government Act 2000, and with section 19 of the Police & Justice Act 2006

(12) **Ethical Standards**

(a) After consultation with the Chairman or Vice Chairman, to require meetings of the Standards Committee to be held and to exercise any function of the Committee (to the extent that such functions are exercisable by an officer) if it appears to be appropriate to do so in lieu of referring the matter to a meeting;

(b) To establish and maintain a register of interests of Members and Co-opted Members in accordance with Section 81 of the Local Government Act 2000.

**3. Human Resources**

(1) To develop a people strategy that supports the corporate strategy and priorities, and the visions and values of the Council.

(2) To develop people policies, procedures and codes of practice that meet the Council's changing needs and are in accordance with the people strategy, including employee training and development, providing the desired behaviours, skills and competencies, employee culture and management ethics; and ensuring that resources are focussed where they will provide best value.

(3) To develop corporate policies relating to equality of opportunity for staff in their employment, training, development and promotion, and with regard to employee responsibilities for ensuring equality of access and fair treatment of customers.

(4) To develop a corporate strategy and policies for the management of the Council's Health and Safety and well being responsibilities.

- (5) To provide a strategic focus for organisational development matters across the Council, maintaining an overview of current and future needs, and ensuring that strategic objectives and priorities are met.
- (6) To develop a corporate employee communication and consultative strategy; To design maintain and review the council's formal consultative mechanisms. To promote consultative systems and approaches that develop sound partnership working with the recognised trade unions.
- (7) To develop a "terms and conditions of employment" framework for all staff (excluding teaching staff) and to act as the Council's "chief negotiator" in discussions with the Council's trade unions, in respect of terms and conditions, pay and reward and people policies.
- (8) To ensure a Brighton & Hove City Council input into the national negotiating machinery.
- (9) In liaison with the relevant Strategic Director, Lead Commissioner, Head of Resource Unit or Head of Delivery Unit, to determine: entitlement to the occupational sick pay scheme, the application of the Council's early retirement and redundancy provisions, relocation scheme, and the settlement of legal/employment tribunal claims; in accordance with the agreed policies of the Council.
- (10) To administer the appointment procedures and to direct the Head of Human Resources to act as "Human Resources Manager" to the Council's JNC staff, in accordance with Council policies.
- (11) To ensure that the implementation and effectiveness of all human resources policies and practices are monitored, reviewed and revised when necessary.
- (12) To provide the full range of human resources services to Council departments including advice and support regarding appointments, promotion and disciplining of staff.
- (13) To lead on a range of organisational improvement and development activities, analysing needs and devising appropriate solutions, including but not limited to value for money work, learning and development across the Council, and internal cultural change activity.

#### **4. Policy, Analysis and Performance**

- (1) To provide a wide range of policy development and partnership support functions to the Council and the City including, but not limited to:-
  - Ensuring an effective Local Strategic Partnership and Public Service Board
  - Ensuring that decision making is supported by timely and robust evidence/research data where required
  - Ensuring the effective coordination of corporate and other policy (e.g. corporate planning, LAAs.)
  - Leading the Council's sustainability approaches
  - Researching and developing policy proposals
- (2) To monitor and develop the Council's performance management frameworks and systems, and to build good working relationships with a range of audit and inspection bodies and other regulators.
- (3) In conjunction as necessary with the Chief Executive to deal with complaints to the Commission for Local Administration in England and Wales (CLAEW) and complaints from the public under the Council's internal complaints procedure, providing that arrangements can be made for initial stages of complaints to be dealt with by the relevant service department.

#### **5 Corporate Communications**

- (1) To manage the Council's corporate communications service.
- (2) To develop and implement the internal and external communications strategies for the Council.
- (3) To provide strategic communications advice to the Council in support of its priorities, vision, values and services.
- (4) To provide a 24 hour Council wide press service and contingency plans for crisis press management.
- (5) To ensure that the content and the design of Council publications, leaflets, internet, intranet and all other published materials maintain the Council's corporate identity and are of an appropriate standard in terms of design quality and accessibility.

- (6) To prepare and distribute such newspapers, information leaflets and other periodical publications as the Council may approve from time to time.

## **6. Property and Design**

- (1) To provide and maintain the Council's land records and other corporate property information.
- (2) To undertake corporate property reviews, develop policies and set up and monitor corporate standards to achieve the policies.
- (3) To manage the Council's commercial property portfolio.
- (4) To undertake client functions under various contracts with third parties including those related to property management.
- (5) To set up, review and maintain the Council's corporate lists of approved contractors including adding or removing contractors from lists in accordance with the requirements of Contract Standing Orders.

[NOTE: Under the Contract Standing Orders responsibility for monitoring lists of approved contractors is shared between the Head of Property and Design and the Procurement Strategy Manager]

[See also delegations to the Strategic Director under paragraph 3(e) of the General Delegations regarding property]

- (6) In consultation with relevant Chief Officer or Head of Delivery Unit, to manage Council owned properties.

## **7. ICT**

### **(1) Information and Communication Technology**

To exercise the Council's functions in respect of:

- (1) The implementation of e-government: a strategic framework for public services in the Information Age;
- (2) The provision of information technology services to Council departments and responsibility for the Council's overall IT strategy.

(2) **Data Protection and Freedom of Information**

To ensure compliance with the Data Protection Act and Freedom of Information Act, including, but not limited to:

- Publishing and maintaining the Council's publications scheme, and
- Ensuring that requests for information are dealt with in accordance with legal requirements.

**8. City Services**

To exercise the following Council functions:

(1) **Local Taxation Services**

To exercise the Council's functions regarding the Council Tax, Non-Domestic Rates, General Rates and the Community Charge as are more particularly set out in Schedule 6 to this Scheme of Delegations.

(2) **Housing Benefit and Council Tax Benefit**

Subject to any general guidance or limitation imposed by Cabinet or the relevant Cabinet Member:

- (a) to exercise all the Council's functions regarding Housing Benefit under the Housing Benefit (General) Regulations 1987 and relevant legislation;
- (b) to discharge all the Council's functions regarding Council Tax Benefits;

and in addition to the Head of City Services, the Head of Revenues and Benefits and the Benefits Managers are authorised to exercise the above functions.

(3) **Local Land Charges**

To exercise the Council's functions in relation to local land charges including:

- (a) the functions under the Local Land Charges Act 1975 and the Local Government (Miscellaneous Provisions) Act 1982, Section 34; and
- (b) the fixing of fees under the Local Authorities (Charges for Land Searches) Regulations 1994.

(4) **Registration Service**

- (a) To exercise the Council's powers under the Registration Service Act 1953 regarding the registration of births, deaths and marriages;
- (b) To exercise the Council's powers under the Marriage Acts of 1949 and 1994, the Civil Partnerships Act 2004 and the Marriages (Approved Premises) Regulations 1995 save where a review has been sought;
- (c) To be the proper officer for the purposes of the Registration Service Act 1953 and carry out functions in accordance with Brighton & Hove Registration Scheme 2007.

(5) **Travel Concessions**

To exercise the Council's powers regarding travel concessions.

(6) **Electoral Registration and Elections**

- (a) To be the electoral registration officer under the Representation of the People Acts.
- (b) To carry out the day-to-day management of the Council's electoral registration service and to make arrangements for the holding of elections.

(7) **Coroners Service**

To exercise the Council's functions regarding the Coroners Service under the Coroners Act 1988 and other relevant legislation.

(8) **Bereavement Services**

To exercise the Council's functions in relation to bereavement services including

- a) functions under the Public Health (Control of Disease) Act 1984

(9) **Appointment of Authorised Officers**

In connection with any functions delegated to or administered by the Assistant Director the power to:

- (a) act as and to appoint persons to act as authorised officers or inspectors (or in other similar capacity); and
- (b) enter or authorise persons to enter land or premises.

(10) **Access Services**

The management of the receptions, switchboard and related services at the Council's main building (including Brighton Town Hall, King's House and Hove Town Hall).

**9. Emergency Planning**

To exercise the Council's functions in respect of emerging planning and business continuity, including the council's functions under the Civil Contingencies Act 2004.

### III DIRECTOR OF FINANCE

#### 1. General

To manage the following Council services:-

- (a) Strategic Finance
- (b) Financial Services
- (c) Audit and Business Risk
- (d) Procurement

#### 2. Strategic Finance, Financial Services, and Audit and Business Risk

- (1) To be the officer responsible for the administration of the Council's financial affairs for the purposes of Section 151 of the Local Government Act 1972; to be the responsible financial officer under the Accounts and Audit Regulations 2003 (as amended) and, subject to any guidance or limitations imposed by the Cabinet, to take such steps as are necessary for the proper administration of the financial affairs of the Council. The other finance functions listed below are not to prejudice the generality of this function.
- (2) To exercise the Council's functions where required or empowered to do so under the Council's Financial Regulations and enter into contracts in relation to the Council's banking arrangements.
- (3) To make premature repayment of mortgages and bonds.
- (4) Subject to reporting on the actions taken on major awards to the next meeting of the Cabinet, to implement decisions of National Negotiating Bodies affecting employees except insofar as such decisions give discretionary powers to employing authorities.
- (5) To make arrangements for the borrowing of such monies as the Council has decided shall be borrowed in accordance with such policy as may be laid down from time to time and subject to the receipt of the necessary Government sanctions and consents.
- (6) To issue bonds in accordance with the provisions of the Local Government and Housing Act 1989 and to deal with allied detailed matters in accordance with the approved policies.

- (7) To issue bills in accordance with the provision of the Local Government and Housing Act 1989 and approved conditions.
- (8) To pay statutory benefits under the Local Government Superannuation Scheme.
- (9) Following consultation with the Cabinet Member for Finance to vary the interest rate chargeable for staff housing advances.
- (10) To take such steps as are necessary to give effect to any decision of the Council regarding its investments.
- (11) To approve increases in accountant and mechanical/technical adviser fees relating to services provided in connection with any track betting licence.
- (12) To pay Members' allowances in accordance with the scheme approved by the Council.
- (13) To exercise the Council's functions regarding arrangements for internal audit, including risk management.
- (14) To discharge the Council's functions regarding arrangements for insurance and deal with claims against the Council in accordance with the practice and procedure agreed from time to time with the Council's insurers.
- (15) To make amendments to the Financial Regulations and Standard Financial Procedures to reflect best value, new legislation, and any changes to the Council's Standing Orders and Scheme of Delegation.
- (16) To enter into agreements and authorise payments in respect of car loans, provided that these functions may also be exercised by the Assistant Director of Financial Services.
- (17) To develop and review the Council's Anti-Fraud and Corruption Strategy and to monitor its implementation.
- (18) To take action for the provision of a treasury management service to supplement the skills of in-house staff.
- (19) Within the general framework set by the Council from time to time, to exercise the functions of the Council in relation to:
  - (i) Revenue and capital budgetary control and financial services to departments.

- (ii) The co-ordination and facilitation of project programmes.
  - (iii) Supplying departments with service review and specific performance improvement support, including support for best value and value for money reviews.
- (20) To determine applications for assistance under the council's general indemnity for Members and officers appointed or nominated by the council to serve on outside bodies

**3. Procurement**

To co-ordinate the Council's procurement strategy; to promote best value and good practice in the Council's procurement activity.

## **IV STRATEGIC DIRECTOR OF PEOPLE**

### **1. Introduction**

For the purposes of this Scheme of Delegations, the term “young people” means young people up to the age of 19.

### **2. Director of Children’s Services**

- (1) To be the Council's Director of Children's Services pursuant to section 18 of the Children Act 2004.
- (2) To discharge the education, children's social services and other functions conferred by section 18(2) of the Children Act 2004 and any additional functions for which the Director of Children's Services may subsequently become the statutory officer.
- (3) Without prejudice to the generality of the functions delegated at paragraphs (1) and (2) above, to exercise the specific functions set out below.

### **3. Section 75 Arrangements**

To exercise the Council's functions under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004, to the extent that the arrangements permit an officer to exercise the functions.

### **4. Education**

- (1) To exercise the Council's functions as a local education authority including in respect of the management of education services and securing the provision of quality education in schools.
- (2) In consultation with a standing panel of teacher representatives, to fix school terms and holidays.
- (3) To carry out consultations on proposed annual admission limits for all schools for which the Council is the admissions authority and to report thereon to the Cabinet Member for Children & Young People and to allocate to pupils the school at which education is to be provided in accordance with the Council's school admissions policies and related criteria.

- (4) To make arrangements for the assessment of the special educational needs of children; where appropriate, to make statements of the special educational needs of children; to arrange for the special educational provision specified in those statements; to prepare for defence or amendment of statements contested at SEN Tribunals in consultation with the Monitoring Officer.
- (5) To make school attendance orders and where appropriate in consultation with the Monitoring Officer, to exercise the powers of the Council to institute proceedings if a child of compulsory school age is not receiving efficient full time education suitable to his age and ability.
- (6) To respond on behalf of the local education authority when consulted by a governing body before the making or varying of curriculum statements.
- (7) To exercise the Council's powers in respect of pupils excluded from schools and to give directions to headteachers as to reinstatement of pupils.
- (8) To respond to resolutions passed at annual meetings of parents/governors (the responses to be submitted to the Cabinet Member for Children & Young People for information).
- (9) In conjunction with the Monitoring Officer to make Orders, or to amend existing Orders, to provide for Instruments and Articles of Government for new Council, controlled, aided and special schools based on Orders previously approved for existing schools in the appropriate size and category.
- (10) To act as the Council's main representative in consultation with other bodies concerned with the provision of education, including the Learning and Skills Council and Higher Education Bodies
- (11) To exercise the Council's functions in relation to inter-agency partnerships established to deliver aspects of educational provision or provision for children and young people, including the Early Years Development and Childcare Partnership, Sure Start, Children and Young People's Strategic Partnership, Local Learning Partnership, Connexions and the Education Action Zone.

## **5. Children and Young People's Social Services**

- (1) To exercise the Council's functions in respect of social services to children and young people and, without prejudice to the generality of this paragraph 5(1), to exercise the functions listed below in 5(1) to (18).
- (2) To exercise the powers conferred on the Council to give and refuse consents and to impose and cancel requirements and prohibitions in respect of the private fostering of children under the Children Act 1989; to remove a child under the Adoption Act 1976 and to make exemptions to the usual fostering limits under the Children Act 1989.
- (3) To provide individuals or families with family placements and residential and day care accommodation within the agreed policy of the Council and the estimates provisions.
- (4) To make variations to the number of places at any Social Services establishment, in response to changes in demand or resource availability.
- (5) After consultation with the Monitoring Officer, to exercise the powers of the Council to enforce, make application and representations to a Court or Magistrate, and authorise, institute and defend proceedings under any enactment which stands referred to the Cabinet in respect of children and young people.
- (6) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the contribution not exceeding £1000 or such other sum as may from time to time be fixed by the Council.
- (7) To approve expenditure under Sections 17 and 24 of the Children Act 1989, provided that any expenditure remains within the approved annual budget for expenditure on Child Care.
- (8) To exercise the powers and duties of the Council in respect of children and young persons in their care or being looked after by them, including the power to place children and young persons in accommodation to meet their special needs and to appoint independent persons as visitors.
- (9) (a) To authorise in exceptional individual cases variations from the approved scale of charges for a particular service and to operate the scale of boarding out allowances for foster parents, allowances to children boarded out or in residential establishments and allowances under Section 24 of the Children Act 1989;

- (b) To vary any of the limits in the approved scale of allowances for foster care, adoption and residence orders in exceptional circumstances, provided the resulting additional expenditure is within the approved childcare expenditure.
- (10) To agree to the payment of up to 75% of the travelling expenses of employees to and from work at residential and day-care establishments where recruitment is difficult.
- (11) To purchase groceries, meat and other domestic provisions locally for residential and day-care establishments under the control of the Cabinet Member for Children & Young People:
  - (a) if satisfactory tenders are unlikely to be obtained; and
  - (b) where client training is involved.
- (12) To undertake statutory visits to children's homes.
- (13) To exercise all the functions of the Council as an adoption agency under the Adoption Agencies Regulations 1983, having regard to the recommendations of the Adoption Panel.
- (14)
  - (a) To increase the once only charge of £3,000 (approved in February 1998) for a home-study assessment for inter-country adoptions by the rate of increase applied to APT&C staff salaries each year;
  - (b) To reduce the charge for a home-study assessment for inter-country adoptions in cases where there has been a previous assessment by another local authority or voluntary agency;
  - (c) To establish and review periodically the fee to be charged for undertaking assessments for inter-country adoptions.
- (15) In respect of children in care, to consent to applications for Residence Orders where the Director considers it to be in the best interests of the child concerned, and to withhold consent in other cases.
- (16) To provide information, advice and training in relation to early years and childcare providers in Brighton and Hove, and to provide a children's information service.

- (17) To exercise the Council's functions under the Data Protection Act 1998 regarding personal files/information.
- (18) To exercise the Council's functions under the Crime and Disorder Act 1998 as appears necessary in the interests of children, young persons, their families and local communities and in accordance with the Council's community safety and youth crime strategies.

**6. Assistance to Pupils/Students**

- (1) To determine applications for boarding and tuition allowances for pupils and applications for awards and grants to students, including the power to determine where an applicant's circumstances are such that an exception to the normal policy of the Council ought to be made.
- (2) To determine whether an applicant's circumstances are such that an exception to the policy on excluding courses from the discretionary awards scheme ought to be considered and made.
- (3) In appropriate cases, to authorise students to receive education at an institution of further or higher education maintained by another local education authority and to make to that local education authority the appropriate payment.
- (4) In the case of a Brighton and Hove pupil of compulsory school age with special educational needs or "looked after" by another local education authority, to meet claims for recoupment by that local education authority in respect of its provision of primary or secondary education for that pupil.
- (5) To make determinations on eligibility for home to school transport and deal with any appeals against such a determination as provided for under sub-paragraph (8) below.
- (6) To make arrangements, through the Strategic Director for Place, for the transport of pupils and students to school or college where there is a statutory duty or it is the policy of the Council to provide such transport.

[NOTE: The management of the provision of the transport service (as opposed to eligibility and appeals) is a function delegated to the Strategic Director for Place].

- (7) To set charges for transport conditional permits following consultation with the Cabinet Member for Children & Young People.
- (8) To appoint three officers not previously involved in the matters concerned to act as an Appeals Panel to determine student award appeals and transport appeals referred to the Panel by the Strategic Director.

## **7. Adult Learning**

To discharge the Council's functions under the arrangements with the Learning and Skills Council for the provision of adult education.

## **8. Human Resources Functions**

- (1) In respect of employees whose employment is delegated to school governing bodies under the Local Management of Schools Schemes
  - (a) to attend any relevant proceedings of a governing body or relevant selection panel for the purpose of offering advice relating to the appointment of a head teacher, deputy head or other teacher;
  - (b) to respond on behalf of the local education authority when consulted about selecting an applicant for a non-teaching post where the post is for 16 hours or more per week;
  - (c) to attend any hearing for the purpose of giving advice prior to a decision to dismiss any person employed to work at any school.
- (2) To exercise any other human resources functions in relation to schools maintained by the local education authority which are not delegated to school governing bodies under the Local Management of Schools Schemes.
- (3) To exercise the functions of the Council in relation to the nursery service for employees.

**9. Buildings/Premises**

- (1) Except in the case of buildings or projects involving a major change in design policy, to approve plans prepared by or on behalf of the Council for capital projects which have been agreed by the Council and in the case of existing educational establishments with the head or principal and governors concerned.
- (2) To exercise the Council's functions in respect of maintenance of premises owned by the Council and used for education and children's social care, and to ensure that such premises are fit and adequate for that purpose.
- (3) To authorise the exercise of the local education authority's statutory duty to transfer sites to the trustees of voluntary schools.
- (4) To authorise the payment of such sums as may be approved by the Department for Education and Skills in respect of the Council's contribution to aided school projects, subject to the Director of Finance being satisfied that sufficient provision has been made for the expenditure in the revenue or capital budget and that, where required, borrowing authorisation will be available.
- (5) To authorise Members of staff at educational establishments to exercise the powers of removal conferred by Section 547 of the Education Act 1996.

[NOTE - the Monitoring Officer is separately authorised to institute proceedings for alleged offences].

- (6) To cancel, without notice, lettings of any nature where the intended use of school premises has been misrepresented by an applicant or when it is not possible to proceed with a letting for any reason beyond the Council's control.
- (7) After consultation with the Cabinet Member for Children & Young People to agree variations in the approved scale of letting charges for schools.

**10. Guardians ad Litem**

- (1) To take such steps as are necessary to secure the provision of Guardians ad Litem and Reporting Officers service, including the management of the service contract, provided that the functions of the Director under the above delegation shall not

include the direct appointment or removal of Guardians ad Litem and Reporting Officers.

- (2) To make available staff of the Council's Children and Young People's Services to serve on the Panels of Guardians ad Litem of other authorities who offer reciprocal arrangements.

**11. Miscellaneous**

- (1) To grant licences and to approve bodies of persons to enable children to take part in public performances under Section 37 of the Children and Young Persons Act 1963.
- (2) In relation to the Council's education functions, to approve adjustments to the specification for the cleaning of Council buildings and the provision of catering services and grounds maintenance services subject, in the case of buildings and catering services and grounds maintenance services not the responsibility of the Director, to prior consultation with the appropriate Chief Officer.
- (3) To set prices for school meals under the school meals contract.
- (4) To set fees and charges for music tuition and instrument hire (following consultation with the management Committee of Brighton and Hove Music Trust).
- (5) To designate premises as premises to which children and young persons of compulsory school age may be removed under section 16 of the Crime and Disorder Act 1998, in accordance with the Council's community safety and youth crime strategies.
- (6) To exercise the functions of the Council in relation to educational charitable trusts and proposals for such trusts.

**12. Adult Social Care & Health**

- 12.1 To exercise the functions of the Council regarding adult social care and health except to the extent that such function is required as a matter of law or rules of professional practice to be exercised by the Director of Adult Social Services.

**13. Delegations to Lead Commissioner Adult Services, Social Care and Health Partnerships**

**(1) Director of Adult Social Services**

To be the Council's Director of Adult Social Services pursuant to Section 6(A1) of the Local Authority Social Services Act 1970 and discharge the Council's adult social care and health functions.

**(2) General Adult Social Services**

- (i) To provide individuals or families with family placements and residential and day care accommodation within the agreed policy of the Council and the estimates provisions.
- (ii) To make variations to the number of places at any Social Services establishment, in response to changes in demand or resource availability.
- (iii) After consultation with the Monitoring Officer, to exercise the powers of the Council to enforce, make application and representations to a Court or Magistrate, and authorise, institute and defend proceedings under any enactment in respect of adults.
- (iv) In accordance with the general policies from time to time laid down by the Council, to administer arrangements made under Section 29 of the National Assistance Act 1948, Section 45 of the Health Services and Public Health Act 1968, and Section 2 of the Chronically Sick and Disabled Persons Act 1970 for the provision of services for disabled and old persons, and to authorise expenditure within overall budget provision.
- (v) After consultation with the Director of Finance, to set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the formula recommended by the Local Government Association.
- (vi) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the contribution not exceeding £1000 or such other sum as may from time to time be fixed by the Council.
- (vii) To authorise officers to be the Council's nominee for the purpose of obtaining Grants of Probate and to deal with related matters and to seek appointment as Receiver where it is appropriate for an officer of the Council to act.
- (viii) To appoint approved social workers for the purposes of the Mental Health Act 1983.
- (ix) To accept guardianship applications and to make orders for the discharge of patients subject to guardianship under the Mental Health Act 1983.

- (x) To authorise in exceptional individual cases variations from the approved scale of charges for a particular service and to operate the scale of allowances to disabled people attending day centres.
- (xi) To agree to the payment of up to 75% of the travelling expenses of employees to and from work at residential and day-care establishments where recruitment is difficult.
- (xii) To purchase groceries, meat and other domestic provisions locally for residential and day-care establishments under the control of the Cabinet Member for Adult Social Care & Health:
  - (a) if satisfactory tenders are unlikely to be obtained; and
  - (b) where client training is involved.
- (xiii) To establish and amend the eligibility criteria in respect of community care services under the National Health Service and Community Care Act 1990 as circumstances dictate.
- (xiv) In special circumstances to exceed the maximum weekly amount for community care services under the National Health Service and Community Care Act 1990.
- (xv) After consultation with the Director of Finance, to make payments to providers of individual care under the National Health Service and Community Care Act 1990 quarterly in advance where the provider will not accept any other terms.
- (xvi) After consultation with the Director of Finances and the Monitoring Officer, to disregard the value of a former dwelling in assessing the client's contribution towards the cost of residential accommodation, where it is considered reasonable to do so.
- (xvii) After consultation with the Monitoring Officer to exercise the power to take charges against interests in property in accordance with Section 22(7) of the Health and Social Services and Social Security Adjudications Act 1983 by making declarations in writing to that effect for the purposes of securing the repayment to the Council of charges for the provision of residential accommodation.

- (xviii) To exercise the Council's functions regarding residential homes and nursing homes.
- (xix) To exercise the Council's functions under the Data Protection Act 1998 regarding access to personal files or information held by the department.

(3) **Section 75 Arrangements**

To exercise the Council's functions under or in connection with the adult social care and health partnership arrangements with health bodies made pursuant to Section 75 of the National Health Service Act 2006, to the extent that the arrangements permit an officer to exercise the functions.

(4) **Supported Employment**

To exercise the Council's powers regarding the employment of physically disabled people and youth,

## **V STRATEGIC DIRECTOR OF PLACE**

### **1. Environmental Awareness**

To exercise all the powers of the Council regarding the promotion of environmental awareness.

### **2. National Parks**

To exercise the Council's functions regarding National Parks so far as they relate to or affect Brighton & Hove.

### **3. Parks and Green Spaces**

- (1) To manage and control the Council's parks and open spaces
- (2) To exercise the Council's functions regarding the management of the countryside, grounds maintenance and planned maintenance.
- (3) To manage the Council's leisure facilities in parks and open spaces.

### **4. Travellers and Gypsies**

To exercise the Council's functions regarding all issues relating to travellers and gypsies including management of authorised sites.

### **5. Highways**

To exercise the Council's functions regarding highways, including those set out in Schedule 7 to this Scheme of Delegations.

### **6. Traffic Management**

- (1) To make provision for the regulation of traffic, pursuant to the Council's statutory powers, where formal orders are not required.
- (2) To authorise the Monitoring Officer to make temporary traffic orders without recourse to the consultation procedure.
- (3) To make provision for road safety schemes.
- (4) After consultation with Monitoring Officer and local Members (save in the case of temporary traffic restrictions) to make, give consent to or object to the making of, apply for or confirm any order under the provisions of the Highways Act 1980, the Wildlife

and Countryside Act 1981, the Road Traffic Regulation Act 1984, the Town and Country Planning Act 1990, the Traffic Management Act 2004 and the Rights of Way Act 1990.

## **7. Parking Management**

- (1) To determine the need for on-street parking bays for blue badge holders and for residents' parking bays and make or authorise the making or revocation of appropriate orders for the purpose.
- (2) To manage the car, coach and lorry parks owned by the Council.
- (3) To exercise the Council's functions regarding Civil Parking Enforcement.

## **8. Transport**

- (1) To prepare and implement the Council's Local Transport Plan (following approval by the Council).
- (2) To prepare and implement the Council's Transport Policy.
- (3) To arrange such consultations as appear to him/her to be appropriate following the notification by an operator of an intention to change a local bus service.
- (4) To take steps for the provision at short notice of temporary gap filling journeys where an operator withdraws from a route.
- (5) To award public transport contracts within established guidelines and policy.
- (6)
  - (a) On behalf of the Council, to enter into a 'de minimis' arrangement with an operator, subject to being satisfied that the particular arrangement is both appropriate and the most cost effective means of securing the provision of a journey;
  - (b) to authorise short term contracts for vehicle operators and to authorise vehicle leases in both cases not exceeding the sum of £12,000 per contract.
- (7) To approve requests for fares increases on supported services which are broadly in line with the general level of inflation.
- (8) To manage the provision of transport services for client departments including home-school transport and transport for social services.

[NOTE: The assessment of eligibility for home to school transport and any appeal relating to the determination on eligibility is a function delegated to the Strategic Director of People]

**9. Waste Management and Control**

- (1) To exercise the Council's functions regarding waste, litter and fouling by dogs including:
  - (a) collection and disposal;
  - (b) reduction and recycling;
  - (c) removal of abandoned vehicles;
  - (d) taking enforcement action in respect of the above.

**10. Land Use Planning**

- (1) To prepare and keep under review the Authority's Plan and Local Plan (subject to the adoption of the Plans by resolution of the Council).
- (2) To assume overall responsibility for planning policy and practice.
- (3) To advise the Planning Committee on planning policy, conservation and the traffic impacts of any proposed development.

**11. Town and Country Planning**

- (1) To determine applications in relation to matters listed under Part I of Schedule 4 to this Scheme of Delegation having regard to the Council's relevant planning policies and published guidelines.

PROVIDED THAT the powers delegated under the above shall NOT apply where:

- (a) 5 or more individual objections relating to valid planning matters from separate persons or bodies have been received in relation to applications that officers are minded to approve, or where 5 or more individual written expressions of support from separate bodies or persons have been received in relation to applications that officers are minded to refuse; or

- (b) Conservation Advisory Group (CAG) or Disabled Access Advisory Group (DAAG) requests, within the public consultation period, that an application is determined by the Planning Committee. In making the request CAG or DAAG shall state whether it would be seeking an approval or refusal of the application. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn; or
- (c) a Ward Councillor requests, within the public consultation period, that an application is determined by the Planning Committee. In making that request the Councillor shall state whether he/she would be seeking an approval or refusal of the application. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn. (NB In any case where the Ward Councillor is also a member of the Planning Committee and the application is referred to the Committee for determination, he/she will, if present, need to declare a prejudicial interest and, having exercised his/her right to make an oral representation to the Committee, leave the meeting during the consideration of the application.)
- (2) To exercise the Council's functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc as more particularly set out in Part II of Schedule 4 to this Scheme of Delegation.

## **12. Conservation and Design**

- (1) To exercise the Council's functions with regard to Conservation matters under the Town and Country Planning Acts.
- (2) (a) On completion of the relevant works and within approved budget the approval of all payments of Historic Building Grants under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 up to the percentage of grant specified in the adopted Action Plan for the specific grant scheme;
- (b) Under Historic Building Grant Schemes:
  - (i) to determine applications for discretionary historic building grants not exceeding £20,000 in the case of

40% repair grants and £7,500 in the case of £75% reinstatement grants, i.e. a maximum of £27,500 in total per property, doubled in the case of applications affecting two or more properties or properties with two street frontages;

- (ii) to determine applications for requests for additional grants towards extra eligible costs incurred, so long as the overall grant does not exceed the limits stated above;
  - (iii) to make interim payments on grants exceeding £6,000;
  - (iv) to seek to recover grants only where it is evident that the grant assisted works have added value to the property, or where the applicant has directly benefited from the grant.
- (3) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

### **13. Management of Establishments**

To manage the following establishments/sites:

- (a) the Raceground (subject to the rights of The Brighton Racecourse Company Limited);
- (c) Volks Railway

### **14. Markets**

To exercise the Council's functions in respect of markets other than those owned by the Council.

### **15. Building Control**

To exercise the Council's functions regarding building control.

### **16. Miscellaneous**

To exercise the Council's functions in respect of:

- (4) Coastal protection.

- (5) Allotments and smallholdings.
- (6) Numbering of housing and naming of streets.

**17. Environmental Health**

- (1) To exercise the Council's functions in respect of environmental health matters including the functions listed under Part 1 of Schedule 1 to this Scheme of Delegations.
- (2) To exercise the power to issue notices in respect of environmental health matters, including, but not limited to, those listed under Part II of Schedule 1 to this Scheme of Delegations.
- (3) To exercise the Council's powers under the Acts listed in Part II of Schedule 1 to this Scheme of Delegations

**18. Licensing and Registration**

- (1) To exercise the functions of the Council in relation to licensing and registration, including but not limited to functions under the Licensing Act 2003 and the Gambling Act 2005 to the extent that such powers may be delegated to an officer under those Acts.
- (2) The power to grant licences, permits, consents or registrations, as the case may be, in relation to the Council's licensing and registration functions including those listed in Schedule 2 to this Scheme of Delegations.
- (3) The power to grant licences etc. under (1) and (2) above shall not apply:
  - (i) where the granting of the licence would be contrary to any existing policy of the Council, provided that the above qualification shall not apply where the Council has no power to refuse applications.
  - (ii) in relation to the following matters under the Licensing Act 2003:
    - (a) the determination of an application for a premises licence where representations have been made
    - (b) the determination of an application for a provisional statement where representations have been made

- (c) the determination of an application for variation of a premises licence where representations have been made
  - (d) the determination of an application to vary the designated premises supervisor following Police objections
  - (e) the determination of an application for the transfer of a premises licence following Police objections
  - (f) consideration of a Police objection made to an interim authority notice
  - (g) the determination of an application for a club premises certificate where representations have been made
  - (h) the decision to give counter notice following Police objections to a temporary event order
  - (i) the determination of an application for the grant of a personal licence following Police objections
- (iii) In relation to the following matters under the Gambling Act 2005 –
- (a) the determination of an application for a premises licence where representations have been made and not withdrawn
  - (b) the determination of an application for a variation of a premises licence where representations have been made and not withdrawn
  - (c) the determination of an application for the transfer of a premises licence where representations have been received from the Commission
  - (d) the determination of an application for a provisional statement where representations have been received and not withdrawn
  - (e) the determination of an application for a review of a premises licence
  - (f) the determination of an application for club gaming / club machine permits where objections have been made
  - (g) the cancellation of club gaming / club machine permits

- (h) the decision to give a counter notice to a temporary use notice
- (4) Where, in the opinion of the Director, after consultation with the Chairman of the Licensing Committee, the application is considered to be a major application, having regard to licensing objectives, the matter may be referred to the full Licensing Committee. Major applications which are unopposed may be dealt with under officer delegated powers.
- (5) The power to grant licences under sub-paragraphs (1) and (2) above shall include the power to renew, transfer, vary, refuse, suspend or revoke such licence, registration etc. and the power to impose conditions.
- (6) Subject to paragraph (7) below, and after considering the recommendations of the advisory committee established to advise on licensing functions that are the responsibility of the Executive, to set hackney carriage fares.
- (7) Where the Assistant Director is minded to reject the recommendations of the advisory committee referred to in paragraph (6) above, to refer the matter to the Environment Cabinet Member or the Cabinet

## **19. Trading Standards**

- (1) To exercise the Council's functions with regard to trading standards.
- (2) Without prejudice to the generality of (1) above, to discharge the Council's functions under the legislative provisions listed under Schedule 3 to this Scheme of Delegations.

## **20 Neighbourhood Renewal**

To exercise the Council's functions in respect of neighbourhood renewal, which include:

- (a) Developing and implementing the neighbourhood renewal strategy for the City in order to narrow the gap between the most deprived neighbourhoods and the rest of the City, under the themes set by national Government of: housing, health, liveability, crime, education and employment and

(b) acting as the accountable body for the neighbourhood renewal fund on behalf of the Local Strategic Partnership.

**21. Economic Development/Single Regeneration Budget (SRB)/  
European Union**

**(1) Economic Development and Regeneration**

To co-ordinate and arrange for the discharge of the Council's functions under Part III of the Local Government and Housing Act 1989 and all other functions relating to economic development and regeneration

**(2) European Union**

To be the proper officer for authorising submissions under the European Commission programmes on behalf of the Council as a whole, as opposed to individual services.

**22. Supporting People**

To exercise the Council's functions for supporting people under section 193 of the Local Government Act 2000 (grants for welfare services)

**23. Housing**

**(1) General**

To manage the Council's housing services

**(2) Housing Revenue Account (H.R.A.) Properties**

(a) To manage property within the Housing Revenue Account and associated property;

(b) Without prejudice to (a) above, exercise the housing functions listed in Schedule 5 to this Scheme of Delegations.

**(3) Right to Buy**

To administer the right to buy scheme.

**(4) Housing Strategy**

(a) To exercise the Council's powers as a local housing authority,

- (b) Without prejudice to (a) above, to exercise the Council's functions in respect of the preparation and development of the Council's housing strategy including the housing investment programme.

(5) **Homelessness and Allocations**

To discharge the Council's functions regarding homeless persons under the Homelessness legislation, and exercise the Council's powers regarding the allocation of dwellings generally, including the Council's functions under Part VI of the Housing Act 1996.

(6) **Housing Grants**

To carry out the Council's functions in relation to grants for the improvement and repair of housing under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 and earlier and any later grants legislation.

(7) **Standards of Housing**

- (a) To exercise the Council's functions regarding standards of housing in its area;
- (b) Without prejudice to the generality of (a) above, the Director shall have the power to deal with the enforcement of housing standards additional control measures in residential accommodation and licensing of houses in multiple occupation, selective licensing of other residential accommodation and overcrowding under the Housing Act 2004 and all other relevant legislative provisions, provided that any decision involving the making of demolition orders and prohibition orders, but not Emergency Prohibition Orders under sections 43 and 44, shall not be taken unless the Cabinet Member for Housing and the Monitoring Officer have been consulted and have no objections;
- (c) Without prejudice to the generality of (a) above, to serve enforcement notices or take other appropriate action under statutory provisions for the abatement of nuisances or requiring works to be done to remedy nuisances, hazards to health or other matters in residential premises.

(8) **Tenancy Relations**

To exercise the Council's functions regarding tenancy relations and in particular the Council's functions under the Protection from Eviction Act 1977 and the Landlord and Tenant Act 1985.

(9) **Housing Advice**

To discharge the Council's functions regarding the provision of advice on housing matters and the publication of information.

(10) **Access to Personal Files**

To exercise the Council's functions regarding access to personal files or information under the Data Protection Act 1998.

(11) **Licensing and Registration**

To exercise the Council's functions regarding the licensing of Houses in Multiple Occupation under the Housing Act 2004 and any other relevant legislation and the maintenance of all registers required in respect of licensing, Housing Notices and Orders and Interim and Final Management Orders and Empty Dwelling Management Orders.

(12) **Power to issue Notices**

- (a) To issue and sign Notices of Seeking Possession and Notices to Quit in relation to any secure or non secure housing tenancies.
- (b) To issue and sign statutory notices that relate to private sector residential properties and to exercise the Council's powers under the following Acts:

**Housing Act 1985 Parts VI, VIII, IX, X, XI, XVI**

Housing Act 1996 Part II

Housing Grants, Construction and Regeneration Act 1996

Parts 1 and V

Local Government (Miscellaneous Provisions) Act 1976 ss.

16 and 33

Local Government (Miscellaneous Provisions) Act 1982 s.29

Public Health Act 1936 ss.45,48,49,83,84 and 275

Public Health Act 1961 ss. 17 and 22

Building Act 1984 ss. 59, 64,66,67,70,72,76,84 and 97

Environmental Protection Act 1990 Parts III and IX

Prevention of Damage by Pests Act 1949 s.4

Health and Safety at Work, etc. Act 1974 s.4

Housing Act 2004 Parts 1, 2, 3, 4, Part 6 section 216 only,

Part 7

## VI STRATEGIC DIRECTOR OF COMMUNITIES

### General Delegations

To exercise the Council's functions regarding Communities, Culture, Arts, Tourism and Venues and, without prejudice to the generality of the foregoing, to exercise the following functions:

#### 1. Tourism

- (1) To exercise the Council's functions regarding tourism.
- (2) To provide publicity and information services for the promotion of Brighton and Hove as a major tourist, conference, exhibition and holiday centre including the planning and execution of publicity and advertising schemes, the preparation and dissemination of guides and similar publications, and co-operation with national, regional and local bodies in all these matters.

#### 2. Arts and Creative Industries

- (1) To exercise the Council's functions regarding arts, entertainments and creative industries
- (2) To make arrangements for the sale or issue of tickets for concerts, plays and similar events.
- (3) To manage the relationship with the Dome Operating Company and the Brighton Festival Trust

#### 3. Management of Establishments

To manage the following establishments/sites:

- (a) the Royal Pavilion and Grounds;
- (b) all libraries, museums and art galleries belonging to the Council;
- (c) The Grange, Rottingdean;
- (d) Preston Manor;
- (e) West Blatchington Windmill and Foredown Countryside Centre;
- (f) Portslade Old Manor House, Portslade;

- (g) all leisure facilities, including the King Alfred leisure Centre, the Prince Regent Swimming Pool, Stanley Deason and Moulescoomb Leisure Centre

#### **4. Libraries**

To exercise the functions of the Council in relation to libraries and in particular the power to:

- (a) fix the opening and closing hours of libraries;
- (b) set the fees and charges made by the Business Information Services;
- (c) take such other steps as appear to the Director to be necessary or conducive to the effective and efficient running of the library service.

#### **5. Venues**

- (1) To manage the following establishments/sites:
  - (a) the Brighton Centre;
  - (b) Hove Town Hall (excluding office accommodation and Mayoral Suite);
- (2) To manage the relationship with the Dome Development Company (Devco) and matters in relation to the Dome complex.

#### **6. Archives**

To exercise the Council's functions regarding the custody and maintenance of the Council's historical documents and records.

#### **7. Communities & Equality**

- (1) To manage community and voluntary sector discretionary grants, as follows:
  - (a) In relation to the Three Year Corporate Grant Programme, to process applications for grants from communities and non-profit making bodies in the area of the Council and make recommendations to the Cabinet.
  - (b) In relation to all other grants administered by the Director (including grants to smaller organisations, specialist programme grants, community development grants and Global Grants), to receive, commission and process grant applications and to approve grants after consultation with either (i) the Chairman of the Members' Advisory Group for

grants of £3,000 or less, or (ii) the Members' Advisory Group for grants in excess of £3,000.

- (2) To develop the Council's approaches to tackling inequality and discrimination both within the Council as an employer and across the city.

**8. Seafront**

- (1) To exercise the Council's functions regarding the seafront.
- (2) Without prejudice to above, to deal with:
  - (a) applications for permission to hold competitions, regattas, barbecues and similar events on or from the esplanade, beach or foreshore (including the power to impose conditions in relation thereto);
  - (b) the grant, renewal, transfer, variation, refusal, suspension or revocation of licences, permits, consents or registrations, as the case may be, in relation to trading on the esplanade beach and foreshore;
  - (c) the storage of boats on the beach, the letting of the beach station, the licensing of boats and boatmen, the granting of rights appertaining to beach lockers and winches and similar matters (including the granting of licences and entering into agreements and the termination of such licences and agreements);
  - (d) the granting of site licences for beach huts, entering into agreements for the letting or hiring of the Council's beach chalets and the termination of such licences and agreements;
  - (e) the exercise of the Council's functions under the East Sussex Act 1981 Section 12 (removal of boats);
  - (f) the temporary closure of part of Madeira Drive Brighton for special events.

**9. Community Safety and Drug Action Team**

- (1) To exercise the functions of the Council in relation to Community Safety and in particular the power to:
  - (a) co-ordinate the Council's functions regarding the police and public safety and to take such corporate action as is necessary, including:
    - (i) making the consultative arrangements under the Police Act 1996;
    - (ii) drawing up community safety plans;

- (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes.
  - (b) To take any action or steps under the Crime and Disorder Act 1998, the Criminal Justice and Police Act 2001, the Anti Social Behaviour Act 2003 and such other legislation as appears necessary in the interests of the Council and in accordance with the Council's community safety, youth crime and other safer streets strategies.
- (2) To exercise the Council's functions regarding drug and substance misuse.

**10. Events**

To organise and manage recreational activities and events on Council owned land including parks and open spaces.

**11. Leisure**

- (1) To exercise the Council's functions regarding leisure
- (2) To manage the esplanade, beach and foreshore, the seafront lawns and lagoon.
- (3) To organise and manage programmes of public entertainment on land and buildings under the Director's management or by arrangement with third parties

**V11 DIRECTOR OF PUBLIC HEALTH**

**1. General**

To provide advice and support to the Council on issues of public health.

## **DELEGATIONS TO HEADS OF DELIVERY UNITS**

### **VIII DELEGATIONS TO HEAD OF CITY SERVICES**

1. The delivery of the following functions as set out in section 8 of the delegations to the Strategic Director for Resources
  - (a) Local Taxations Services
  - (b) Housing Benefit and Council Tax Benefit
  - (c) Local Land Charges
  - (d) Registration Service
  - (e) Travel Concessions
  - (f) Electoral Registration and Elections
  - (g) Coroner's Service
  - (h) Bereavement Services
  - (i) Appointment of Authorised Officers
  - (j) Access Services
2. The delivery of the Council's functions regarding school admissions.
3. The management of the Council's Library Services as set out in section 4 of the delegations to the Strategic Director for Communities.

### **IX DELEGATIONS TO HEAD OF PLANNING AND PUBLIC PROTECTION**

1. To exercise the Council's powers regarding the delivery of the following functions comprised in the delegations to the Strategic Director of Place under sections 1-3, 5-8 and 10-21 inclusive, namely:
  - (a) Environmental Awareness
  - (b) Land Use Planning
  - (c) Town and Country Planning
  - (d) Conservation and Design
  - (e) Management of Establishments
  - (f) Markets
  - (g) Building Control
  - (h) Environmental Health
  - (i) Licensing and Registration
  - (j) Trading Standards
  - (k) Neighbourhood Renewal
  - (l) Economic Development/Single Regeneration Budget and European Union

2. To exercise the delivery of the Council's functions regarding Community Safety as set out in section 9 of the Delegations to the Strategic Director of Communities.
3. To exercise the Council's powers regarding the delivery of emergency planning services as set out in section 9 of the Delegations to the Strategic Director for Resources.

**X DELEGATIONS TO HEAD OF TOURISM AND LEISURE**

1. To exercise the Council's powers regarding the delivery of the functions set out in sections 1-3, 5 and 8 of the delegations to the Strategic Director for Communities, namely:
  - (a) Tourism
  - (b) Arts and Creative Industries
  - (c) Management of various establishments listed under paragraph 3 of the delegations to the Strategic Director for Communities
  - (d) Venues
  - (e) Archives
  - (f) Seafront
  - (g) Events

**XI DELEGATIONS TO HEAD OF CITY INFRASTRUCTURE**

1. To exercise the Council's powers regarding the delivery of functions set out under the delegations to the Strategic Director of Place under sections 2-3, 5-9 and 16, namely:
  - (a) National Parks
  - (b) Parks and Green Spaces
  - (c) Highways
  - (d) Traffic Management
  - (e) Parking Management
  - (f) Transport
  - (g) Waste Management Control
  - (h) Coastal Protection
  - (i) Allotments and smallholdings
  - (j) Numbering of housing and naming of streets

**XII DELEGATIONS TO HEAD OF HOUSING MANAGEMENT**

1. Housing

To exercise the Council's functions regarding the delivery of housing management including those set out in section 23 of the Strategic Director of Place, namely:

- (a) To manage the Council's housing service insofar as they relate to Council owned dwellings used for housing purposes;
- (b) To manage property within the Housing Revenue Account and associated property;
- (c) Without prejudice to (b) above, to exercise the Council's housing functions listed in schedule 5 to this Scheme of Delegations.

2. Travellers and Gypsies

To exercise the delivery of the Council's functions regarding travellers and gypsies, including management of authorised sites.

**C. REFERRED FUNCTIONS**

**ALL OFFICERS WITH DELEGATED POWERS**

1. Each power and duty of the Council delegated or referred to a Committee or Sub-Committee of the Council and not delegated to an officer shall be a referred function of the Strategic Director dealing with that area of service. The Strategic Director shall give advice and report to Members as appropriate.
2. Each power and duty of the Executive delegated or referred to the Cabinet, a Cabinet Member or a Cabinet Committee, and not delegated to an officer, shall be a referred function of the Strategic Director dealing with that area of service. The Director shall give advice and report to the Executive as appropriate.

## **SCHEDULE 1**

### **Part I**

#### **Powers delegated to the Strategic Director of Place and Head of Planning & Public Protection**

- (1) Statutory and Public Nuisances.
- (2) Control of Noise.
- (3) Control of Air Pollution.
- (4) Contaminated Land.
- (5) Prevention of Damage by Pests.
- (6) The provision, management and control of Cemeteries, Mortuaries and Crematoria and the discharge of the Council's functions relating to burials and cremation generally.
- (7) The provision, management and control of public toilets.
- (8) Food, Drinking Water, Food Hygiene and associated matters.
- (9) Functions in connection with the Welfare and Control of Animals.
- (10) Control of Diseases and General Public Health matters.
- (11) Drains and private sewers and any other environmental health functions in relation to sewerage, water or seawater (by arrangement with the service operators if appropriate).
- (12) Health and Safety at Work.
- (13) Provisions relating to shops including Sunday trading.
- (14) Hazardous Substances.
- (15) Slaughterhouses, Knackers Yards and Cutting Premises.
- (16) Port Health.

## Part II

Legislative provisions under which notices may be served

- (1) Local Government (Miscellaneous Provisions) Act 1976 ss. 16 and 33.
- (2) Local Government (Miscellaneous Provisions) Act 1982 s.29.
- (3) Public Health Act 1936 ss.45, 48, 49, 83, 84 and 275.
- (4) Public Health Act 1961 ss. 17 and 22.
- (5) Building Act 1984 ss. 59, 64,66,67,70,72,76,84 and 97.
- (6) Environmental Protection Act 1990 Parts III and IX.
- (7) Food Safety Act 1990.
- (8) Prevention of Damage by Pests Act 1949 s.4.
- (9) Health and Safety at Work, etc. Act 1974.
- (10) Noise Act 1996
- (11) Anti-Social Behaviour Act 2003
- (12) Clean Neighbourhoods and Environment Act 2005
- (13) Animal Welfare Act 2006
- (14) Health Act 2006

## SCHEDULE 2

### **Licensing and Registration Functions delegated to the Strategic Director of Place and Head of Planning & Public Protection**

Note. The list below lists Licensing Act 2003, Gambling Act 2005 and other functions.

- (1) Functions under the Licensing Act 2003 relating to :
  - (a) Personal Licences
  - (b) Premises Licences
  - (c) Club Premises Certificates
  - (d) Temporary Event Notices
- (2) Functions under the Gambling Act 2005 relating to:
  - (a) Premises Licences
  - (b) Provisional Statements
  - (c) Club gaming / club machine permits
  - (d) Applications for other permits under the Gambling Act 2005
  - (e) Consideration of temporary use notice
- (3) Acupuncture, tattooing, ear-piercing and electrolysis.
- (4) Animals, including boarding establishments, dangerous wild animals, dog breeding, guard dogs, performing animals, pet shops, riding establishments and under the Game Act 1831.
- (5) Betting tracks.
- (6) Camp sites and control of movable dwellings.
- (7) Caravan sites.

- (8) Charities for disabled persons and war charities.
- (9) Cinemas.
- (10) Contaminated land.
- (11) Dairies, dairymen and milk distributors.
- (12) Explosives.
- (13) Filling materials and premises used for upholstering, stuffing, lining of bedding, toys etc.
- (14) Food Safety Act 1990 Section 19 functions and functions dealing with food premises.
- (15) Hackney carriages and private hire vehicles and their drivers and operators.
- (16) House to house collections and other collections for charity.
- (17) Late night refreshment houses, night cafes and take away cafes.
- (18) Lotteries, gaming, pool promotion etc.
- (19) Nurses agencies.
- (20) Omnibuses.
- (21) Petroleum.
- (22) Poisons.
- (23) Public entertainment licences and private places of entertainment.
- (24) Door Supervisors
- (25) Riding establishments.
- (26) Scrap metal dealers.
- (27) Sex establishments.
- (28) Sports grounds.
- (29) Street trading

(30) Street collections.

(31) Theatres.

(32) Zoos.

**SCHEDULE 3**

Trading Standards Functions delegated to the Strategic Director of Place and the Head of Planning & Public Protection

Accommodation Agencies Act 1953  
 Administration of Justice Act 1970 as amended  
 Agricultural Produce (Grading and Marking) Amendment Act 1931  
 Agricultural Produce (Grading and Marking) Act 1928  
 Agriculture Act 1970  
 Agriculture (Miscellaneous Provisions) Act 1968  
 Animal Health Act 1981  
 Business Names Act 1985  
 Children and Young Persons Act 1933 as amended by the Protection of Children (Tobacco) Act 1986  
 Children and Young Persons (Protection from Tobacco) Act 1991  
 Clean Air Act 1993  
 Consumer Credit Act 1974  
 Consumer Protection Act 1987  
 Consumer Protection from Unfair Trading Regulations 2008  
 Copyright Designs and Patents Act 1988  
 Criminal Attempts Act 1981  
 Development of Tourism Act 1969  
 Education Reform Act 1988, Sections 214 and 215  
 Energy Act 1976  
 Energy Conservation Act 1981  
 Environmental Protection Act 1990  
 Estate Agents Act 1979  
 European Communities Act 1972  
 Explosives Acts 1875 and 1923  
 Explosives (Age of Purchase &c) Act 1976  
 Fair Trading Act 1973  
 Farm and Garden Chemicals Act 1967  
 Food Safety Act 1990  
 Food and Environment Protection Act 1985  
 Forgery and Counterfeiting Act 1981  
 Hallmarking Act 1973  
 Health and Safety at Work etc. Act 1974  
 Intoxicating Substances (Supply) Act 1985  
 Malicious Communications Act 1988  
 Medicines Act 1968  
 Mock Auctions Act 1961  
 Motor Cycle Noise Act 1987  
 Motor Vehicles (Safety Equipment for Children) Act 1991  
 Nurses Agencies Act 1957  
 Poisons Act 1972

Prices Acts 1974 and 1975  
Property Misdescriptions Act 1991  
Protection of Animals Act 1911  
Road Traffic Acts 1988 and 1991  
Road Traffic Regulation Act 1984  
Road Traffic (Foreign Vehicles) Act 1972  
Solicitors Act 1974 as amended by the Administration of Justice Act 1985  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Act 1958  
Trading Representations (Disabled Persons) Amendment Act 1972  
Trading Stamps Act 1964  
Unsolicited Goods and Services Act 1971  
Unsolicited Goods and Services Amendment Act 1975  
Video Recordings Act 1984  
Weights and Measures Act 1985

## SCHEDULE 4

### Functions delegated to the Strategic Director of Place and the Head of Planning & Public Protection in Relation to Planning

#### Part I

- (1) To determine planning applications (including identifying the need for and the settling of terms of Planning Obligations under S106 of the Town and Country Planning Act 1990, the imposition of conditions where consent is granted and the renewal of existing permissions) where the applications relate to the following categories of development:
- (i) alterations/extensions to single dwellinghouses and buildings containing residential flats;
  - (ii) works within the curtilage of buildings which are incidental to their lawful use;
  - (iii) changes of use;
  - (iv) applications submitted pursuant to Article IV Directions;
  - (v) variations to existing approved schemes;
  - (vi) detailed and reserved matters submissions pursuant to conditions on planning permissions;
  - (vii) alterations to or installation of shop fronts;
  - (viii) the provision of no more than 9 new dwelling units (net increase), either by the construction of new buildings or by conversion of existing buildings;
  - (ix) extensions and alterations to non-residential buildings;
  - (x) applications relating to the formation of accesses, fire escapes, replacement windows, flag poles, the erection of and alterations to walls, fences or other means of enclosure, floodlights, radio and TV masts, telecommunications apparatus, material changes to the external appearance of buildings, including extensions;

- (xi) renewals of temporary permissions;
  - (xii) applications to vary or delete conditions attached to planning permissions;
  - (xiii) all other minor applications not referred to above.
- (2) Applications for consent under the Advertisements Regulations.
  - (3) Applications for Conservation Area Consent.
  - (4) Applications for Listed Building Consent.
  - (5) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

## Part II

- (1) To determine applications for certificates of lawfulness of existing or proposed uses or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- (2) To make Tree Preservation Orders and Provisional Tree Preservation Orders and, unless valid objections are received, to confirm such orders in accordance with statutory requirements.
- (3) To determine applications for works to felling of trees included in Tree Preservation Orders and in Conservation Areas.
- (4) After consultation with the Head of Legal and Democratic Services :
  - (a) to take enforcement action including the service of formal Notices (including all preparatory work thereto and the service of planning contravention notices) and to authorise the institution of legal proceedings where necessary;
  - (b) to authorise the removal of enforcement notices from the Local Land Charges Register where appropriate.
- (5) To determine applications for Certificates of Appropriate Alternative Development pursuant to Section 17 of the Land Compensation Act 1961.
- (6) To determine on behalf of the Council whether the prior approval of the Authority will be needed for the method whereby any proposed demolition is to be carried out and the details of any proposed restoration of the site.
- (7) To submit observations on behalf of the Local Planning Authority in respect of consultations (on planning matters) by government departments, other local authorities, local government associations and statutory or regulatory bodies.
- (8) To determine on behalf of the Council applications for determination as to whether prior approval is required for the siting and appearance of development consisting of the construction, installation, alteration or replacement of telecommunications masts and associated equipment.

- (9) To exercise the Council's functions in respect of Environmental Impact Assessment screening / scoping under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and the Strategic Environmental Assessment (SEA) Regulations.
- (10) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

## **SCHEDULE 5**

### **Functions delegated to the Strategic Director of Place and the Head of Housing Management in respect of HRA properties**

The power to:

- (1) Grant tenancies.
- (2) Deal with applications for consent to assign.
- (3) Fix rents for specific properties (any decision to raise rents generally shall be referred to the Cabinet Member for Housing).
- (4) Serve notices of seeking possession and notices to quit.
- (5) Arrange for the repair and maintenance of properties.
- (6) Issue consents, permits etc. to tenants for works and deal with other requests for consent presented to the Council as a landlord.
- (7) Make payments in appropriate cases for removal expenses and compensation for improvements or disrepair not exceeding £1000 or such other sum as may from time to time be fixed by statute or by the Director after consultation with the Cabinet Member for Housing.
- (8) Manage and supervise the Council's tenants' participation scheme and undertake such other consultation with tenants as may be necessary.
- (9) To exercise the Council's functions under the Crime and Disorder Act 1998 as appears necessary in the interests of the Council's

housing land and/or tenants and in accordance with the Council's community safety and youth crime strategies.

## SCHEDULE 6

### Functions delegated to the Strategic Director of Resources and the Head of City Services in relation to Local Taxation

#### (1) Non-Domestic Rates

To exercise the functions of the Council under the Local Government Finance Act 1988 and Regulations made thereunder in connection with the administration, collection and enforcement of non-domestic rates including, but not limited to:

- (a) the issuing of demand notices and reminders;
- (b) issuing proceedings for a liability order;
- (c) taking all enforcement actions including attachment of earnings, levying of distress, application for a charging order and petitions for bankruptcy/winding up;
- (d) without prejudice to the provisions of paragraph 4 of Part A the authorisation of officers for specific purposes where such authorisation is required by legislation or under any rule of law including (but not limited to) authorisation to levy distress or otherwise act as bailiffs;
- (e) the authorisation of outside agents to levy distress on behalf of the Council;
- (f) the granting of discretionary relief in accordance with the policies of the Council.

#### (2) Council Tax

To exercise the functions of the Council under the Local Government Finance Act 1992 and Regulations made thereunder in connection with the administration, collection and enforcement of the Council Tax (provided that this power shall not include the functions of the Council regarding the setting of the Council Tax Base and the level of Council Tax itself), including but not limited to:

- (a) the issuing of demand notices and reminders;
- (b) issuing proceedings for a liability order;

- (c) taking all enforcement actions including attachment of earnings, levying of distress, application for a charging order and petitions for bankruptcy/winding up;
- (d) without prejudice to the provisions of paragraph 4 of Part A the authorisation of officers for specific purposes where such authorisation is required by legislation or under any rule of law including (but not limited to) authorisation levy distress or otherwise act as bailiffs and authorisation to make attachment of earnings orders;
- (e) the authorisation of outside agents to levy distress on behalf of the Council;
- (f) the granting of discretionary relief in accordance with the policies of the Council.

**(3) Power to issue notices**

In addition to the Assistant Director Customer Services, the Head of Revenues and Benefits and the Revenues Manager are authorised to issue and sign the necessary documents and institute proceedings in the Magistrates' Court for the recovery of, or in connection with the recovery of Non Domestic Rates and Council Tax.

[NOTE - such authorisation shall not include authorisation to appear as an advocate in the Magistrates' Court which shall be given by the Monitoring Officer at the request of the Assistant Director Customer Services]

**(4) General Rates and Community Charge**

To deal with any unresolved matter concerning the Community Charge under the Local Government Finance Act 1988 and Rates under the General Rate Act 1967 including the exercise of all the powers detailed under 1(1) and (2) above as they apply to the Community Charge and General Rates.

## SCHEDULE 7

### Highways functions delegated to the Strategic Director of Place and the Head of City Infrastructure

- (1) To authorise:
  - (a) the erection and siting of buildings or structures or the carrying out of works:
    - (i) within, over or under the highway;
    - (ii) in front of the prescribed building line;
    - (iii) private works over or under the public highway, subject to securing appropriate bonding arrangements and commuted maintenance payments.
  - (b) interference with or obstruction to highways; and
  - (c) the grant of permissions and licences.
- (2) Without limiting the scope of paragraph (1) above, to exercise the Council's functions in relation to licences and permits under the Highways Act 1980, section 115A to K (amenities on the highway), section 139 (control of builders' skips), section 169 (control of scaffolding and hoardings) and section 171 (control of builders' material etc).
- (3) To exercise the powers of the council under Part 3 of the Traffic Management Act 2004
- (4) To exercise the powers of the council under Part 3 of the New Roads and Street Works Act 1991 (as amended)
- (5) To exercise the council's civil enforcement powers under Part 6 of the Traffic Management Act 2004
- (6) After consultation with the Monitoring Officer and local Members (save in the case of temporary traffic restrictions) to make, give consent to or object to the making of, apply for or confirm any order under the provisions of the Highways Act 1980, the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984, the Town and Country Planning Act 1990, the Parking Act 1989 and the Rights of Way Act 1990.

- (7) To approve, from time to time, a schedule of prospectively maintainable highways under the New Roads and Street Works Act 1991.
- (8) To authorise the entering into of agreements with the developers under Section 38 of the Highways Act 1980 and to exercise the powers of the Council with respect to the formal adoption of private streets generally.
- (9) To authorise entry onto any land for the purpose of survey and to place or leave on or in that land any apparatus for use in connection with that survey.
- (10) To exercise the discretionary powers of the Council under the Land Compensation Act 1973 (as amended) and the Noise Insulation Regulations subject to a maximum limit of £5000.
- (11) After consultation with the Monitoring Officer to serve notices of exemption from the Advance Payments Code (Private Street Works) in appropriate cases where this would not prejudice the Council.
- (12) To object, when appropriate on highway grounds, to applications to licensing authorities.
- (13) To undertake the powers and duties of the Council as enforcement authority under the Reservoirs Act 1975, including the service of formal notices and the authorisation of legal proceedings.
- (14) To exercise the powers and duties of the Council in relation to (a) the interference with, or obstruction to, any highway, or (b) any nuisance on any highway or land adjoining a highway



**BRIGHTON & HOVE CITY COUNCIL**

**GOVERNANCE COMMITTEE**

**2.00PM 28 SEPTEMBER 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Mears, Mitchell, Randall, Smith, West and Young

**PART ONE**

**30. CHANGES TO THE SCHEME OF DELEGATIONS TO OFFICERS**

- 30.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Changes to the Scheme of Delegations to Officers.
- 30.2 The Chief Executive, Mr Barradell, introduced the report and stated that the implementation of these changes was part of the restructuring process that the Council was current undertaking. The Strategic Directors had now been appointed with the first to arrive on 1 October 2010.
- 30.3 The Acting Director of Strategy & Governance, Mr Ghebre-Ghiorghis, spoke to the technical aspects of the report and stated that the new scheme was needed to reflect the officer changes under Intelligent Commissioning. There was no change to Member level powers aside from some changes to the Cabinet Member functions relating to travellers. The key point to note was that there would be no changes to the Member/Officer balance of power and the powers of the Committees and the Cabinet would be maintained. The Chief Executive would deal with any issues that arose during the transitional phase.
- 30.4 Councillor Mears highlighted that a new Member's directory was being produced, which would give contact details and an outline for the new management structure, and would be easy to use. Mr Ghebre-Ghiorghis also noted that a Member's seminar was being arranged to provide a more clear understanding of arrangements under Intelligent Commissioning.
- 30.5 Councillor Elgood asked where the responsibility fell for decisions on the scheme of delegations. The Chairman replied that elements of it would be dealt with at the Governance Committee and other elements at Cabinet Meetings.
- 30.6 Councillor Elgood asked whether changes to the Constitution should go to Full Council. Mr Ghebre-Ghiorghis stated that article 15 of the Constitution sets out how amendments were dealt with. Changes to officer delegations relating to

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- Council functions were dealt with by the Governance Committee and changes to officer delegations relating to executive functions were decided by Cabinet.
- 30.6 Councillor Elgood asked if the changes to the functions of Cabinet Member Meetings and Scrutiny Committees would go to Full Council and the Chairman replied that the changes are limited to Officer delegations and do not include Member-level delegations. The Acting Director of Strategy & Governance clarified that the tables circulated were only for information to show the relationship between Lead Member and Strategic Director roles and do not imply any changes at member level.
- 30.7 Councillor Mitchell stated that she did not feel able to take part in the voting on this item as the changes had already been decided by Cabinet first, and she did not feel that the Governance Committee had been consulted at the beginning of the process.
- 30.8 **RESOLVED –**
- (1) That the Governance Committee approves the following:
    - (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Council functions, be agreed;
    - (ii) That the amended Scheme of Delegations (in so far as it relates to Council functions) comes into force on 1<sup>st</sup> November 2010;
    - (iii) That the services provided by the Delivery Units on 1<sup>st</sup> November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle;
    - (iv) That the Chief executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;
    - (v) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.
  - (2) That the Governance Committee recommends to Cabinet:
    - (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Executive functions, be agreed;
    - (ii) That the amended Scheme of Delegations (in so far as it relates to Executive functions) comes into force on 1<sup>st</sup> November 2010;
    - (iii) That the services provided by the Delivery Units on 1<sup>st</sup> November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle;

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- (iv) That the functions of the Council regarding Travellers and Gypsies be transferred from the Cabinet Member for Environment to the Cabinet Member for Housing;
- (v) That the Chief Executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;
- (vi) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.

