

POLICY & RESOURCES COMMITTEE ADDENDUM

4.00PM, THURSDAY, 24 MARCH 2022

HOVE TOWN HALL - COUNCIL CHAMBER

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ADDENDUM

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Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 114(a)

Subject: Ukraine Update

Date of meeting: 24th March 2022

Verbal Update: Executive Director Housing Communities &
Neighbourhoods

For general release

By reason of the special circumstances below, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the Committee is of the opinion that an item relating to the Ukrainian crisis should be considered at the meeting as a matter of urgency

A verbal update will be provided by the Executive Director Housing Neighbourhoods & Communities, and the Head of Communities & Equality

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 118

Subject: Notice of Motion: Resident/Visitors 'Bus Gate' Fines- Extract from the proceedings of the Environment, Transport & Sustainability Committee meeting held on the 15 March 2022

Date of meeting: 24 March 2022

Report of: Executive Director for Governance, People & Resources

Contact Officer: Name: John Peel
Tel: 01273 291058
Email: john.peel@brighton-hove.gov.uk

Ward(s) affected: All

For general release

Action Required of the Committee / Council:

To receive the minute extract from the Environment, Transport & Sustainability Committee for information.

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

4.00pm 15 March 2022

Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ - HTH/CC

Minutes

Present: Councillor Davis (Joint Chair), Heley (Joint Chair), Lloyd (Deputy Chair), Wilkinson (Opposition Spokesperson), Nemeth (Group Spokesperson), Fowler, Hamilton, Hills, Peltzer Dunn and Platts

Part One

83 MEMBER INVOLVEMENT

(d) Notices of Motion

(3) Resident/Visitors 'Bus Gate' Fines

83.1 Councillor Nemeth moved the follow Notice of Motion:

This Council:

1. Notes that Labour and Green Groups voted to make permanent two Experimental Traffic Regulation Orders relating to 'Bus Gates' in Valley Gardens after figures were released showing that the gates are not working as intended and that around 10,000 residents/visitors are being fined each month;
2. Requests an urgent Officer Report to Environment, Transport & Sustainability Committee to consider options to redesign the defective junctions.

83.2 Councillor Peltzer Dunn formally seconded the Notice of Motion.

83.3 In response to queries raised by Members, the Executive Director, Economy, Environment & Culture stated that the number of fines issued each month was declining and current figures could be provided after the meeting.

83.4 The Chair put the Notice of Motion to the vote that failed.

83.5 Councillors Nemeth and Peltzer Dunn requested that the official record their votes in support of the Notice of Motion.

The meeting concluded at 8.50pm

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 121

Date of meeting 24 March 2022

LABOUR GROUP AMENDMENT

Fair and Inclusive update including Workforce Equalities Report 2020-21

That the relevant changes are made to the recommendations as shown below in strikethrough and ***bold italics***:

2.1 Notes the report ~~and the recommendations~~.

2.2 Continues to support and champion the actions within the Fair & Inclusive Action Plan.

2.3 Instructs officers to publish voluntary 2021 ethnicity and disability pay gap reporting in Autumn 2022 to allow meaningful engagement with stakeholders, ***and to break down the ethnicity pay gap into the categories Black Asian Minority Ethnic British, Black Asian Minority Other, White British, White Irish, White Other, rather than White British/All other, as agreed at Policy & Resources Committee in July 2021.***

2.4 Further instructs officers to bring a report back to the October meeting of the Policy & Resources Committee outlining how the actions and initiatives taken contribute to achieving the Equality Objectives that the Council has set for itself and published in compliance with the Public Sector Equality Duty.

Proposed by: Cllr Appich

Seconded by: Cllr Evans

Recommendations to read if carried:

2.1 Notes the report.

2.2 Continues to support and champion the actions within the Fair & Inclusive Action Plan.

2.3 Instructs officers to publish voluntary 2021 ethnicity and disability pay gap reporting in Autumn 2022 to allow meaningful engagement with stakeholders, and to break down the ethnicity pay gap into the categories Black Asian Minority Ethnic British, Black Asian Minority Other, White British, White Irish, White Other, rather than White British/All other, as agreed at Policy & Resources Committee in July 2021.

2.4 Further instructs officers to bring a report back to the October meeting of the Policy & Resources Committee outlining how the actions and initiatives taken contribute to achieving the Equality Objectives that the Council has set for itself and published in compliance with the Public Sector Equality Duty.

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 122

Subject: Home to School Transport Re-Procurement 2023-2027 -
Extract from the proceedings of the Children Young People &
Skills Committee meeting held on the 7 March 2022

Date of meeting: 24 March 2022

Report of: Executive Director for Families Children & Learning

Contact Officer: Name: Lisa Johnson

Email: lisa.johnson@brighton-hove.gov.uk

Ward(s) affected: All

For general release

Action Required of the Committee / Council:

To consider the report and note the decision of the Children Young People & Skills (CYPS) Committee which support the recommendations in the report for Policy & Resources Committee. The Minutes of the CYPS meeting held on 7 March 2022 are below.

BRIGHTON & HOVE CITY COUNCIL
CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE

4.00pm 7TH MARCH 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present:

Councillors: Clare (Chair), O'Quinn (Opposition Spokesperson), Brown (Group Spokesperson), Grimshaw, Hamilton, Heley, Lloyd, McNair, Meadows, and Phillips.

Co-optees: Ms L Brown, Ms D Boyd, Mr T Cristin, Mr A Muirhead and Mr S Parr

PART ONE

71 HOME TO SCHOOL TRANSPORT – PROCUREMENT

71.1 The Committee considered the report of the Executive Director Families Children and Learning which provided an update and progress report on the Home to School Transport (HTST) service. The report was introduced by the Interim Head of Home to School Transport Service.

71.2 The Committee was informed that the HTST service was currently supporting 1,149 children of which 603 had Special Educational Needs and Disabilities (SEND). The service had a base budget of £3.8m and was very much demand led. Demand for the service had increased 10% since September 2021 and the number of children and young people with Education and Health Care Plans has doubled since 2015. The current Dynamic Purchasing System (DPS) would come to an end in August 2023 and it was necessary to start making decisions regarding onward procurement of this statutory service. The last procurement was undertaken in 2019 and was subject to a Local Government Association independent review and policy panel, both of which produced recommendations for the next procurement. As result of the difficulties in 2019, the council set up a Procurement Board to agree how to take forward the new contract. The Board's guiding principle has been to ensure that the comfort, safety and wellbeing of children and young people was at the forefront of decision making.

71.3 From the work the Procurement Board had carried out over the last 11 months, Members were presented with different models and options on how the contracts would be awarded. There had been consultation with stakeholders in preparation for the procurement including with councillors,

operators, families and special schools. The preferred option was for an open bid DPS with a new contract, new service specification and no reverse auction bidding. This approach was endorsed unanimously by members of the Procurement Advisory Board.

- 71.4 Councillor Heley understood it was not the DPS that had previously been problematic but the reverse auction bidding. She asked what assurances could be given that this flexibility would not be used to the detriment of pupils and their families. The Interim Head of Home to School Transport Service gave assurances that reverse auction bidding was used for approximately a month at the beginning of 2019 and was then disbanded. She confirmed there was no intention to return to this.
- 71.5 Councillor Heley asked what the Sustainability Strategy would likely entail. The Interim Head of Home to School Transport Service informed Members this would include issues such as reducing traffic across the city, air quality and emissions, electric vehicles and centralised drop off points, where safe and appropriate to do so.
- 71.6 Cllr Heley noted that the DPS could not be restricted to local providers and asked how Members could be assured that drivers who were not licenced in Brighton and Hove were operating within the council's regulations. The Interim Head of Home to School Transport Service said the intention was that new entrants within the framework would be expected to contractually adhere to the council's licensing conditions. For example, the frequency of DBS checks and requirement to have CCTV in vehicles.
- 71.7 Councillor Brown was pleased to see such a detailed report and consultation with the Parent and Carer Council (PACC). She asked for further clarification on the obligation of operators to follow the council's blue book of licensing. The Interim Head of Home to School Transport Service confirmed that in the existing contract and in the new contact there would be a requirement for operators to ensure each of their transport personnel was aware of, and complied with, the requirements of the Brighton and Hove Blue Handbook.
- 71.8 Councillor Brown queried why the Contract Manager was still not in post after four recruitment attempts and asked why this position had been difficult to fill. The Interim Head of Home to School Transport Service felt that the part time hours of 2.5 days per week could be the reason for this but the service did not require this post to be covered full time. If the next recruitment round failed there would be a discussion with Legal colleagues about reallocating funds into their department to support some parts of the contract management role.
- 71.9 Councillor Brown was concerned that journey times of 45 mins for primary pupils and 75 mins for secondary pupils was too long and asked how many children were subjected to these journey times. The Interim Head of Home to School Transport Service confirmed these times were the maximum. There were 18 pupils who were in vehicles of six or more and these journeys were closely monitored because of the potential to exceed the maximum journey

time. In cases where a journey exceeded the maximum, i.e. where children were driven out of the city, parental agreement was obtained.

- 71.10 Councillor O’Quinn was concerned about the impact on this service budget following the huge rise in petrol costs. It was apparent to her that the council would overrun on costs and she asked how the service would get around this. The Interim Head of Home to School Transport Service informed Members that the Procurement Board was mindful of this and that there was currently a clause in contracts for operators to request an annual uplift where they considered that there was a requirement for the Agreed Price to be altered. The rising demand and associated costs were well understood by the Service.
- 71.11 Councillor O’Quinn referenced the increasing number of young people accessing the service which she noted had doubled since 2015. She asked how this would be dealt with. The Interim Head of Home to School Transport Service understood the pressures on the service which were attributed to more children becoming eligible for free transport and a greater understanding of SEND and Social, Emotional and Mental Health (SEMH). She said this needed to be taken into account when setting the budget for 2023, and that forecasting showed a £440k cost pressure on the service, based on the rising demand.
- 71.12 Councillor Meadows thanked The Interim Head of Home to School Transport Service for her report. She referenced the 18 shared journeys with 6+ passengers. The Interim Head of Home to School Transport Service explained that each child who came into the service was risk assessed before any travel arrangements were made. Where children were deemed safe to share a vehicle, this was arranged in consultation with the relevant school and with parents and carers
- 71.13 Councillor Meadows was in favour of teaching young people with SEND to travel independently but only where this could be done safely. The Interim Head of Home to School Transport Service said this scheme was new with the intention to start in September 2022. She advised the initiative was recommended by the Member’s Policy Panel and was aimed at promoting independence and supporting young people prepare for adulthood. She confirmed there would be strong criteria against which children would be assessed as ready for the travel training and it would be a voluntary offer discussed with families.
- 71.14 Councillor Meadows asked for clarity on the 10% increase in terms of the number of pupils. The Interim Head of Home to School Transport Service confirmed this would equate to around 115 more children.
- 71.15 Councillor Meadows enquired about the stand-alone and revised appeals policy. The Interim Head of Home to School Transport Service explained there was appeals information in the current Home to School Transport Policy, but that the objective of the standalone policy was to help families understand the process and make it clearer, and that this had been developed with the Parent and Carers Council

- 71.16 Councillor Meadows asked if the proposal to include a contractual clause requiring contractors to pay the living wage had been factored into the 2023 budget. The Interim Head of Home to School Transport Service explained there was already a requirement within the current contract that Operators pay crews, the living wage where they directly employed them, so this should be factored into the Operator's Agreed Price. However, it was not clear whether all Operators were paying their crews the living wage and this requirement needed to be made more robust in the next contract. As the Service did not know if Operators were currently paying the living wage, and how many of their crews were directly employed by the operator, the impact of this requirement had been difficult to financially forecast.
- 71.17 Councillor Meadows asked if the requirement for providers to invest in newer and more environmentally sustainable vehicles was a specific recommendation in the procurement process. She felt that this, in addition to the requirement to pay the living wage, could price a lot of companies out of the business. The Interim Head of Home to School Transport Service understood the need to be realistic about this and cited delays with wheelchair accessible electric vehicles as an example of how this may not be achievable in the short term.
- 71.18 In response to a question from Councillor Grimshaw, the Interim Head of Home to School Transport Service could not offer a no-risk guarantee, stressing there were risks inherent in the re-procurement. She advised that a risk register was included in the Options Appraisal for Members and that this was closely monitored by the Procurement Board to best mitigate risks and avoid the mistakes made in 2019.
- 71.19 Councillor Grimshaw expressed concerns that children would run the risk of poor school attendance if they failed in their attempts to make their own way to school. She asked for a guarantee that such children did not vanish from the service. The Interim Head of Home to School Transport Service assured Members that every child who applied for transport was assessed by a Transport Panel and if they met the statutory eligibility criteria, they were entitled to and provided with transport
- 71.20 Councillor Grimshaw requested weekly Group updates on the service from September to November 2023. The Interim Head of Home to School Transport Service assured these updates would be provided.
- 71.21 Councillor Hamilton was concerned about cost inflation and hoped the service would remain discretionary for post-16 pupils. The Interim Head of Home to School Transport Service said there were no current plans to change this.
- 71.22 The Chair thanked the Interim Head of Home to School Transport Service for the work that had gone into the scheme and the progress made since 2019.

71.23 RESOLVED

That the Children, Young People and Skills Committee:

1. Note the progress report on the Home to School Transport (HTST) Service.
2. Endorse the re-procurement of a contract for home to school transport for pupils with special educational needs and other transport for vulnerable children and adults on behalf of social care teams, for a term of four years from 1 September 2023 to 31 August 2027.
3. Endorse the option of an amended Dynamic Purchasing System, without reverse auction bidding, tendered on a route-by-route basis.
4. Grant delegated authority to the Executive Director of Families, Children & Learning to carry out the procurement and award of the contract referred to in Paragraph 2.2 of the report including the award and letting of the framework agreement. A progress report will be shared at each Committee meeting.
5. Endorse expectations that Operators pay (and verify that they pay) their staff the living wage, where they directly employ them (see 14.19 of the report).

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 123

Subject: Education Capital Resources and Capital Investment Programme 2022/2023 - Extract from the proceedings of the Children Young People & Skills Committee meeting held on the 7 March 2022

Date of meeting: 24 March 2022

Report of: Executive Director for Families Children & Learning

Contact Officer: Name: Lisa Johnson

Email: lisa.johnson@brighton-hove.gov.uk

Ward(s) affected: All

For general release

Action Required of Policy & Resources Committee:

That Policy & Resources Committee grant delegated authority to the Assistant Director of Property & Design to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme.

BRIGHTON & HOVE CITY COUNCIL
CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE

4.00pm 7TH MARCH 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present:

Councillors: Clare (Chair), O'Quinn (Opposition Spokesperson), Brown (Group Spokesperson), Grimshaw, Hamilton, Heley, Lloyd, McNair, Meadows, and Phillips.

Co-optees: Ms L Brown, Ms D Boyd, Mr T Cristin, Mr A Muirhead and Mr S Parr

PART ONE

74 EDUCATION CAPITAL RESOURCES AND CAPITAL INVESTMENT PROGRAMME 2022/2023

- 74.1 The Committee considered the report of the Executive Director Families Children and Learning, which informed the Committee of the level of available capital resources allocated to support education buildings and recommended a capital programme for 2022/23 in respect of School Condition Allocation (SCA) and Basic Need funding. The report was introduced by the Head of School Organisation who outlined the contents therein.
- 74.2 Councillor Meadows asked when the toilet refurbishments at Carden Primary School and Patchum Infants School would be completed. The Head of Capital Strategy informed Members these works had come in over budget due to the addition of Covid surcharges and were therefore re-tendered. She could not guarantee the works would be finished by the end of the financial year but stated they would be done as quickly as possible.
- 74.3 In response to a question from Councillor O'Quinn regarding the Sackville Trading Estate scheme, the Head of Capital Strategy informed Members that £400,000 had been allocated for education. The first instalment of £48,000 would be submitted once a certain number of dwellings had been completed. This was why the money was not showing in the table within the report.
- 74.4 Councillor O'Quinn asked how the money previously intended for Homewood would be allocated following the decision to academise this school. The Head of School Organisation said the money had been allocated for Central Hub provision and the situation regarding Homewood would be reviewed.

- 74.5 Councillor Hamilton enquired about the Section 106 spending detailed on page 89 of the agenda. The Head of Capital Strategy explained that when money was requested under Section 106, it was essential to name the school which had to be located close to the development. Councillor Hamilton said that going forwards it would be good for councillors to be informed of which schools had received Section 106 money.
- 74.6 Councillor Lloyd asked why £150,000 had been allocated to deal with legionnaire's disease. The Head of Capital Strategy said they were required under the Health & Safety Executive's Approved Code of Practice to monitor water at all schools. Readings were occasionally high due to old pipework. £150,000 was allocated to carry out works to plumbing systems to reduce the occurrence of legionella bacteria.
- 74.7 At the request of the Chair, the Head of Capital Strategy updated Members on the works at St Luke's Primary School. The Head of Capital Strategy confirmed the works had been completed and the wall had been stabilised and made safe.
- 74.8 In response to a question from Councillor Grimshaw, the Head of Capital Strategy confirmed that delegated authority was being granted for a period of twelve months. They were still waiting for Central Government to confirm how much funding would be allocated in the new financial year.

74.9 RESOLVED

1. That the level of available capital resources totalling £5million for investment relating to education buildings financed from capital grant be noted.
2. That Committee agree the allocation of funding as shown in Appendices 1 and 2 and recommend this to Policy & Resources Committee on 24 March 2022 for inclusion within the Council's Capital Investment Programme 2022/23.
3. That Committee agree to recommend to Policy & Resources Committee that they grant delegated authority to the Assistant Director of Property & Design to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme.

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 125

Subject: Local Transport Plan 2022/23 Capital Programme- Extract from the proceedings of the Environment, Transport & Sustainability Committee meeting held on the 15 March 2022

Date of meeting: 24 March 2022

Report of: Executive Director for Governance, People & Resources

Contact Officer: Name: John Peel
Tel: 01273 291058
Email: john.peel@brighton-hove.gov.uk

Ward(s) affected: All

For general release

Action Required of the Committee / Council:

To receive the report from the Environment, Transport & Sustainability Committee for consideration and the recommendations for approval.

Recommendations:

That the Environment, Transport & Sustainability Committee:

- 1) Recommends that Policy & Resources Committee agrees the 2022/23 Local Transport Plan capital programme budget allocation of £6.357 million, as set out in Appendix 1 of this report.

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

4.00pm 15 March 2022

Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ - HTH/CC

Minutes

Present: Councillor Davis (Joint Chair), Heley (Joint Chair), Lloyd (Deputy Chair), Wilkinson (Opposition Spokesperson), Nemeth (Group Spokesperson), Fowler, Hamilton, Hills, Peltzer Dunn and Platts

Part One

84 LOCAL TRANSPORT PLAN 2022/23 CAPITAL PROGRAMME

Resolved-

That the Environment, Transport & Sustainability Committee:

- 1) Recommends that Policy & Resources Committee agrees the 2022/23 Local Transport Plan capital programme budget allocation of £6.357 million, as set out in Appendix 1 of this report.

The meeting concluded at 8.50pm