

Policy & Resources Committee

Date: **24 March 2022**

Time: **4.00pm**

Venue **Hove Town Hall - Council Chamber**

Members: **Councillors:** Mac Cafferty (Chair), Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Bell (Group Spokesperson), Clare, Evans, McNair and Yates
Invitee: Dr Anusree Biswas Sasidharan

Contact: **Lisa Johnson**
Democratic Services Manager
lisa.johnson@brighton-hove.gov.uk

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

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

This agenda and all accompanying reports are printed on recycled paper

AGENDA

112 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

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

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

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

113 MINUTES

7 - 30

To consider the minutes of the meeting held on:
27 January 2022
10 February 2022 (Budget)

114 CHAIR'S COMMUNICATIONS

115 CALL OVER

116 PUBLIC INVOLVEMENT

31 - 32

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

- (a) **Petitions:** to receive any petitions presented by members of the public to the full Council or as notified for presentation at the meeting by the due date of (10 working days);
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 18 March 2022;
 - (i) Council Land (Ms K Barratt)
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 18 March 2022.

117 ITEMS REFERRED FROM COUNCIL

33 - 34

To consider the following item referred from the Council meeting held on the 3 February 2022:

- (1) Notice of Motion – Fossil Fuel Non-Proliferation Treaty

118 MEMBER INVOLVEMENT

35 - 36

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions notified by the due date (10 working days);
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion:
 - (i) Residents/Visitors 'Bus Gate' Fines

119 CORPORATE FINANCIAL & HR SYSTEMS

37 - 46

Report of the Executive Director for Governance, People & Resources.

Contact Officer: Jane Strudwick

Tel: 01273 291255

Ward Affected: All Wards

120 PAY POLICY STATEMENT 2022/23

47 - 60

Report of the Executive Director Governance, People & Resources

Contact Officer: Wendy Jepson

Ward Affected: All Wards

121 FAIR & INCLUSIVE UPDATE INCLUDING WORKFORCE EQUALITIES REPORT 2020-21

61 - 90

Report of the Executive Director Governance, People & Resources

Contact Officer: Alison Mcmanamon, Deborah Totney Tel: 01273 290511

Ward Affected: All Wards

122 HOME TO SCHOOL TRANSPORT RE-PROCUREMENT 2023-2027 91 - 124

Report of the Executive Director Families, Children & Learning

Contact Officer: Mia Bryden Tel: 01273 29584

Ward Affected: All Wards

123 EDUCATION CAPITAL RESOURCES AND CAPITAL INVESTMENT PROGRAMME 2022/2023 125 - 142

Report of the Executive Director Families Children & Learning

Contact Officer: Richard Barker Tel: 01273 290732

Ward Affected: All Wards

124 ANNUAL PLANNED MAINTENANCE BUDGET AND ASSET MANAGEMENT FUND ALLOCATIONS FOR THE COUNCIL'S OPERATIONAL BUILDINGS 143 - 160

Report of the Executive Director Economy, Environment & Culture

125 LOCAL TRANSPORT PLAN 2022/23 CAPITAL PROGRAMME 161 - 178

Report of the Executive Director Economy, Environment & Culture

Contact Officer: Andrew Renaut Tel: 01273 292477

Ward Affected: All Wards

126 RESEARCH AND INNOVATION FIBRE RING PROJECT 179 - 192

Report of the Executive Director Economy, Environment & Culture

Contact Officer: Max Woodford Tel: 01273 291666

Ward Affected: All Wards

127 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 7 April 2022 Council meeting for information.

Date of Publication - Wednesday, 16 March 2022

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

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

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

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

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

WEBCASTING NOTICE

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

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

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

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

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

Brighton & Hove City Council

Policy & Resources Committee

4.00pm 27 January 2022

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Mac Cafferty (Chair) Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Bell (Group Spokesperson), Clare, Evans, Yates, Mears and Platts

Also present: Dr Anusree Biswas Sasidharan, Standing Invitee

Part One

85 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

85.1 Councillor Mears was present in substitution for Councillor Miller.
Councillor Platts was present in substitution for Councillor Appich

(b) Declarations of Interest

85.2 Councillor Druitt declared a pecuniary interest in Item 99, Valley Gardens Phase 3. He was a local bus operator and there were improvements in the scheme which would be beneficial for bus operators. He confirmed that he had applied for dispensation to speak and vote on that item and that had been agreed by the Monitoring Officer.

(c) Exclusion of Press and Public

85.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

85.4 **RESOLVED:** That there were no part two items on the agenda and therefore the press and public would not be excluded from the meeting.

86 MINUTES

86.1 The Minutes of the last meeting held on 2 December 2021 were agreed as a correct record of the proceedings.

87 CHAIR'S COMMUNICATIONS

87.1 The Chair gave the following communication:

Today is Holocaust Memorial Day and can I ask that we all take a moment to commemorate this important day today. We must heed Antonio Gramsci's warning that history teaches but it has no pupils. The council is supporting the Brighton & Hove Holocaust Education Project in commemorating this year's event. For the second year this event will be entirely online, joining communities around the UK as they observe the National Day of Awareness and reflection. A special one-hour programme will be live-streamed courtesy of Latest TV at 2pm and 6pm today on the station's website. It will be available for schools and the general public for immediate access. Educational content will be available online for schools and colleges. Participants will include members of the Brighton & Hove Jewish community, city councillors, Sussex Police, Brighton & Hove High School, Sussex University and special guests. The event is open to everyone. Simply watch Latest TV or click on the Latest TV website at thelatest.co.uk to access the live stream and for further information. Latest TV's Yael Breuer will conduct interviews with Holocaust survivors and share stories and tributes from communal and public officials under the rubric of this year's HMD theme, 'One Day.' There were many ways to look at this; we have one day we put aside to remember the holocaust and other genocides that have followed; but also, that we should all strive, hope, and take action for one day in the future with no genocide, where people are free to be themselves. At 8pm residents are also encouraged to join worldwide commemorations with the Holocaust Memorial Day trust, asking all those who can to join in lighting the darkness, with a candle to help remember those who were murdered for who they were and to stand against prejudice and hatred today and every day. We won't tolerate hate in Brighton & Hove, and I'm proud to lead a diverse and inclusive city fighting hate every day. We continue to work collaboratively with our community groups bringing people together, building tolerance and standing against hate wherever we find it.

We have a number of important reports on the agenda today. I would remind colleagues that whilst Covid rates going down so is testing, and we still though have a rate of 889.2 per 100k residents as of last count. We need to take the health of ourselves and staff extremely seriously. As you know this includes continuing to wear our masks and do all we can to keep each other safe. Of course, I want all to be able to discuss items on our agenda today but in consideration for each other let's be mindful of the Covid situation and where possible encourage others to keep contributions short so we can reduce exposure risk over time.

I'd like to make everyone aware that once again there will be ample availability of walk-in vaccination options across the city. There's no need to book, just turn up and there shouldn't be much of a wait in many cases. New sessions are added each week. Please check the Sussex Health & Care Partnership website for the latest list of times and dates. If you or someone you know has a Learning Disability and would benefit from a quiet space and more time to get their COVID-19 vaccination, call 0300 303 8060 to book a place at our special session on Saturday 29 January at the Brighthelm Centre in Brighton.

88 CALL OVER

88.1 The following items on the agenda were reserved for discussion:

Item 93 Annual Waiver Report
Item 95 Life Events Fees and Charges
Item 96 Refuse Vehicle Procurement
Item 97 Arrangements for Council Meetings
Item 99 Valley Gardens Phase 3

88.2 The following items on the agenda were agreed without discussion:

Item 91 Council Tax Base 2022/23
Item 92 Business Rates Retention Forecast 2022/23
Item 98 Officer Delegations

89 PUBLIC INVOLVEMENT

(a) Petitions

89.1 There were no petitions

(b) Written Questions

89.2 There were no Written Questions

(c) Deputations

89.3 The Committee considered the Deputation on Council Finances which was presented at the Public Engagement Meeting held on 16 December 2021 by Laura King.

89.4 **RESOLVED:** That the Deputation be noted.

90 MEMBER INVOLVEMENT

Petitions

90.1 There were no petitions

Written Questions

90.2 There were two Written Questions

90.1 Councillor Fishleigh asked the following question:

The planning application for the Gasworks site is now in. Has the council now decided what it is going to do with the plots of council-owned land to the north and south of the site?

90.2 The Chair gave the following response:

There has, as yet been no decision on the future of these plots of land. Any future decisions will be made at the Policy & Resources Committee

90.3 Councillor Fishleigh asked the following supplementary question:

Have you actually got a plan and can't say publicly or is it not a priority for the Council?

90.4 The Chair gave the following response:

The Council needed to see the planning application which was coming forward and see what we were going to do with the land around it. A planning application has now been submitted and will go to the Planning Committee. I'm happy to ask officers to communicate with you on what has been proposed before, and there have been a number of proposals suggested, which have not been carried forward successfully.

90.5 Councillor Fishleigh asked the following question:

What is the status of the phase 2 development brief for Black Rock?

90.6 The Chair gave the following response:

The Black Rock project is currently focused on the delivery of the phase 1 works and officers are also producing a Master Plan for the wider Eastern Seafront. The Development Brief for Black Rock phase 2 will be developed following this work and involve engagement with key stakeholders. I understand that you have attended both the Black Rock working group and the Madeira Terrace working group to raise your questions and concerns. A key part of the conversation with the Local Economic Partnership (LEP) a number of years ago, was that the economic output on the Black Rock site wasn't clear and the funding from the LEP would be delivered on the basis that there was an economic output there. The Council were following this keenly as it was something which we wanted to get right.

90.7 Councillor Fishleigh asked the following supplementary question:

Who is actually writing the brief and what is on their to-do list which is more important?

90.8 The Chair gave the following response:

As I said before the development for Black Rock needs to be done with the engagement of key stakeholders not least our key partners like the Local Economic Partnership and your own residents. This is not something which you'd want to be doing in a rush but in a deliberated way and to include as many people as possible in the discussions. With regard to the timeline, you will understand that that has been affected by the pandemic.

Letters

90.9 There were no Letters

Notices of Motion

90.10 There were two Notices of Motion

- 90.11 The first Notice of Motion was on Automated External Defibrillators in Outdoor Spaces. The Chair asked Councillor Platts to propose the Notice of Motion.
- 90.12 Councillor Platts said the Notice of Motion was to increase the number of Automated External Defibrillators (AED) available for public use in the city. Sudden cardiac arrests meant that there were only minutes to act to save a life. A heart attack could happen at any age at any time and to people without any pre-existing medical conditions. If a sudden cardiac arrest happened, with the right equipment to hand a life could be saved. Due to Covid people had been working hard to stay fit and healthy, with many events such as Park Run taking place. Taking exercise outside was good for both mental and physical wellbeing, and something the Council should be encouraging. I am involved in arranging the Park Runs, and one of the requirements was that an AED was available, and one had been provided by the Sussex Heart Charity. That AED had been fixed to the wall of the café so was always available for the public. Residents on the Bristol Estate had recently raised money for an AED in their community. The Sussex Heart Charity had recently installed an AED in memory of a Kemptown resident who died of a cardiac arrest in 2019, and she wanted to thank them and everyone who had raised money to install life saving devices across the city. There should be an AED in all parks and open spaces owned by the Council. The Welsh government had committed to fund more AEDs if they're registered on The Circuit which was a national defibrillator network, and the ambulance service would direct you to the nearest one if you dialled 999. The Council could work with the South East Coast Ambulance Service who would be able to assist with identifying the best locations for AEDs. The latest AED devices could be used with no training. This Motion called on the Council to publish a report outlining how the it might work with local organisations to provide AEDs in outdoor spaces.
- 90.13 Councillor Gibson formally seconded the Notice of Motion.
- 90.14 Councillor Bell noted that there were currently 7.4 million people in the country with a circulatory disease or heart condition, and if they had an attack the survival rate without a defibrillator was approximately only one in ten. If an AED was used within 6 – 9.5 minutes there was a 90% chance of keeping the heart beating until professional help arrived. He formally seconded the Motion.
- 90.15 The Chair said that early intervention was crucial, and he would be very happy to support the Motion.
- 90.16 Dr Biswas Sasidharan welcomed the Notice of Motion
- 90.17 **RESOLVED:** The Committee agreed to undertake the actions as set out in the Notice of Motion.
- 90.18 The second Notice of Motion was on Restore Council Services. This had been due to be considered at the cancelled Council meeting being held in December and so the reference to a Council meeting being held in February had been changed to April. A composite amendment to the Motion had been submitted by the Green and Labour Groups in replacement for the two separate amendments submitted earlier by the two Groups. The Chair asked Councillor Mears to propose the Notice of Motion.

- 90.19 Councillor Mears said that she, and many other councillors, had received emails from residents who were concerned that they couldn't access Council services. It shouldn't matter if staff were working from home or in the office if the services were still being provided. However, there was concern that telephone calls and emails were not being answered and so the Council were not delivering the services to the residents. Within Housing the latest figures showed that there were 284 empty properties and there was a backlog of 8,800 repairs. Working from home was not actually delivering the service to residents who had paid for that through their rent or council tax. The staff based at Brighton Town Hall who dealt with marriages and deaths, had worked tirelessly throughout the pandemic providing a face-to-face service and they should be congratulated, but other departments were not providing the level of service residents expected and the reputation of the Council was quite dismal, and residents did not have any confidence in services they couldn't access.
- 90.20 Councillor Bell formally seconded the Motion and reserved his right to reply.
- 90.21 The Chair asked the Committee if they agreed to accept the composite amended in place of the two separate amendments. The Committee agreed. The Chair asked Councillor Evans to propose the amendment.
- 90.22 Councillor Evans agreed with Councillor Mears that many members had received emails from residents who were unhappy with some services provided by the Council and agreed that those issues needed to be addressed. However, it should be accepted that there we were in a pandemic and staff were also suffering, and the amendment was needed to reflect on the realities of the current situation.
- 90.23 Councillor Clare noted that customer experiences had never been perfect and many of the current complaints were the same as raised pre-pandemic. Whilst that was a concern, all the current issues can't be simply pandemic related and that fact that officers were working from home. Staff were under pressure, as under budget cuts many jobs had been cut and that meant that services could not be delivered in a perfect way. Councillors do receive reports on performance and that was monitored by committees. There were a number of complex reasons why complaints were occurring, which included insufficient levels of staff. That meant that there were not enough officers to be able to deliver an in-person, phone and digital services at the same time, and so the council were looking at different ways to deliver those services. We know from surveys that residents value digital services to others, but the Council also had to ensure that there were other ways to access services. Councillor Clare formally seconded the amendment.
- 90.24 Councillor Gibson referred to Councillor Mears comments on the backlog of housing repairs and the number of empty properties and said that number was being monitored by the Housing Committee, and it was a priority to return to pre-pandemic levels.
- 90.25 Dr Biswas Sasidharan understood that the Council's funding had been reduced by around £100m over 10 years, which had created inevitable challenges. It would be helpful to have a Covid 19 recovery plan with an economic strategy on recovery re-growth diversification, inequality and environmental issues whilst looking at inequality and how the Council could work in partnership with the community and voluntary sector.

- 90.26 Councillor Allcock said that whilst he applauded the Council's efforts to streamline services such as parking and council tax but said it was necessary to facilitate the whole community and understand the needs of everyone and hoped that would be addressed in the plan.
- 90.27 Councillor Bell said that many residents couldn't access digital services, and it was important that we got back to supporting residents and enable the public to access services at Hove Town. The Council should look at how it can help those who need it the most. The Chair said that he would ensure the plan would do that.
- 90.28 Councillor Mears suggested that it would be helpful if notices could be placed at the Town Halls to explain what why the offices were closed and how they could access services.
- 90.29 The Committee voted on the amendment, and it was agreed.
- 90.30 **RESOLVED:** The Committee agreed to undertake the actions as set out in the amended Notice of Motion.

91 COUNCIL TAX BASE 2022/23

91.1 This item was agreed without discussion.

91.2 **RESOLVED:** That Committee –

- (i) Agreed the calculation of the Council's tax base for the year 2022/23 including proposed changes to the CTR scheme;
- (ii) Noted the collection rate assumed is 98.75%;
- (iii) Agreed that in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amounts calculated by Brighton & Hove City Council as its council tax base for the year 2022/23 shall be as follows:
 1. Brighton and Hove in whole – 91,204.0 (detail in appendix 1)
 2. Royal Crescent Enclosure Committee – 29.7 (detail in appendix 2)
 3. Hanover Crescent Enclosure Committee – 41.2 (detail in appendix 2)
 4. Marine Square Enclosure Committee – 69.9 (detail in appendix 2)
 5. Parish of Rottingdean – 1,600.7 (detail in appendix 2)
- (iv) Agreed that for the purposes of Section 35(1) of the Local Government Finance Act 1992, the expenses of meeting the special levies issued to the council by the Enclosure Committees shall be its special expenses;
- (v) Agreed that the Enclosure Committees and Rottingdean Parish are paid the required Council Tax Reduction Grant of c£4,000 in total, to ensure they are no better or no worse off as a result of the introduction of the Council Tax Reduction Scheme for the reasons set out in paragraph 3.13.

92 BUSINESS RATES RETENTION FORECAST 2022/23

92.1 This item was agreed without discussion.

92.2 **RESOLVED:** That the Committee –

- (i) Noted that the amount forecast to be received by the council in 2022/23 from its share of local business rates and section 31 Local Government Act 2003 compensation grants is £71.432m, based on the latest data;
- (ii) Delegated the agreement of the final business rates forecast and the NNDR1 2021/22 form to the Chief Finance Officer following consultation with the Chair of this Committee for the reasons given in paragraph 1.2.

93 ANNUAL WAIVER REPORT

93.1 The Committee considered the report of the Chief Finance Officer regarding the Council's Contract Standing Orders. The report was introduced by the Head of Procurement.

93.2 Councillor Allcock noted that CP354 Sustrans Bike IT Officer had not been authorised. The Head of Procurement said that item had been authorised by the Executive Director Economy, Environment and Culture at the start of the pandemic and had been done by email and so had not been pulled up when the document had been produced.

93.3 Dr Biswas Sasidharan asked what percentage of the waivers were extensions to contracts, and noted that contracts under £75k did not require Equality Impact Assessment (EIA) and asked what mechanisms were in place to ensure equity of access. The Head of Procurement said that he did not have the percentage with him but would provide after the meeting. With regard to the EIAs, all tenders had equality questions as part of the process, and since October those responses were now being monitored for contracts over £25k.

93.4 **RESOLVED:** That the number and value of waivers authorised pursuant to Contract Standing Order 20 during the financial year 2020/21 be noted.

94 PROCUREMENT OF ARBORICULTURAL SERVICES

94.1 This item was agreed without discussion.

94.2 **RESOLVED:** That the Committee –

- (i) Approved the procurement of a Services Contract for Arboricultural Services (taking the form of two (2) separate lots) for a contract term of three (3) years with the option exercisable by the council to extend for 1 or more periods up to a maximum total extension period of two (2) years;
- (ii) Granted delegated authority to the Executive Director - Economy Environment & Culture

1. To carry out the procurement of the Services Contract referred to in 2.1 above including the award and letting of the Services Contract;
2. To grant an extension to the Services Contract referred to in 2.1 above for 1 or more periods up to a maximum total extension period of two (2) years.

95 LIFE EVENTS FEES AND CHARGES REVIEW FOR REGISTRATION SERVICES AND LOCAL LAND CHARGES 2022/23

- 95.1 The Committee considered the report of the Executive Director Governance People & Resources which set out the proposed fees and charges for the financial year 2021/22 for the Registration Services and Local Land Charges within Life Events in Governance, People & Resources.
- 95.2 Councillor Yates asked why the price of confetti had been reduced. The Head of Life Events said that it was felt that the current price was too high and reducing that would increase sales.
- 95.3 Councillor Mears noted that the capacity of Brighton Town Hall Council Chamber was given as 120 people and 64 people if there were to be social distancing and asked the Chair why therefore the number of Councillors attending meetings in the same room were being limited. The Executive Director Governance People & Resources said that risk assessments were produced for both events, and wedding ceremonies tended to last for around 30 minutes whereas Council meetings lasted for around 7-8 hours with many people talking. At Council meetings there would also be officers, press etc in attendance in addition to the Councillors.
- 95.4 Councillor Allcock said that this city was unique with great venues and asked if officers had considered using external consultants who could advise on how to promote what the city could offer for holding weddings. The Executive Director Governance People & Resources said that officers did look at ways to promote the venues but would be happy to look at other proposals.
- 95.5 Councillor Yates said that we needed to maximise the prices and given what the city could offer it could be higher, and maybe consideration given to adding a surcharge to non-residents or a discount for residents.
- 95.6 **RESOLVED:** That the Committee approved the fees and charges as set out in Appendix 1 to the report.

96 REFUSE VEHICLE PROCUREMENT - 5 YEAR LEASING ARRANGEMENT

- 96.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which sought permission to lease five Twinpack Vehicles over a five year period. The report was introduced by the Assistant Director, City Environmental Management and the Head of Fleet Management.
- 96.2 Councillor Platts was concerned that this matter had not been to the Procurement Advisory Board (PAB). And asked the following questions: Will the vehicles have to be handed back at the end of the contract and if so will there be any money back; will the lease company maintain the vehicles; are the vehicles new or demonstration; would the

lease prevent the Council accessing government grants; what was the valuation for the existing vehicles and who undertook that; within the five years would the council start purchasing vehicles as set out in the fleet strategy or would there be a new strategy; was there just one provider; why was there currently a high demand for vehicles; why say that diesel fuel is more efficient and what would the impact be on the carbon neutral policy? The Assistant Director, City Environmental Management apologised that it had not gone to PAB but that was due to timeframes and the urgency of this matter. The Head of Fleet Management provided the following responses to the questions: at the end of the lease agreement there would be an option to buy the vehicles, but the Council would not do that as they were phasing those vehicles out for a number of reasons such as the National Waste Strategy; the Council would maintain the vehicles and charge the company back; initially there would be two would be new vehicles and the others two years old but those would be replaced with new vehicles in June 2022; leasing the vehicles would not impact on accessing grants; the vehicles were valued by an auction house at a minimum of £20k and that would be the reserve price; the Fleet Strategy was not being changed, but it was not economical to repair some of the current vehicles nor to purchase new vehicles which were being phased out in five years; there were a number of providers but only one who had vehicles available now; The Euro 6 vehicle was 20% more efficient than the Euro 5 and inefficiency impacted on the carbon neutrality.

96.3 The Assistant Director, City Environmental Management said that there were no plans to amend the Fleet Strategy, this was an interim measure to deal with a particular problem but confirmed that the matter would come to Committee if there were.

96.4 Councillor Druitt said that using diesel vehicles was not something he wanted but was the only option to ensure a reliable fleet of vehicles.

96.5 RESOLVED: That Committee delegated authority to the Executive Director of Environment, Economy and Culture to enter into a leasing contract for the hire of five Twinpack Recycling Vehicles for a period of five years, up to the value of £1.5m.

97 ARRANGEMENTS FOR COUNCIL AND MEETINGS

97.1 The Committee considered the report of the Executive Director Governance People and Resources which proposed arrangements for holding Council and Committee meetings during the pandemic to minimise the risk to the public, Members and officers.

97.2 The Committee noted the Officer Amendment to the report and to Recommendation 2.2.

97.3 Councillor Bell noted that in earlier discussions Group Leaders had been discussing limiting the attendance at Council to 40 Members (Option B) and asked why Recommendation 2.2 had been amended to remove that option. The Executive Director Governance People and Resources said that the amendment reflected the majority view of the Group Leaders, and if he wished he could propose an amendment to the recommendations.

97.4 Councillor Allcock said that we were still in the pandemic and the number of positive cases in the city was still rising. It was important to ensure that the democratic process continued with the appropriate level of scrutiny being undertaken, and that Council services were delivered as effectively as possible. Councillors also needed to be

responsible for those they worked with including officers and Councillors some of whom were more vulnerable. Elected Councillors needed to lead by example and take a proactive public role in health and safety. The proposals in the report were constructive and would enable more thorough discussion, particularly at Committee level, where the venue would be less crowded and so people would be better protected. He noted that these proposals would be reviewed shortly and suggested that when they were, consideration be given to Written Questions submitted by Councillors for Committees be taken as read rather than having Members attend meetings to read them orally.

- 97.5 Councillor Mears agreed with Councillor Allcock that councillors needed to lead by example, and therefore ensure that they were not different from the rest of the city, and noted that NHS workers, bus drivers, shop workers etc were still working. She accepted that some Members may be more vulnerable, but the Council needed to be part of the bigger picture for the economy and businesses wanted the city to open up and Councillors should be part of that.
- 97.6 Councillor Clare said that we were still in the pandemic and Councillors needed to be part of the bigger picture to show that they were concerned about the health of vulnerable people. Councillors had no option but to attend meetings in person, and there had been occasions where a Member had attended a meeting and later found they were positive, which had put others at risk.
- 97.7 Councillor Evans said that these proposals were to protect people by reducing the number of people at meetings, which was the responsible thing to do.
- 97.8 Councillor Yates said that he was clinically vulnerable and the thought of attending a meeting with a large number of people concerned him. It was important for Councillors to consider the risks of attending meetings during the pandemic and the proposals put forward by officers provided a solution.
- 97.9 Dr Biswas-Sasidharan said that as a co-optee she was able to attend the meeting remotely and was concerned that other members of the committee did not have that option and were putting themselves at risk.
- 97.10 The Committee voted on the recommendations (as amended), and 8 Members agreed and 2 Members (Conservative Group) voted against.

97.11 RESOLVED: That the Committee –

- (i) Agreed the proposals set out in this report regarding arrangements for Council and committee meetings (except paragraph 3.11 dealing with attendance numbers) and recommends them to Council for approval;
- (ii) Agreed option A (14) regarding number of attendees at full Council meetings as set out in paragraph 3.12 and recommend them to full Council for approval.

98 OFFICER DELEGATIONS

98.1 This item was agreed without discussion.

98.2 RESOLVED: That the Committee -

- (i) Agreed the arrangements for the implementation of enhanced officer delegated powers as set out at paragraph 3.4 of the report to take effect from the date of this meeting;
- (ii) Noted that the arrangements set out in recommendation 2.1 above will be kept under review and that a report will be brought back to Committee to consider whether the arrangements should be removed or extended in May 2022.

99 VALLEY GARDENS PHASE 3

- 99.1 The Committee considered the report of the Executive Director Economy, Environment & Culture regarding Valley Gardens Phase 3. The report was introduced by the Assistant Director City Transport, and the Principal Transport Planner.
- 99.2 Councillor Platts reiterated that the Labour Group wanted to limit the speed between Edward Street and the Palace Pier to 20 mph, she noted that there was a pinch point in front of the Royal Pavilion for cyclists and pedestrians and asked that there be suitable signage to ensure it was clear who had priority, and asked if the Council could look at phasing of pedestrian crossings across that area. The Principal Transport Planner said that that the area in question currently had a speed limit of 20 mph, and there would continue to be safety audits to review speed and signage. The Assistant Director City Transport confirmed that the phasing of crossings would be looked at to ensure that wait times were not excessive. The Chair noted that the roundabout by the Palace Pier had been recorded as being one of the most dangerous in the country and so safety was very important.
- 99.3 Councillor Platts asked if the Council would be promoting the changes to the Highway Code. The Assistant Director City Transport said that there were important changes to the Highway Code, particularly for cyclists, and those changes would be communicated.
- 99.4 Councillor Mears disagreed that the roundabout was dangerous. When the Conservative Group were in the administration, they were looking to invest in a Traffic Simulator which could be laid over any development and it would check the traffic movement for pedestrians, cyclist, motor vehicles etc and assess the impact of any changes in that and the wider area, however the next administration decided not to purchase it. It would have been useful to show how changes to Valley Gardens may impact on the rest of the city. The Assistant Director City Transport said that the Council did look at purchasing Cumulative Impact Models, but they were expensive and so a local model was produced which had been used in all schemes. The Chair noted that the Department of Transport had listed the Aquarium Roundabout as the 16th most dangerous roundabout out of 6200 in the country.
- 99.5 The Committee voted and there were 8 votes for and 2 against, with the Conservative Group voting against.
- 99.6 **RESOLVED:** That the Committee approved capital borrowing of up to £5.0m to address estimated increased scheme costs arising from new Department for Transport design guidance; significant increases in construction costs and risk management; additional

infrastructure, including for sustainable transport and events as shown in Appendix 2 to the report.

100 ITEMS REFERRED FOR COUNCIL

100.1 **RESOLVED:** That no items be referred to the next meeting of Council.

The meeting concluded at 6.45pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Policy & Resources Committee

4.00pm 10 February 2022

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Mac Cafferty (Chair) Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Bell (Group Spokesperson), Evans, Miller, Shanks and Yates

Part One

101 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

101.1 Councillor Shanks was present in substitution for Councillor Clare

(b) Declarations of Interest

101.2 Councillor Druitt declared a pecuniary interest in budget items as he was a local bus operator. He confirmed that he had applied for dispensation to speak and vote on the budget items and that had been agreed by the Monitoring Officer.

(c) Exclusion of Press and Public

101.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

101.4 **RESOLVED:** That the press and public would not be excluded from the meeting as there were no Part Two items on the agenda.

102 CHAIR'S COMMUNICATIONS

102.1 The Chair gave the following communication:

Good afternoon and welcome to this meeting of the Policy & Resources Committee. I'd like to inform those present that this meeting is being webcast live and is available for repeated viewing.

Members and attendees are reminded that they are required to wear masks for the duration of the meeting today. I will ensure there are sufficient comfort breaks to support Members, please do have the microphone close to you to ensure you can be heard. In

addition, Members are reminded of the arrangements to facilitate the safe transaction of business through brief questions and answers and limited speakers where possible.

103 CALL OVER

103.1 The following items on the agenda were reserved for discussion:

Item 108: General Fund Revenue Budget, Capital & Treasury Management Strategy
2022/23

Item 109: Housing Revenue Account Budget and Capital Investment Programme
2022/23 and Medium-Term Financial Strategy

103.2 The following items on the agenda were agreed without discussion:

Item 106: Corporate Banking Services

Item 107: Targeted Budget Management (TBM) 2021/22: Month 9 (December)

Item 110: Strategy Delivery Board, Major Projects and Regeneration & Investment Plan
Update

104 PUBLIC INVOLVEMENT

(a) Petitions

104.1 There were no petitions

(b) Written Questions

104.2 There were no written questions

(c) Deputations

104.3 There were no deputations

105 MEMBER INVOLVEMENT

(a) Petitions:

105.1 There were no petitions

(b) Written Questions:

105.2 There were no questions

(c) Letters:

105.3 There were no letters

(d) Notices of Motion:

105.4 There were no Notices of Motion

106 CORPORATE BANKING SERVICES

106.1 This item was not called and therefore agreed without discussion.

106.2 **RESOLVED:** That the extension of the council's current contract with Lloyds Banking Group as set out in paragraph 3.3 of the report be approved.

107 TARGETED BUDGET MANAGEMENT (TBM) 2021/22: MONTH 9 (DECEMBER)

107.1 This item was not called and therefore agreed without discussion.

107.2 RESOLVED:

- 2.1 That the Committee note the forecast risk position for the General Fund, which indicates a potential forecast underspend of £1.093m. This is net of an underspend of £1.877m on the council's share of the NHS managed Section 75 services. 29
- 2.2 That the Committee agrees to re-allocate £0.600m Contain Outbreak Management Funds (COMF) to support qualifying expenditure on Homelessness costs driven by the pandemic (see paragraph 12.2).
- 2.3 That the Committee note the forecast for the Housing Revenue Account (HRA), which is currently an overspend of £1.705m.
- 2.4 That the Committee note the forecast risk position for the Dedicated Schools Grant which is an overspend of £0.346m.
- 2.5 That the Committee note the forecast outturn position on the capital programme which is a forecast underspend of £5.671m and approve the variations and slippage in Appendix 6 and new schemes and future years' variations as set out in Appendix 7.

108 GENERAL FUND REVENUE BUDGET, CAPITAL & TREASURY MANAGEMENT STRATEGY 2022/23

108.1 The Chief Finance Officer introduced the report to the committee.

108.2 Councillor Miller was informed that the break down of budget for graffiti removal could be provided later and it was noted that there was no specific benchmarking against other local authorities, however the spend was not high.

108.3 Councillor Druitt was informed that there were four staff and part of a team leaders time made up the graffiti team.

108.4 Councillor Allcock was disappointed that the Arts Fund was to receive less funding. It was noted by the councillor that the project worked across the city, and was inspirational, rewarding and accessible to all. The project boosted confidence, helping

the young with college and employment applications. The Councillor was informed that impact of the reduction would be minimised.

- 108.5 Councillor Druitt shared Councillor Allcock's concerns and noted that this was not the first time Arts Award had been under pressure, however a number of meetings are to be held with stakeholders and there is a hope to save youth arts across the city. The administration will be looking at ways to find money for the Arts Award.
- 108.6 Councillor Shanks noted how important the work was and noted there was lots ongoing in the city and BHCC were doing well against other cities.
- 108.7 Councillor Yates noted it was good there was scope for reviewing and as they wanted the best outcomes.
- 108.8 Councillor Gibson noted that the budget setting had been faced with unpalatable savings and was not easy. Balancing the budget meant listening and consulting to find ways to improve the budget. The work on the budget was ongoing.
- 108.9 Councillor Miller proposed, seconded by Councillor Bell, the two Conservative Group amendments noting that the first amendment would be to spend £63,000 on City Platinum Jubilee celebrations. To include a one-off pot of £30,000 to support community events over the Jubilee weekend through a bidding process; £3,000 to run this bidding process, and £30,000 to support City in Bloom across the Jubilee weekend in Red, White and Blue flowers. The second amendment would allocate capital investment of £200,000 to commission a Monarchist statue commemorating Her Majesty and her platinum jubilee and to send a card of congratulations to her majesty on behalf of the residents of Brighton & Hove. Increase the capital funding available to support the Madeira Terraces renovation by £4.12m over the next 2 financial years.
- 108.10 Councillor Appich noted that council tax was to increase, and the benefits were not visible, with rising fuel bills. The councillor welcomed the work done on lettings, housing first, victim support and carbon neutrality. The councillor considered the ward budget reductions were not good.
- 108.11 Councillor Yates considered the community had a right to celebrate the Queens Platinum Jubilee and felt there would be street parties coming up to celebrate the Queens dedicated service to the country. It was noted by the councillor that there had been criticism of those countries who had not signed up to the climate change agreements. The councillor considered the council did its part and Members needed to play their part. The councillor did not support the amendments.
- 108.12 Councillor Evans was happy to send a card to the Queen but was not able to support the amendments. The councillor considered that a statue could be funded by public subscription. The councillor supported the restoration of Madeira Terrace, however they considered there were sufficient funds available at this time. The councillor did not support the amendments.
- 108.13 Councillor Gibson stated that they didn't want to reduce ward budgets and not that the amendments were not considering using 'clean money' – that which had already been allocated to other items. The councillor noted that the capital investment programme

covered Madeira Terrace and new affordable housing. The carbon neutral fund was good. The budget needs to address priorities such as jobs, services, and climate level changes. For this a long term plan is needed to gain future savings. It was noted there are pressures from inflation, cost of materials etc. The budget is focused on future investment, equalities, council tax reduction scheme, reflecting lower pay scales. The councillor considered the Members needed to work together to pass the budget.

- 108.14 Councillor Druitt welcomed ways to reduce the cuts to ward budgets and noted other items were not good to reduce and requested that the Members work together to make the council financially resilient. The councillor noted the council had come a long way from previous cuts and requested that the government be asked to support councils. The councillor did not support the amendments and noted that extra funding was not required for Madeira Terrace at this time.
- 108.15 Councillor MacCafferty noted that the council celebrations for the Queens Platinum Jubilee would be posted on the council website which would include street parties, beacons, tree planting and arts funding.
- 108.16 Councillor Miller was disappointed that the Labour and Green groups were not able to support the amendments.
- 108.17 Councillor Gibson considered that the funding for the amendments could not come from transport model and would always welcome grants and government funding.

Vote

- 108.18 A recorded vote was taken on the first Conservative amendment and the following voted for: Councillors Miller and Bell. The following voted against: Councillors Allcock, Appich, Druitt, Evans, Gibson, MacCafferty, Shanks and Yates.

The amendment was dismissed by a vote of 8 to 2.

- 108.19 A recorded vote was taken on the second Conservative amendment and the following voted for: Councillors Miller and Bell. The following voted against: Councillors Allcock, Appich, Druitt, Evans, Gibson, MacCafferty, Shanks and Yates.

The amendment was dismissed by a vote of 8 to 2.

- 108.20 A recorded vote was taken on the recommendations and the following voted for: Councillors Druitt, Gibson, MacCafferty and Shanks. The following abstained: Councillors Allcock, Appich, Bell, Evans, Miller and Yates.

The recommendations were agreed by 4 to 6 abstentions.

- 108.21 **RESOVLED:**

That Policy & Resources Committee recommends to Council:

- 2.1 The Administration's proposed budget and Council Tax increase on the Brighton & Hove element of the council tax, comprising:
- i) A general Council Tax increase of 1.99%;
 - ii) An Adult Social Care Precept increase of 1.00%;
 - iii) The council's net General Fund budget requirement for 2022/23 of £199.853m;
 - iv) The 2022/23 budget allocations to services as set out in the Budget book at Appendix 1 incorporating 2022/23 savings proposals and investments;
 - v) The reserves allocations as set out in the table at paragraph 5.20;
 - vi) A recommended working balance of £9.000m (approximately 4.5% of the net budget).
- 2.2 That Council notes the updated 4-Year Medium Term Financial Strategy included in the Budget Book at Appendix 1.
- 2.3 That Council approves the Capital Strategy for 2022/23 at Appendix 2 comprising:
- i) The strategy for funding the investment in change, including the flexible use of capital receipts as set out in section 7;
 - ii) The capital resources and proposed borrowing included at Annex A of the Capital Strategy;
 - iii) The Capital Investment Programme for 2022/23 of £222.788m included within the Budget Book at Appendix 1 and incorporating allocations to strategic funds.
- 2.4 That Council notes the Equalities Impact Assessments to cover all relevant budget options and their cumulative effect as set out in Appendices 6 and 7.
- 2.5 That Council further notes that approval of the budget is an indicative resourcing decision to be taken in the context of the explanation given in the Legal Implications paragraph 17.3.
- 2.6 That Council approves the Treasury Management Strategy Statement as set out in Appendix 3 comprising:
- i) The Annual Investment Strategy;
 - ii) The Prudential and Treasury Indicators;
 - iii) The Minimum Revenue Provision policy;
 - iv) The authorised borrowing limit for the year commencing 1 April 2022 of £590m.
- 2.7 That Council notes that supplementary information needed to set the overall council tax will be provided for the budget setting Council meeting as listed in paragraph 11.3.

That Policy & Resources Committee agrees:

- 2.8 That the council's Chief Finance Officer be authorised to make any necessary technical, presentational or consequential amendments to this report before submission to Budget Council.

109 HOUSING REVENUE ACCOUNT BUDGET AND CAPITAL INVESTMENT PROGRAMME 2022/23 AND MEDIUM TERM FINANCIAL STRATEGY

- 109.1 The Chief Finance Officer introduced the report to the committee.

- 109.2 Councillor Gibson wanted to highlight how positive the budget was with the housing crisis in the city and noted the close working with the Labour and Green group. The councillor welcomed the £56m for council homes and noted that the budget would sustain levels of affordable housing built by the council and would out stripe the 'right-to-buy' losses. The councillor noted the 167 new council homes for next year, although this did not meet the 800 target. The councillor considered it a positive to be investing in homes and truly affordable housing at minimum and social rents. It was noted that £5m was for refitting and updating heating in homes owned by the council. The councillor requested the Members support the budget.
- 109.3 Councillor Appich considered that vulnerable people in housing should get more support and wanted properties to be at least in a liveable state.
- 109.4 Councillor Shanks noted this matter needed to be looked at.
- 109.5 Councillor Gibson agreed and noted this issue was ongoing.
- 109.6 Councillor Bell requested that officers respond to how improvements to housing support would be funded from the HRA budget. The Executive Director for Housing Neighbourhoods & Communities noted the report set out the ongoing support and letting standards. The issues were being looked at.
- 109.7 Councillor Allcock noted the housing crisis was the biggest challenge to the city and thanked councillors and officers for working on it. The councillor noted that the big challenge seemed to stem from the 1980s sell off of council homes. The councillor stated they, and the Labour group would be abstaining on the vote for the report.
- 109.8 Councillor Gibson was disappointed that the Labour group would not be supporting the recommendations.

Vote

- 109.9 A recorded vote was taken, and the following voted for: Councillors Druitt, Gibson, MacCafferty, Shanks. The following abstained: Allcock, Appich, Bell, Evans, Miller and Yates.
- 109.10 The recommendations were agreed by 4 to 6 abstentions.
- 109.11 **RESOLVED:**

That the Housing Committee:

- 2.1 Approves a rent increase of up to 4.1% in line with government legislation as detailed in paragraph 4.9 of the report.
- 2.2 Approves the service charges and fees as detailed in Appendix 2 to the report.
- 2.3 Notes the Medium-Term Financial Strategy and 30-year financial projections shown in Appendix 4 to the report.

That Housing Committee approves and recommends to Policy & Resources Committee:

- 2.4 That the updated HRA Revenue Budget for 2022/23 as shown in Appendix 1 to the report be agreed and recommended to full Council for approval;
- 2.5 That an earmarked reserve of £1.500m for the Covid-19 recovery work required to clear the backlog of responsive repairs and voids be set up as per paragraph 5.1 of the main report.
- 2.6 That a contribution to the rent reduction reserve of £1.200m be made from the general reserves held by the HRA as per paragraph 5.1 of the main report.
- 2.7 That a contribution to the Sustainability and Retrofit reserve of £1.200m be made from the general reserves held by the HRA as per paragraph 5.1 of the main report.
- 2.8 That the Capital Programme Budget of £85.077m for 2022/23 be agreed and notes the 3-year programme as set out in Appendix 4 to the report and recommended to full Council for approval; and

That Full Council:

- 2.9 Approves the updated HRA Revenue Budget for 2022/23 as shown in Appendix 1 to the report.
- 2.10 Approves the Capital Programme Budget of £85.077m for 2022/23 and notes the 3-year programme as set out in Appendix 3 to the report.

110 STRATEGIC DELIVERY BOARD, MAJOR PROJECTS AND REGENERATION & INVESTMENT PLAN UPDATE

110.1 This item was not called and therefore agreed without discussion.

110.2 RESOLVED:

- 2.1 That the Committee agrees the amended Terms of Reference for SDB as detailed in Appendix 2.
- 2.2 That the Committee agrees to the preparation of a Regeneration & Investment Plan for the City, and for officers to identify a budget and take all necessary procurement steps to commission the work.
- 2.3 That Committee agrees to receive regular updates, every 6 months, on the major regeneration projects in the city.

111 ITEMS REFERRED FOR COUNCIL

111.1 Items referred to Council:

Items 108 and 109 included recommendations for Full Council.

The meeting concluded at 5.38pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 116(b)

Subject: Written Questions

Date of meeting: 24 March 2022

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public:

(1) Ms K Barratt – Council Land

Brighton and Hove Council owns a large area of farmland close to the city, leased out. The farmland to the East of Falmer Road and some to the West falls into this category. This agricultural landscape here is bleak and lacking in natural diversity. Such hedgerows as there are don't really deserve the name, while most field divisions are wire fences. The public footpaths crossing fields to the East are stark and unprotected. Trees are absent.

Regardless of the nature of the current leases, or their length, is there any Council-led engagement with the custodians of these important landscapes concerning environmental improvement, and, if not, could there be?

Brighton & Hove City Council

Policy & Resources

Agenda Item 117

Subject: Fossil Fuel Non-Proliferation Treaty.

Date of meeting: 24 March 2022

Notice of Motion

This Council notes:

- Cities across the world have shown their commitment to tackling the climate crisis by endorsing the call for a Fossil Fuel Non-Proliferation Treaty
- BHCC's pensions are held by the East Sussex Pension Fund, which still invests in fossil fuels
- Preventing climate chaos requires the bulk of fossil fuels be left in the ground, leaving fossil fuel companies with stranded assets, meaning current shares are likely to be overvalued.

This council resolves:

- (1) That the Chief Executive write to the East Sussex Pensions Committee expressing our request for a two-year timeline to divest from fossil fuels; highlighting that continuing to invest in stranded assets risks a failure of their fiduciary duty to pension scheme members,
- (2) That Policy & Resources Committee be requested to commission a report:
 - outlining options for removing BHCC pensions from the East Sussex scheme, and reinvesting them elsewhere; should ESPF fail to act swiftly to protect pensioners' investments
 - detailing how council can continue to support in principle the development of renewable technologies to phase out fossil fuels,
- (3) To endorse the call for Fossil Fuel Non-Proliferation Treaty to:
 - End new expansion of fossil fuel production
 - Phase out existing fossil fuel production
 - Invest in a transformational plan to ensure 100% access to renewable energy globally.

Supporting Information:

<https://fossilfuel treaty.org/>

Brighton & Hove City Council

Policy & Resources

Agenda Item 118(d)

Subject: Residents/Visitors 'Bus Gate' Fines. Notice of Motion from the Conservative Group

Date of meeting: 24 March 2022

Proposer: Councillor Nemeth
Seconded: Councillor Bagaeen

Ward(s) affected: All

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 the Environment, Transport & Sustainability Committee to call for an urgent officer report to consider options to redesign the defective junctions; and
3. Requests the Policy & Resources Committee to call for an urgent officer report to consider options to return collected fines to residents/visitors.

Supporting Information:

Brighton & Hove City council

Policy & Resources Committee

Agenda Item 119

Subject: Corporate Finance & HR Systems

Date of meeting: 24 March 2022

Report of: Executive Director, Governance, People & Resources

Contact Officer: Name: Jane Strudwick
Tel:
Email: jane.strudwick@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The council's corporate Financial and HR/Payroll systems are currently provided by two suppliers: Civica UK Ltd provide the financial system (Civica Financials/Purchasing) and Midland HR (MHR) providing the HR/Payroll system (iTrent). The associated HR system Tribepad provides the recruitment applicant tracking system for the council. The contracts for all these systems provide for support and maintenance as well as the software.
- 1.2 The current Civica contract is due to expire on 31st March 2022 and the MHR contract on 14th April 2022.
- 1.3 These contracts are managed and monitored corporately by Business Operations on behalf of all services and local authority schools in the city, alongside several external organisations that purchase a managed service from the council.
- 1.4 The council has employed external consultants to support it to develop its strategic options for the future of its corporate Financial and HR/Payroll systems. The strategic options appraisal and outline business case is expected to be delivered during March/April 2022. This work will inform the council's future corporate systems strategy. Entering into new contracts with the existing system suppliers for the continued support and maintenance of these solutions and aligning the contract end dates to 31 March 2025, with extension options built in if available, will enable sufficient time for the outcome of the strategic review to conclude, the recommendations to be explored and allow for any potential tendering and implementation to be completed.
- 1.5 The proposed route to market for the award of a contract to Civica is via the CCS framework (RM3821) Data and Applications Solutions (DAS). Details

about this and other potential frameworks that were considered, are set out later in the report.

- 1.6 The proposed route to market for the award of a contract to MHR is via the Health Trust Europe Framework ICT Solutions 2019 (ComIT 2) . Rather than procuring support and maintenance services via standard contracting arrangements between the customer (the Council) and the system supplier (MHR), the council will be contracting with a reseller, Softcat, who will in turn be working in association with MHR. For contractual purposes Softcat will be seen as prime supplier working in partnership with MHR who will be acting as their approved sub-contractor. Further details regarding this arrangement are set out later in the report

2. Recommendations

- 2.1 That the Policy &Resources Committee approves the award of a contract via a compliant framework for the continued support and maintenance of the financial system to Civica UK Ltd for an initial term of 3 years with an option to extend for up to 2 periods of 12 months, and grants delegated authority to the Executive Director, Governance, People & Resources to authorise those extensions if required.
- 2.2 That the Policy & Resources Committee approves the award of a contract via a compliant framework to Softcat, with MHR acting as their approved sub-contractor for the continued support and maintenance of the HR and payroll system for a term of 3 years.

3. Context and background information

- 3.1 In March 2021, MHR were requested by the council to undertake a strategic review into the way the council currently uses their HR/Payroll system. The review involved understanding how the current modules were being used by the council and provided recommendations on how the system could be better utilised to improve the in-house processes. The review highlighted that the system has functionality available that is not currently being fully utilised, and that the council would benefit from introducing more streamlined, automated HR/Payroll processes to improve efficiency, reduce manual effort and ensure consistent, accurate data is available. In particular, it was highlighted that:
 - Current processes are not in line with best practice and do not deliver the benefits and efficiency that the council requires to support its strategic goals in the longer term.
 - the council depends on additional systems to support HR Processes for areas such as absence management, recruitment and learning, these systems are not integrated with the MHR iTrent system.
 - The lack of integration causes potential issues around data management and security and limits the council's ability to benefit from real time, accurate information and efficient processes.

MHR proposed that a number of workstreams be implemented in order to facilitate best practice business processes and maximise the council's use of iTrent. MHR recognised that there was a large investment needed by the council in the recommendations and recognised that the council has clear priorities and would not have the budget or appetite to address each of these areas immediately. They therefore identified priority areas for immediate investment and indicated opportunities for medium and longer-term development. The team are in the process of implementing some of these recommendations.

- 3.2 The current financial systems solution is delivered by Civica UK Ltd through an on-premise network basis (software delivery model whereby software is installed and operated from the council's in-house server and IT infrastructure). Officers across the relevant services have been undertaking a review of how this solution should be delivered in the future; the outcome of this review is that, as part of the award of a new contract, the council will transition from the existing on-premises instance to Civica's cloud hosted platform and fully managed service, "Financials Live".
- 3.3 The council's Financial and HR/Payroll systems have been in place for a number of years, but the contract end dates are not currently aligned. It is intended to align them until March 2025 and, where the council has been able to, it has built in options to extend in further increments of 12 months; this being in relation to the Civica Financials contract. This provides an opportunity for the council to take stock and consider what its options may be for the future provision of corporate management information systems.
- 3.4 The terms of the contract for the council's recruitment system, Tribepad, permit an extension to March 23 which the council is currently exercising. A subsequent contract will be put in place to continue this service based on alignment of corporate business operations systems as per the recommendations following the corporate systems reviews.
- 3.5 A decision was taken by Orbis Partners to disaggregate the Business Operations service from the partnership and return the service to sovereign council control from 1 April 2022. As part of these changes, the Recruitment function will transfer out of the service and into the HR and Organisational Development service. Therefore, it is anticipated that the extension to the contract will allow both the consideration of the strategic systems review outcomes as well as time to assess the future needs of the council in line with HR & workforce strategies. A meeting with the supplier, Tribepad, is planned to consider potential options to secure the additional year of contract to 2024. The current contract is joint with all ORBIS partners and will require some alignment with the other councils to achieve an extension.
- 3.6 Following a recent tender exercise, the council has appointed SOCITM to provide expert consultancy services to support the evaluation of high-level strategic options and the development of an outline business case (OBC) to inform a decision on the future direction of its corporate systems strategy. This will consider all options available to the council (e.g. Enterprise Resource Planning (ERP), SaaS, Best of Breed, etc.), based on the

consultancy's knowledge of the market, business analysis and implementation experience for other similar organisations. The strategic options appraisal will enable the council to identify a preferred direction and option, with illustrative costs and including procurement and delivery routes, to focus on and take forward, subject to decisions taken at the OBC stage, into the development of a full business case (FBC) and implementation plan. This work is expected to conclude in late March/April 2022.

- 3.7 The proposed contract values for Civica's fully hosted managed service "FinancialsLIVE" solution are as follows:

Civica FinancialsLIVE Costs	One-Off Cost	Annual Costs
	£	£
Up front Set Up Fee	80,025	
Up front Licence Fees	96,580	
Annual Software, Maintenance & Support		163,689
TOTAL	176,605	163,689

The current annual cost of Civica's financial system is £151,235. The additional increased cost of £12,454 per annum covers the move to the Cloud hosted solution "Financials Live" together with support for the additional modules purchased by the council since the current contract commenced. The one-off up front set-up fee covers the set-up of Financials Live including Business Objects and Kofax Intelligent Scanning, as well as set up and implementation of Private Cloud, project management, user acceptance testing support and technical consultancy.

The total value of the Civica contract for an initial term of 3 years, commencing on 1st April 2022 with an option to extend up to 2 periods of 12 months is £995,050.

- 3.8 The proposed contract value for MHR's solution is as follows:

Midland HR iTrent Costs	£
Year 1 Costs (includes initial investment fee)	£272,120
Year 2 costs	£167,559
Year 3 costs	£167,559
TOTAL	£607,238

The current annual cost of MHR's HR/Payroll system is £145,891 therefore this is annual increase of £21,668. The year 1 costs include an investment fee of £104,560 which the supplier uses to develop the solution for its customer base. This is calculated based on the number of employees which in the case of BHCC has been capped at 11,000 (including schools).

4. Analysis and consideration of alternative options and Routes to Market

4.1 Civica UK Ltd

The Crown Commercial Services framework, G-Cloud, was the route to market used last time to contract with Civica. G-Cloud publishes a fixed price for a specific, standard, out-of-the-box delivery of the FinancialsLIVE application. In the council's case the software already in use is vastly reduced in terms of functionality compared to the standard catalogue offering currently available on GCloud and therefore doesn't provide the council with an option to purchase the services it requires through this route to market.

The terms of G-Cloud only allow for an initial contract term of 24 months followed by the option to extend for two further periods of 12 months which would have limited this contract to a 2+1+1 term. The preferred route to market (DAS) was deemed the most suitable based on a number of factors. Unlike some frameworks, the DAS framework includes a direct award option providing customers can demonstrate that the purchase is intrinsically linked to an existing solution.

In the case of Civica Financials the council wishes to procure support and maintenance to help extend the product's lifecycle whilst taking the opportunity to migrate from an on-premise to a cloud-based solution. Many frameworks stipulate a maximum contract term of 4 years when calling off, however DAS allows customers to award contracts for a maximum call off length of 5 years with an optional extension of up to 2 years at the customers' discretion. This will provide the council with the flexibility it requires to align the end date of this contract following on from the recommendation within the strategic options report.

4.2 MHR

The Crown Commercial Services framework, G-Cloud, was the route to market used last time to contract with MHR. The terms of G-Cloud only allow for an initial contract term of 24 months followed by the option to extend for two further periods of 12 months which would have limited this contract to a 2+1+1 term.

Based on the service offering from MHR currently available on GCloud and following clarifications with MHR the cost to purchase support and maintenance services via this route would have cost approximately £818,000 over the three-year period (based on a 2+1+1 term). This would have resulted in an additional cost to the council of around £211,000 over the three years.

As MHR services are not available to purchase via any other frameworks, it was necessary to explore alternative routes to market. The proposed route to market to procure support and maintenance services from MHR is therefore via the Health Trust Europe Framework ICT Solutions 2019 (ComIT 2).

Rather than accessing these services via standard contracting arrangements with a contract being established between the customer (the council) and the system supplier (MHR), the council will be contracting with a reseller, Softcat, who will in turn be working in association with MHR. For contractual purposes Softcat will be seen as prime supplier working in partnership with MHR who will be acting as their approved sub-contractor.

Softcat has extensive experience of working with partners, and has carefully selected, vetted and recruited a 'virtual community' of specialist suppliers and partners in order to complement their core proposition. All of their third party suppliers undergo rigorous financial, commercial and technical assessments. All contracting, ordering, invoicing and escalation will be managed by Softcat as the framework accredited prime contractor. The delivery of all goods and services relating to the project will be delivered by MHR.

HealthTrust Europe's (HTE's) ICT Solutions 2019 Framework (ComIT 2 – Complete IT), has been created to provide the most cost effective and simplest route to market for IT requirements. It covers Enterprise Level Information Communication Technology (ICT) Solutions for Hardware, Software, Programs, Applications, Security, Computer Science, Managed Services, Consultancy, Support and Associated Services. This framework was awarded on the 27 September 2019 for four years. It is a single Lot framework that covers 5 distinct categories.

- 5.1 While both the Civica and MHR systems have been in use for over 10 years, they have been substantially upgraded over that period and both have evolved into web-based, cloud-hosted products. Both systems continue to be used widely across the public sector and MHR is used by many private sector organisations. However, there is now very clear evidence that new systems released by major software houses within the past two years have advanced considerably and have much more to offer, particularly as local authorities move into an enhanced digital service environment. These systems also have the major advantage of being integrated which is becoming an increasingly costly barrier to developing efficient processes with the current systems. While the council has no choice but to continue with these systems at present, the recommended contract extension periods have been negotiated with potential replacement of these systems in mind, which would require a minimum 3-year extension.

5. Community engagement and consultation

- 5.2 Engagement has taken place with the council's IT&D service and other local authorities in relation to the transition from the existing on-premises instance to Civica's cloud hosted platform and fully managed service, FinancialsLive.

6. Conclusion

- 6.1 These contracts are fundamental to secure the continued provision of Finance and HR/Payroll systems for the council, its external customers and enabling the council's back-office functions. Importantly, they will also

provide the council with time to consider its options for the future provision of its corporate financial and HR/Payroll systems including, if necessary, the procurement and implementation of replacement systems within a 3-year time horizon.

7. Financial implications

- 7.1 It is expected that the recommended and aligned contract periods for the corporate Financial and HR/Payroll systems will allow sufficient time for any potential savings and value for money improvements identified from the consultants review for future arrangements to be realised, either through identified improvements to the current systems or through a business case for their replacement.
- 7.2 The increase in license fees across Civica and Midland HR is £0.034m per annum from 2022/23 and this will be met from existing budgets within this service area. The additional one off costs totaling £0.281m have been reflected in the Targeted Budget Management estimates for 2021/22.

Name of finance officer consulted: James Hengeveld Date consulted 03/03/22

8. Legal implications

- 8.1 The council is required to comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works. Using a framework is a compliant route to market.
- 8.2 To lawfully award the proposed contracts without undertaking a mini-competition officers will need to ensure that a) the rules of the framework allow direct awards in the circumstance, b) they comply with the council's Contract Standing Orders (CSOs) and in particular CSO 7.5, which permits officers to select a supplier without the need for further competition where there is only one supplier capable of fulfilling the requirement and c) they must comply with regulation 33 of the Public Contracts Regulations which allows call-off contracts to be awarded without reopening competition where all the terms of the proposed contract are laid down in the framework agreement.

Name of lawyer consulted: Alice Rowland Date consulted (10/01/22):

9. Equalities implications

- 9.1 There are no equalities implications arising from this report

10. Sustainability implications

MHR

- 10.1 At the end of 2019, MHR signed a contract choosing E.ON's Renewable Energy Guarantees of Origin (REGO) backed supply. This provides

assurance that their organisation's electricity supply will come from 100% renewable wind sources and means their electricity is carbon neutral.

- 10.2 They also aim to reach specific levels of reduction of energy use in coming years. Year-on-year, they aim to reduce their electricity usage by 5 per cent and gas usage by 4 per cent, normalised for growth and expanded operations.
- 10.6 Recent office improvements include double thermal insulation to their roofing areas and external walls, triple glazed windows, LED lighting with occupancy sensors, centrally controlled heating and cooling systems and utility sub-metering to monitor consumption as well as additional parking and solar panels. A recent expansion project has also seen the development of a new server room which operates at a cooler temperature resulting in a reduction of cooling costs. High quality energy efficient LED lighting is standard throughout, controlled by passive infrared occupancy sensors avoiding wastage
- 10.10 Their software, iTrent, allows organisations to shift from printed to electronic communication, and to move forms and applications to the internet. This dramatically lowers printing, mailing and related distribution costs, whilst simultaneously providing more timely and accurate data to employees due to automation and online access.

Civica

- 10.12 Civica have an Environmental Management Team (EMT) that came together in 2011 to provide a strong and clear focus for the on-going development and implementation of the company's environmental policy. Not only has the team 'championed' the company's achievement of the ISO 14001 environmental management standard certification, but they are committed to continuous improvement and best practice which involves working with our customers, suppliers, partners in order to recognise and reduce the impact the company's operations have on the environment.
- 10.14 Every office has an Environmental Supervisor. In addition to their responsibility for the practical elements of Environmental Initiatives in their office they are also responsible for communication on any local aspect of environmental issues and act as a liaison for all staff in their location.

11. Other Implications

Social Value and procurement implications

MHR

- 11.1 MHR's Social Value and Corporate Social Responsibility strategy is focused on strengthening local community and environmental impact and as such have considered carefully how they can offer Brighton and Hove opportunities to benefit the local community.
- 11.2 MHR are proposing to offer three, one-hour sessions, each year of the contract to enable the upskilling of groups of individuals within the Brighton

& Hove area. These sessions may include working with data; system agnostics, understanding what data is, the purpose of its use and how tools can harness this. As a technology provider their expertise lies in skills in this area but they are also committed to further expanding the parameters of what can be delivered. MHR are also able to deliver sessions on careers advice within the technology area.

This will aim to support local people and provide positive employment experiences, creating opportunities for potential career development. Through other contracts, MHR have previously worked with graduates, work experience individuals and trainees wishing to upskill.

Civica

- 11.3 Civica are actively engaged with a wide range of community-based initiatives and charitable funding including Action for Children and Sleep Out to Help Out. They welcome the opportunity to extend this reach to new and existing customer projects.
- 11.4 Whilst Civica are open to further discussions with the council, they have committed to the following as a minimum:
- The use of Civica's Donate a Day provides individuals up to 5 days per year to support a local charitable event. In the past the Civica team have helped out at Food Banks including providing donations on the day as well as assisting in decorating community centres.
 - Attend an annual career fayre at the council's request to provide insight into a career in a software services company and discuss any opportunities at the time including apprenticeships

Subject:	Pay Policy Statement 2022/23		
Date of Meeting:	24 March 2022 – Policy & Resources Committee 7 April 2022 – Full Council		
Report of:	Executive Director, Governance, People & Resources		
Contact Officer:	Name:	Wendy Jepson	Tel: 01273 295088
	Email:	wendy.jepson@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Localism Act 2011 requires local authorities to produce a pay policy statement to be approved by Council annually before the start of the financial year to which it relates. The aim is to increase accountability, transparency, and fairness in the setting of local pay.
- 1.2 The pay policy statement:
- sets out the council’s policies on a range of issues relating to the pay of its workforce, particularly its senior and lowest paid staff;
 - summarises the parameters within which staff are paid;
 - describes the parameters being governed by a local pay framework set with reference to national terms and conditions, and nationally agreed pay awards.
- 1.3 The provisions in the Act do not seek to determine what decisions on pay should be taken, or what policies should be in place, but they do require councils to be open about their policies and how decisions are made.
- 1.4 This report asks the Policy & Resources Committee to recommend to Council the attached pay policy statement for adoption from 1st April 2022.
- 1.5 This report and the revised pay policy statement do not relate to ongoing work to review the Council’s pay structure and associated issues which is in discussion with the Council’s recognised Trade Unions.

2. RECOMMENDATIONS:

- 2.1 That the Policy & Resources Committee recommends to Council the adoption of the pay policy statement for 2022/23 attached at Appendix 1.

3. CONTEXT/ BACKGROUND INFORMATION

The Pay Policy Statement

- 3.1 The Localism Act 2011 requires local authorities to produce and formally approve an annual pay policy statement prior to the year to which it relates. The statement for 2022/23 is attached at Appendix 1. The council may amend its statement by resolution of Council if required during the year.
- 3.2 Schools' staff fall outside the scope of this legislation. Individual governing bodies are responsible for setting and updating their own Schools' Pay Policy each year.
- 3.3 The guiding principles for the council's pay policy are set out in the 'Aim' section of the statement. The council has adopted national terms and conditions, and these provide scope for local determination on grading structures and pay lines, as well as the ability to negotiate on working pattern allowances. Local authorities have the ability to determine their pay lines and grading structures and payments over and above basic pay.
- 3.4 Chief Officers, for the purpose of this legislation, are those who report to the Chief Executive and those who report to posts reporting to the Chief Executive i.e. deputy chief officers (aside from support roles).
- 3.5 The statement must provide a definition of lowest-paid employees adopted by the council for the purposes of the statement and include the council's policies relating to the remuneration of chief officers, payments to chief officers on leaving, and the publication of information on the remuneration of chief officers. The pay policy statement provides links to our existing policies on redundancy, retirement, and other compensation payments. These policies set out who is responsible for decisions on such payments.
- 3.6 The council's pay policy statement provides that decisions in relation to permanent recruitment to posts which attract a total remuneration package above the £100,000 threshold will be referred to the Appointments & Remuneration Panel for consideration and recommendation to the Chief Executive. In this way, it is ensured that adequate systems are in place to ensure value for money. The same provision is made regarding severance packages above £100,000, with the Chief Executive having authority to agree a severance package above £100,000 where the severance package has been recommended by the Appointments & Remuneration Panel. In accordance with Statutory Guidance, this figure does not include amounts that may be payable by virtue of any enactment e.g. redundancy retirements where payment is in line with legal requirements and normal council policy.
- 3.7 All other severance packages are scrutinised by an officer Compensation Panel comprising the Head of Human Resources, the Monitoring Officer and the s151 Officer (or their deputy). The Compensation Panel makes recommendations to the relevant Executive Director responsible for the severance package. The council's external auditors are also consulted about the value for money of any potential offers to Chief Officers. Compensation packages in excess of £100,000 which relate to the Chief Executive will be referred to the Policy & Resources Committee for approval.
- 3.8 There have been no further updates from the Government following the revocation in February 2021 of the Restriction of Public Sector Exit Payment Regulations 2020. HM Treasury have indicated that they will bring forward proposals to tackle

unjustified exit payments and it is anticipated that the cap or similar will be re-introduced in some form. The Council will monitor the situation and review its policies once full details and implications are known.

- 3.9 The Localism Act 2011 does not require specific numerical data on pay and reward to be published as part of a council's pay policy statement. However, statutory guidance made under section 40 of the 2011 Act suggests that consideration be given to how the pay policy statement fits with data on pay and reward that councils are already required to publish on their websites, under the [Local Government Transparency Code](#) and by the [Accounts and Audit Regulations 2015](#). The data published is in an accessible format according to the guidance contained in the aforementioned publications.
- 3.10 The council publishes pay data annually in accordance with the Local Government Transparency Code. The majority of this information is published as soon as possible after the start of the financial year. However, information required in line with the Accounts and Audit Regulations 2015 is published in May each year in an unaudited format, and then the fully audited accounts are published in July each year.
- 3.11 The Localism Act 2011 requires authorities to explain what they think the relationship should be between the remuneration of its chief officers and its employees who are not chief officers. The pay multiple is calculated using the median pay of all employees within the scope of the Pay Policy Statement as a multiple of the Chief Executive's salary. This method is in line with the Hutton report on Fair Pay, which is referred to in the 'Openness and Accountability in Local Pay' guidance. For the financial year 2020/21, the pay multiple was 5.3 to 1. This is recalculated after the end of the financial year and published on the council's website as part of our pay data. The pay multiple is calculated using the definition contained in the Local Government Transparency Code, i.e. the ratio between the highest paid employee (usually the Chief Executive, as is the case with Brighton & Hove) and the median salary across the workforce (excluding school staff).
- 3.12 The pay multiple for 2021/22 is yet to be calculated. This will take into account the pay award for 2021/22 which was not yet agreed at the time this Policy was prepared, and any other changes the Council makes with regard to the forthcoming discussions about the lowest pay scale.

The pay policy statement, when published on our website, will contain hyperlinks to related information. This will include reference to the separate pay policy for directly employed teachers at the council.

- 3.13 Additional proposals to require high public sector earners to repay exit payments if they return to the sector have previously been consulted on but there has been no further indication of when or if they might be implemented. The Council will monitor the situation and review its arrangements once full details and implications are known.
- 3.14 The Real Living Wage for council employees will increase to £9.90 per hour with effect from 1st April 2022: an increase of 4.21%.

- 3.15 The pay policy does not yet cover the Gender Pay Gap reporting for the period of March 2021, this will be added once the report has been prepared. However, the information published on 6 May 2021 for the March 2020 reporting period is shown below. Driven by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 reporting period for March 2020 shows that on average female employees earn 6.1% more than male employees, and that using the median as a measure, female employees earn 2.5% more than male employees.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Section 39(1) of the Localism Act 2011 requires the Council to approve its Pay Policy Statement, while section 39(5) requires that it publish its Pay Policy Statement as soon as reasonably practicable after approval. This report and the Pay Policy Statement are considered to achieve the appropriate levels of transparency and to comply with relevant guidance.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The purpose of this pay policy statement is to provide transparency regarding how local decisions on pay are made. There will be no separate consultation, however trade unions have been made aware of the contents.

6. CONCLUSION

- 6.1 It is a requirement of the Localism Act 2011 that Members are consulted prior to the publication of the Pay Policy Statement. It is therefore recommended that Policy & Resources Committee approve this report and recommend that full Council formally approve the Pay Policy Statement 2022/23.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The annual pay policy statement supports good governance and allows benchmarking comparisons with other local authorities to assess Value for Money.
- 7.2 The pay assumptions included within the budget for 2021/22 have been updated to reflect the final offer from the employers' side of 1.75%, together with the Real Living Wage 2021/22 uplift. Similarly, the employers' side final offer for the Chief Officers (JNC) pay award of 1.5% has been incorporated. These offers have been rejected by the Trades Unions and are subject to further negotiation.
- 7.3 The council's budget for 2022/23 includes provision for the Real Living Wage uplift to £9.90 per hour from 1st April 2022. In total, the 2022/23 budget includes provision of over £7.5m for changes to pay including:
- An assumption of a 2% NJC pay award in 2022/23 based on the government's long-term projections for the UK GDP deflator;
 - An increased Market Supplement for Children's Social Workers;
 - Provision for City parks and City Clean pay and grading increases following a re-evaluation of roles and duties;

- Provision for revision to the council's minimum pay and grading, and;
- Provision for the cost of resolving last year's industrial dispute.

Finance Officer Consulted: Nigel Manvell

Date: 16/02/2022

Legal Implications:

- 7.4 This Pay Policy Statement complies with the requirements of s38 of the Localism Act 2011 and statutory guidance issued pursuant to it.
- 7.5 It is a requirement of section 39(1) of the Localism Act 2011 that the Pay Policy Statement be approved by full Council.

Lawyer Consulted: Elizabeth Culbert

Date: 14.02.22

Equalities Implications:

- 7.6 The publication of a pay policy statement increases transparency over pay and promotes fairness.

Sustainability Implications:

- 7.7 None.

Any Other Significant Implications:

- 7.8 The pay policy statement provides local taxpayers with information on how the council makes local decisions on pay and thus provides greater openness and transparency to assist the public to assess value for money.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1: Pay Policy Statement 2022/23

Documents in Members' Rooms

None

Background Documents

None

Brighton & Hove City Council Pay Policy Statement

1 Aim

Brighton & Hove City Council wants to ensure that the City and its residents receive high quality services and excellent value for money. In the context of the significant budget challenges that the council faces, pay levels need to be set at a level that will enable the council to attract and retain high calibre individuals while remaining prudent in its use of public funds.

To achieve this, the council requires a workforce that is conscientious, professional, and reliable at all levels and which has the relevant up-to-date skills and knowledge to deliver high quality services to the residents of and visitors to Brighton and Hove.

The council depends on a high calibre senior management team able to provide leadership and to work in close partnership with other private, public and voluntary agencies across the City. The senior team need to work with partners to assess and understand the level of need across the City and to commission and deliver services. At the same time, they need to be able to lead change programmes and reduce costs to deliver better outcomes for customers. An innovative, skilled and experienced workforce is vital to the delivery of our vision and this is at the heart of our pay policy. This principle applies from the lowest to the highest paid employee.

Whilst recognising the market rates for pay and seeking to attract the best talent, the council seeks to ensure that pay policies are based on fairness and equality and allow the workforce to live healthy and happy lives. The council has introduced the 'Real Living Wage' and is working to address low pay and ensure that the pay gap between the highest and the lowest paid is appropriate and justified. The pay multiple between the Chief Executive and the median earnings of the rest of the workforce will be published annually on the council's website.

2 Scope

This document complies with the council's statutory responsibility to produce a pay policy statement annually pursuant to s38(1) of the Localism Act 2011. This policy statement requires approval by full Council. The council wishes to ensure that local taxpayers are able to take an informed view on all aspects of the council's remuneration arrangements and the pay policy statement will be published on the council's website.

The statement applies to all employees of the council and 'casual workers', except for those staff based in schools and apprentices throughout the council.

3 Definitions

For the purposes of the pay policy statement the following definitions will apply:

- Brighton & Hove City Council defines its lowest paid employees as those who are paid on the lowest spinal column point of its [grading structure](#). This is the real 'Living Wage' and is applied to casual workers as well as employees. A full-time post is based on a 37-hour week. Under the terms of the revised national pay spine, (which came into effect in April 2019) the real 'Living Wage' will equate to the bottom Spinal Column point of the new national pay spine.
- Chief Officers, for the purpose of this legislation, are those who report to the Chief Executive and those who report to posts reporting to the Chief Executive i.e. deputy chief officers (aside from support roles).

Senior Structure

For the purposes of this pay policy statement the Executive Leadership Team comprises the following posts:

- Chief Executive;
- Executive Director Families, Children & Learning (incorporating Director of Children's Services (DCS) role);
- Executive Director Health and Adult Social Care (incorporating Director of Adult Social Services (DASS) role);
- Executive Director of Economy, Environment and Culture;
- Executive Director, Governance, People & Resources; and
- Executive Director of Housing, Neighbourhoods and Communities.

The Executive Leadership Team also includes the Chief Finance Officer and Director of Human Resources & Organisational Development who report to the Executive Director, Governance, People & Resources.

The Extended Executive Leadership Team comprises members of the Executive Leadership Team and Assistant Directors ([Link to structure chart](#)). [The Leadership Network for the council comprises the Chief Executive, Executive Directors, Assistant Directors and those that report to them and are on a senior management grade \(M7 and above\).](#)

National Pay and Conditions

There are a number of national agreements produced through collective bargaining arrangements for different groups of local government staff. The main negotiating bodies relevant to our workforce and their scope are listed below. Brighton & Hove City Council operates these national conditions as amended by local agreements.

The National Joint Council (NJC) for Local Government Services negotiates collective agreements on pay and conditions for local authority employees who are not covered by other specialist negotiating bodies (e.g. teachers).

The Joint Negotiating Committee for Chief Officers of Local Authorities (JNC) covers the pay and conditions for Chief Officers as well as other members of ELT and Assistant Directors.

The Soulbury Committee negotiates the pay and conditions for advisory staff in local education authorities (LEAs), such as: educational improvement professionals (previously advisers and inspectors) and educational psychologists.

The Joint Negotiating Committee for Youth and Community Workers covers the pay and conditions of youth and community workers.

4 Governance

The Policy & Resources Committee is responsible for setting policy on pay and conditions of employment within Brighton & Hove City Council. The council has adopted the National Joint Council terms and conditions for local authority staff as amended locally. Chief Officers, including the Chief Executive, are mainly employed on nationally negotiated JNC terms and conditions but their pay is determined locally. A minority of Chief Officers are employed on NJC terms and conditions, but similarly their pay is determined locally.

The relevant sub-committee, committee or the Chief Executive approves the appointment of staff in accordance with the Officer Employment Procedure Rules. The council has adequate systems in place through the Appointment & Remuneration Panel to ensure value for money.

The Appointments and Remuneration Panel may also be consulted for its views in connection with the statement of pay policy as defined in the council's Constitution. The policy in respect of the remuneration of interims and consultants is set out under paragraph 20 below.

5 Grading Structure

The council uses a recognised, analytical job evaluation scheme to ensure that there is an objective process for determining the relative size of jobs and thus allocating jobs to the appropriate grade. This is used for all posts, apart from those of the Chief Executive and Executive Directors and staff employed on Soulbury and Youth Worker conditions of service. The current pay and grading structure was implemented during 2010.

6 Progression

All posts, apart from that of the Chief Executive are employed on grades containing spinal column points. All employees (other than the Chief Executive) progress through their grade each year (subject to satisfactory performance), rising by one incremental point, until they reach the maximum point of the grade. Pay awards for NJC and JNC staff are negotiated nationally. [NJC and JNC grades](#). Where a member of staff is the subject of formal disciplinary and capability processes, increments may be withheld.

Employees may be accelerated up the pay grade by a maximum of two spinal column points to recognise exceptional performance. Link to [Additional Payments Policy](#).

7 Remuneration on Appointment

Staff are usually appointed on the minimum spinal column point of the grade. However, where there are difficulties recruiting to a post or where an individual can demonstrate

significant valuable previous experience, appointment may be agreed at a higher spinal column point within the grade.

The Chief Executive is required to consult the council's Appointments & Remuneration Panel on the appropriate starting salary for any new permanent Executive Leadership Team appointments or any other proposal to offer a permanent appointment with a salary package of £100,000 or more.

8 Chief Executive

The Chief Executive's salary is set to ensure that it is competitive when compared to roles of similar size and complexity elsewhere and with regard to the challenges, additional hours and working arrangements required to achieve the requirements of the role. The salary is on a single fixed salary point. Nationally negotiated cost of living awards are applied.

The Chief Executive is entitled to receive a fee as set by the Ministry of Justice for acting as the local returning officer for elections. ([Link to actual earnings and earnings forecast for 2021/22](#))

Full Council is required to approve the appointment of the Chief Executive following the recommendation of such an appointment by the Appointment & Remuneration Panel.

9 Executive Leadership Team

The pay and grading of the Executive Leadership Team is determined by the requirements of the role and by reference to the labour market for roles of a similar size and complexity. Executive Directors progress to the next point of their grade scale subject to satisfactory performance in the role as determined by the Chief Executive Officer. Once at the top of the scale they continue to receive the JNC nationally negotiated cost of living awards. ([Link to actual earnings and earnings forecast for 2021/22](#))

10 Assistant Directors

The pay structure for posts at this level ensures the council is able to attract and retain staff with the suitable skills and experience to deliver the council's many services. Nationally negotiated cost of living awards are applied.

11 Additional Payments

In order to ensure sufficient flexibility to reward staff who are undertaking additional responsibilities, the council's policy on [Additional Payments](#) provides for Acting Up payments or a one-off Honorarium Payment to be made in specific circumstances.

12 Market Supplements

The Council may pay a market supplement, in accordance with the council's market supplement policy, where there are proven shortages of individuals with particular skills and experience.

13 Travel and Expenses

The Council is committed to becoming a carbon neutral city and promoting healthy and sustainable travel. This means that when employees are required to travel, they should be aware of choosing the most cost-effective, efficient and sustainable ways of travelling, both to and from work and within the working day.

Staff should first ensure that travel is necessary and that the intended outcome could not be achieved by other means, such as email or telephone or video-conferencing. Where travel is necessary, staff should make optimum use of diary planning to minimise the number of business travel journeys made and should explore walking, cycling, public transport options before using a car.

Where authorised to do so, employees are entitled to be reimbursed for mileage they incur whilst discharging their official duties. This does not include mileage to or from home to their normal place of work. The rate of [reimbursement](#) will depend on the engine size of their car, while other rates are applicable where motorbikes and bicycles are used for this purpose. Employees who have to use public transport to travel for their role are entitled to reclaim the costs of the transport under the council's expenses policies.

14 Working Pattern Allowances

The council introduced its current allowance scheme for those employed on NJC terms and conditions on the 01 October 2013; these allowances reward employees who work outside the council's standard working week, which is Monday to Friday between 6am to 8pm each day. Working outside of these standard times will attract an enhancement to the hourly rate. Details can be found in the Employee Rights & Responsibilities document.

15 Annual Leave

Annual leave entitlements vary according to the terms and conditions of employment. [Annual leave entitlements](#) are published on the Council's website.

16 Pension Scheme

Membership of the Local Government Pension Scheme is subject to the rules of the scheme and contribution rates are set by legislation ([Link to rates on ESCC Website](#)). Where individuals are already in receipt of a local government pension, they are subject to the rules on abatement of pension within the scheme.

17 Redundancy, Retirement and other Compensation Payments

The council's approach to dismissals on the grounds of redundancy or efficiency of the service and in the case of early retirement can be found in the following policies on our website: [Redundancy, Retirement and other Compensation Payments policy statement](#) and [Retirement at Brighton & Hove](#).

It is the council's policy that employees who accept a financial package on voluntary termination of their employment with the council are not re-employed or engaged as a self-employed contractor or through an agency for a minimum period of two years; details of this policy can be found in the [Re-Employment of Employees policy](#)

In exceptional circumstances, the council will agree to settle a claim or potential dispute upon the termination of employment by way of a compensation payment. In this situation, an officer panel comprised of the Director of Human Resources & Organisational Development (or their delegate), the Monitoring Officer (or their deputy) and the S151 Chief Finance Officer (or their deputy) will review a business case prepared by the relevant Chief Officer. While the officer panel will scrutinise the business case and may endorse it, make recommendations regarding it or advise against it, responsibility for the final decision remains with the relevant Chief Officer.

In the case of Chief Officers, other than those who are members of the Executive Leadership Team, and in any case where the proposed total payment is £100,000 or more, the Chief Executive may approve the severance package where the package has been recommended by the Appointments & Remuneration Panel. The council's External Auditor is also consulted about any potential offers to Chief Officers. Compensation packages in excess of £100,000 which relate to the Chief Executive will be referred to Policy & Resources Committee.

18 Pay Protection

In cases where an employee is redeployed into a lower graded role due to their original role being made redundant, the annual protection payment will be the difference between the employee's normal contractual pay in the former post and the normal contractual pay of the new post in year 1; and in year 2 it will be 75% of this value. After which the employee will be paid at the top of the grade for the role they've been redeployed into.

An employee will have the amount of their protection re-calculated should their pay details change at any point during the protection period so that their amount of pay does not exceed the pay they received in the role they were made redundant from.

19 Job Evaluation

The council grades all NJC and JNC roles using a job evaluation scheme to ensure roles of equal value are paid equitably. The council's allowance scheme sets out circumstances where individuals are entitled to payments beyond their basic grade.

20 Remuneration of Staff – Contract for Services

Individuals employed on a contract for services will be paid at a rate consistent with the pay of directly employed staff performing a comparable role and will consider where relevant, a premium to take into account any relevant market factors. It is the council's policy to minimise the use of consultants wherever possible and the approval of the Chief Executive is required prior to any commitment to expenditure on consultants in excess of £10,000.

21 Remuneration of Staff – Publication of Information

The council publishes details of staff earnings in accordance with legal requirements on transparency. Further information is contained in the [Statement of accounts](#) in accordance with the Audit of Accounts legislation.

22 Gender Pay Gap Report

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires all local authorities with more than 250 employees to publish gender pay gap data based on a 'snapshot' date of 31 March of the previous year to the year in which the data is published.

The gender pay gap is defined as the average pay gap between male and female staff in hourly pay. The council is required to publish the mean and median differences between male and female employees and the proportions of each gender in each pay quartile.

Further requirements stipulate the need to publish information related to bonuses received by each gender, however the council does not pay bonuses, and as such the council does not report under these headings.

The ethnicity pay gap report was published for the first time in 2021 on a voluntary basis.

For further information please see the most recent. [Gender Pay Gap Report](#)

Brighton & Hove City Council

Policy & Resource Committee

Agenda Item 121

Subject: Fair & Inclusive update including Workforce Equalities Report 2020-21

Date of meeting: 24 March 2022

Report of: Abraham Ghebre-Ghiorghis, Executive Director,
Governance, People and Resources

Contact Officer: Alison McManamon
Tel: 01273 290511
Email: Alison.McManamon@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 At 1 July 2021 meeting, P&R committee received a progress report on the council's Fair & Inclusive Action Plan, as well as the council's first voluntary ethnicity pay gap report. At this same meeting officers were instructed to produce annual ethnicity pay gap reporting in line with the gender pay gap reporting schedule and also requested to produce disability pay gap reporting annually going forward.

1.2 The co-created Fair & Inclusive Action Plan (FIAP) is in place to address disproportionate outcomes for diverse staff groups and communities across the council and city. This includes workforce actions to achieve proportionate representation across all levels, which should mitigate any reported positive pay gaps.

1.3 All the fair and inclusive work has been done in collaboration with our key stakeholders. Progress towards improved outcomes is monitored through a range of measures that includes both quantitative and qualitative data.

1.4 This report provides an update on fair and inclusive progress. It includes the annual Workforce Equalities Report 2020-21 (Appendix I) and outlines our priorities and future actions.

2. Recommendations

That the Policy & Resources Committee (P&R):

2.1 Notes the report and 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.

3. Context and background information

The council's workforce profile as at 31 December 2021

- 3.1 The percentage of BME and White Other staff within the workforce continues to increase. Compared with 31 December 2020, we have seen 1.0% and 0.7% increases in their workforce profiles respectively. This means 8.6% of the workforce now are from BME backgrounds, compared with a target of 9.1%. For White Other staff the current figure is 8.0%, compared with a target of 8.8%. It is important to note that whilst this is encouraging, both groups remain under-represented in the middle and upper pay bands (grades SO1/2 and above) and, are more likely to be employed in the lower pay band (grades 1-6).
- 3.2 Although disabled staff are proportionately represented in the workforce (7.9% compared with a target of 7.5%), our data shows they are not proportionately represented in the upper pay band (grades M8 and above).
- 3.3 Men remain under-represented within the council's workforce. Female staff and LGBTQ+ staff are proportionately represented at all levels.

Fair & Inclusive actions and progress

- 3.4 The annual Workforce Equalities Report 2020-21 (Appendix I) provides data on fair and inclusive progress and work carried out within that period.
- 3.5 Actions and progress from April 2021 to present include:
- HR Diversity Recruitment Consultant in post to carry out a range of targeted interventions; work has included:
 - Supporting more than 60 recruitment exercises across all directorates
 - Delivering fortnightly inclusive recruitment surgeries to offer timely advice to recruiting managers, such as inclusive advert writing, promotion of roles on social media and developing inclusive shortlisting questions
 - Establishing ethnically diverse panels and guidance for senior recruitment
 - Refreshing the council's jobs pages (ongoing) and improving guidance for applicants
 - Producing guidance for managers on how to give useful and constructive feedback to unsuccessful candidates
 - Piloting an 'Applying to Work at BHCC' insight programme with Voices in Exile to support refugees and migrants into employment

- Collaborating with the council's Adult Education Hub and other community partners to support employability skills training, for example, Next Steps for ESOL learners
- Attendance at virtual Universities careers fairs
- HR Business Partners providing support to six directorates in using data to identify positive actions to address under-representation
- Launching a Diverse Talent Programme (Jan 2022) for BME staff, including dedicated sponsors from the council's Leadership Network for each of the 16 delegates
- Providing development opportunities to our Leadership and Managers Networks to support the fair and inclusive agenda
- Continued delivery of Fair & Inclusive mandatory briefings, now reaching over 4000 staff
- Implementing a restorative approach to reports of racist behaviour, developed with our BME Workers Forum
- Offering (online) mediation
- Collating a range of Fair and Inclusive and Anti-racism resources on the Learning Gateway
- Progressing the IT&D accessibility workstream focussing on digital inclusion and accessibility
- Reviewing the reasonable adjustments process and increasing the range of disability-related training
- Becoming members of the Business Disability Forum to access a range of benefits to support management of disabled staff

Future actions

- 3.6 Managing workloads was highlighted as a priority by the 2021 staff survey and capacity and resource remain an issue. It is essential that we allocate resource intelligently and efficiently. The staff survey results provide evidence of disproportionate impacts for our diverse staff groups, for example:
- Having meaningful PDPs is much more important to Black / Black British and Asian / Asian British staff (83% and 81% respectively) than the organisation as a whole (65%)
 - Disabled staff responded less positively to most questions compared with the whole organisation, but their responses have improved overall since the 2019 survey
 - Bisexual staff are less likely to agree the organisation takes the issues of bullying, harassment and discrimination seriously (64%) compared with the organisation as a whole (69%)
- 3.7 In collaboration with our workers fora, we are using the staff survey results and other data to inform and target future actions in the right place, including:
- Identifying development and pathways into senior roles for staff from under-represented groups

- Further utilising membership of the Business Disability Forum to support policy reviews and training commission
- Developing awareness and language around gender and sexual orientation

2021 Pay gap reporting

- 3.8 The council published its voluntary 2020 ethnicity pay gap report (see Appendix II) in line with ONS guidelines for ethnic origin groupings. Following this report, committee instructed officers to publish subsequent ethnicity pay gap reporting with more detailed data analysis, and in line with the gender pay gap reporting schedule.
- 3.9 To give this due consideration and resource, the council requires adequate time to engage with key stakeholders and ensure the data is reported in a meaningful way. Current corporate workforce profile data indicates that the council is likely to report positive ethnicity and disability pay gaps
- 3.10 Actions to address these inequalities have been identified in this report (see above points 3.5 – 3.7) and are being monitored through the council's co-created Fair & Inclusive Action Plan.

4. Analysis and consideration of alternative options

- 4.1 The progress outlined above is on previously Member agreed work under the Fair & Inclusive Action Plan and petitions accepted by committees, as well as commitments in the anti-racist pledge.

5. Community engagement and consultation

- 5.1 The council's Corporate Equality Delivery Group meets every six weeks and oversees progress of the FIAP. Membership of this group includes our workers fora, Trade Unions and other stakeholders. Representatives from the workers fora are also involved in working groups for the various activities within the FIAP, for example the IT&D Accessibility workstream. We also continue to work with the P&R BME standing invitee.

6. Conclusion

- 6.1 The council is maintaining steady progress in diversifying its workforce and has identified the need for further action to achieve proportionate representation in senior roles.
- 6.2 The council has built trust with its workers fora and we remain committed to collaborating with them, our trade unions, communities and other key stakeholders to achieve our commitment to being a fair and inclusive place to work. This approach should minimise risks to the successful delivery of the fair and inclusive programme.

7. Financial implications

- 7.1 There are no direct financial implications resulting from the recommendations of this report. Current and planned actions to address employment outcomes for diverse staff groups can be accommodated within approved budgets. Any actions that resulted in changes with consequent financial implications for the council would be brought to Policy & Resources Committee for approval.

Name of finance officer consulted: James Hengeveld Date consulted (09/03/2022):

8. Legal implications

- 8.1 The Council as a public authority is under a legal duty to ensure compliance with the Public Sector Equality Duty which is covered below. In accordance with section 78 of the Equality Act 2010, the Council is only required to publish gender pay gap reports. However, the Council is under no statutory duty to publish ethnicity or disability pay gap reports, therefore there is no risk of non-compliance in regards to these additional pay gap reports which have been produced.

Name of lawyer consulted: Carol Haynes Date consulted (23/02/22):

9. Equalities implications

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

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

- 9.2 All staff must be confident that they can be themselves at work and feel valued and a sense of belonging, supported by an inclusive culture that identifies and removes barriers and creates opportunities and career development and progression.

- 9.3 The co-created Fair & Inclusive Action Plan has clearly defined actions delivered in collaboration with key stakeholders. It will support all these aims and bring benefits to council employees as well as to the reputation of, and trust and confidence in the council across the city.

Name of equalities officer consulted: Emma McDermott Date consulted (09/03/2022):

10. Sustainability implications

- 10.1 None identified.

Supporting Documentation

1. Appendices

1. Workforce Equalities Report 2020-21
2. Ethnicity Pay Gap Report 2020 - 21

WORKFORCE EQUALITIES REPORT 2020 TO 2021



We promise
that we will be a fair and
inclusive place to work

Contents

Introduction	2
Key findings.....	3
Organisational Data.....	5
Communities	6
Accountability and Consequences.....	7
Learning and Development	8
Recruitment, Retention and Progression	9
Appendices.....	10

Introduction

Fair and inclusive place to work

This report provides evidence and commentary on the council's progress towards being a fairer and more inclusive place to work. The report also meets our obligations under the Public Sector Equality Duty within the Equality Act 2010.

The council's Fair & Inclusive Action Plan (FIAP) was co-created in 2019, in response to a review carried out by external consultants, Global HPO. You can find their review and the council's [Fair & Inclusive Action Plan on the council website by clicking this link.](#)

Our data shows inequalities for staff from minority ethnic backgrounds and for disabled staff, particularly when we look at their under-representation in higher graded roles. We need a workforce that is representative of the communities we serve, at all pay grades, including senior roles. We know that fair and inclusive practice can benefit all our staff as well as the council's customers and communities.

All the fair and inclusive work is done in collaboration and agreement with a range of stakeholders from across the organisation and at all levels. We understand that quantitative data (numbers) cannot tell us everything and that qualitative data (words) is equally important. We use our staff survey and other feedback from staff about their lived experiences to help us make decisions about where and when to take action.

We have developed trust with key stakeholders through openness and collaboration. The Fair and Inclusive Action Plan began in April 2019 and on 9 March 2020, we launched our We Need to Talk About Race campaign. Less than three weeks later, the whole country was in lockdown because of the global coronavirus pandemic.

Global events and local impacts

The departure of the UK from the European Union at the end of March 2020 created uncertainty for EU citizens and their families living in the UK. During this period the council provided information and support to staff who needed to apply to the EU Settlement Scheme by 31 December 2020.

The coronavirus pandemic increased pressure on local authorities across the UK in unprecedented ways. In Brighton & Hove, this meant some of the resource for our planned FIAP work was moved to meet new and urgent priorities. In 2020, racism across the world was highlighted by events in the United States. In Brighton & Hove, local councillors [made a pledge to be an anti-racist council and city.](#)

With a year of the Fair & Inclusive Action Plan underway, we were in a stronger position than some to develop an anti-racist approach. We built on the work we had already started and the relationships we have with our key stakeholders. For example, when we produced our Covid-19 individual risk assessments, to keep staff safe in the workplace, input from our workers' fora was really important. We continue to collaborate with key stakeholders on all our fair and inclusive work.

Key findings

The composition of our workforce:

- Female employees continue to do well at the council. [In 2021 the council published a negative gender pay gap.](#) On average, females are paid 6.1% more than males
- There is a higher percentage of female staff than male staff on all contract types and across all pay bands. This has been the case for more than five years and is likely to be a reason for the council's negative gender pay gap
- 53% of our female workforce works part-time compared with only 18% of all male employees
- Men are under-represented in the council's whole workforce (42.1%) when compared with the local economically active population (53.6%)
- Less than 8% of staff are aged under 30; more than 14% of staff are aged 60 and over
- 49% of all staff have been employed by the council for 10 years or more
- The council continues to steadily increase the percentage of employees identifying as Black and Minority Ethnic (BME) and White Other within the workforce but these groups are not proportionately represented when compared with the city's economically active population
- The percentage of BME and White Other applicants for council jobs has increased since 2015/16, from 14% to 22% and 12% to 15% respectively. These groups remain less successful at being shortlisted and hired when compared with White British applicants
- The percentage of BME staff employed in the middle pay band has increased for the fourth consecutive year to 7.6%. This is an increase of 1.3% since 31 March 2020 (6.3%)
- BME and White Other staff are not proportionately represented in the middle and upper pay bands
- 6.5% of staff with 10 or more years' service are from BME backgrounds
- In 2020/21, 15.4% of all new starters identified as BME, 7.8% as disabled, 19.2% as LGBTQ+ and 10.1% were from a White Other background
- The percentage of disabled staff within the council workforce exceeds the target figure, but they are not proportionately represented in the upper pay band
- LGBTQ+ staff are slightly under-represented in the lower pay band only
- The proportion of BME staff on permanent contracts has increased for the last three years
- Looking at all staff employed on temporary contracts, there is a higher percentage of male, LGBTQ+, disabled, BME, White Other and White Irish staff than compared with permanent contracts
- 11.9% of leavers identified as disabled. This is higher than their percentage in the workforce (7.7%)
- 32% of the workforce identifies as Christian and 9% as other religions

The experiences of our workforce:

- Disabled staff are much more likely to have been subject to attendance management procedures than staff who tell us they are not disabled
- LGBTQ+ staff were slightly more likely (14.6%) to be subject to attendance management procedures than their percentage of the workforce (13.4%)
- Staff identifying as BME, disabled and male were more likely to be subject to disciplinary procedures compared with their proportion of the workforce
- 2697 staff completed the 2019 staff survey (see Appendix 4). When comparing against the whole council workforce, survey results found the following:
 - Staff identifying as Black/Black British (45 responses), of mixed ethnicity (64 responses) or as disabled (256 responses) were much less likely to agree the organisation feels like a fair and inclusive place to work
 - Staff who responded more negatively to all of the indices includes those who are disabled, whose gender identity is different from their sex registered at birth (32 responses), or who identify as Other gender (32 responses) or Other sexual orientation (51 responses)
 - Bisexual staff (89 responses) responded more negatively to all of the indices except for the Developing People Index, where their response was the same as the whole workforce
 - Asian / Asian British (40 responses), Female (1619 responses), Gay (129 responses) and staff identifying as White Other (180 responses) responded more positively to all of the indices
 - Black / Black British staff responded more positively to all of the indices except for Wellbeing and Fair and Inclusive, where they responded more negatively
 - Staff identifying as Muslim (22 responses) and Christian (595 responses) responded more positively to all of the indices
 - Staff identifying as Pagan (23 responses) responded more negatively to all of the indices
 - Jewish staff (20 responses) responded more positively to all of the indices except for the Managing Change Index

Organisational Data

All figures reported are based on known data at 31 March 2021. Figures do not include staff employed within schools.

Table 1: 1- and 5-year changes to BHCC workforce profile

	2015/16	2019/20	2020/21	Workforce Target
Contracted Workforce - Headcount	4549	4371	4342	
Contracted workforce - FTE	3870.7	3781.6	3842.3	
BME	6.3%	7.7%	8.5%	9.1%
White Other	6.0%	7.4%	7.7%	8.8%
White Irish	2.1%	2.0%	2.2%	1.6%
Disabled	7.9%	7.7%	7.7%	7.5%
LGBTQ+	12.0%	12.9%	13.4%	13.0%
Sex – Female	59.5%	59.4%	57.9%	46.4%
Sex – Male	40.5%	40.6%	42.1%	53.6%
No Religion	53.8%	58.8%	59.0%	
Christian	36.66%	32.4%	31.6%	
Other Religion	9.6%	8.9%	9.4%	
Age: <30	6.2%	7.6%	7.6%	
Age: 30-59	82.9%	79.2%	78.2%	
Age: 60+	11.4%	13.2%	14.1%	

The council has six directorates:

- Economy, Environment & Culture (EEC)
- Families, Children & Learning (FCL)
- Finance & Resources (F&R)
- Health & Adult Social Care (HASC)
- Housing, Neighbourhoods and Communities (HNC)
- Strategy, Governance & Law (SGL)

Our data shows there are some differences in the workforce profiles of the six directorates (see Appendix I). Each directorate uses their own data to focus fair and inclusive workforce actions.

All directorates report progress towards their workforce and service equalities objectives in a quarterly report. This is an important part of the council's performance management framework and how we monitor the impact of any actions.

Each directorate also brings regular updates and case studies to the Corporate Equality Delivery Group, which is chaired by our Chief Executive, Geoff Raw.

Communities

The Communities workstream of the FIAP supports the interlink between the council's workforce and delivery of services to our diverse communities and customers. Because this report focusses on workforce equalities it does not include data relating to service delivery.

However, it is important to note the huge amount of work done during this reporting period. In particular, council services worked across the city to respond to Covid-19 and the emerging needs of our customers. This work also helped inform some of the actions we took with staff, particularly in relation to wellbeing.

2020-21 workforce activity includes:

- Recruiting to a Lead Practitioner for Anti-racist Practice role in the Families, Children & Learning directorate
- Partnering with Sussex Health & Care Partnership on the Sussex-wide BAME Disparity Programme, focussing on Workforce, Population and Communications
- Maintaining virtual links with local education providers
- Implementation of a migrant employability project working jointly with Voices in Exile

Recommendations for 2021-22 include the following:

- Develop a pre-employment strategy to support under-represented groups
- Increase attendance at face-to-face careers fairs with local education providers
- Establish relationships with community groups to support those individuals from under-represented groups who experience barriers to employment
- Refresh equality impact assessment (EIA) forms and training

Accountability and Consequences

In 2020-21, Accountability & Consequences workstream activity included the following:

- Delivering online mandatory fair and inclusive briefings to around 3000 staff
- Embedding the council's Behaviour Framework including working with HR Advisory Services to ensure we use the language of our values and policies
- Communicating to staff about where to report issues and get support
- Publicising the council's definition of racism and zero-tolerance approach
- Developing a restorative approach to racism, to increase understanding around the personal impact of certain behaviours and language relating to race, and to resolve issues in a way that encourages reflection and learning
- Commissioning actor-led specialist equalities training for the HR Advisory Service, investigating managers and members. Face to face learning was stopped because of the pandemic and delivery of this training was postponed
- Agreed a new Attendance Management Policy
- Offered online conflict coaching in place of mediation, which was paused due to social distancing restrictions
- Coaches undertook 'Coaching in the context of racial harm' training

Our data shows that:

- The total number of attendance management cases in 2020-21 was 197, compared with 360 in 2019-20
- Disabled staff are around twice as likely to have been subject to attendance management procedures, when compared with their proportion in the workforce
- Staff identifying as BME (5), disabled (7) and male (35) are more likely to be subject to disciplinary procedures compared with their proportion of the workforce.
- Of 53 disciplinary cases reported, 5 were related to discrimination: race/ethnicity (4), sexual orientation (1)
- In the 2019 staff survey, 67% of the whole workforce agreed that the organisation feels like a fair and inclusive place to work. Scores were lower for staff identifying as Black/Black British (53%), of mixed ethnicity (58%), disabled staff (54%) and those whose gender identity is different from their sex registered at birth (63%) as well as staff employed at Scales 1-6 (64%).

Recommendations for 2021-22 include the following:

- Increase promotion of the council's virtual Fair and Inclusive Team
- Implement new Attendance Management Policy April 2021
- Approve and implement the restorative approach to racism
- Deliver specialist equalities training for HR Advisory Service
- Continue to embed the language and values of the Behaviour Framework

Learning and Development

In 2020-21, Learning & Development workstream activity included the following:

- Coaching and mentoring offer available to all staff
- Delivering 'coaching in the context of racial harm' training to existing coaches
- 5 BME Workers Forum members completing ILM3 coaching qualification
- Delivering interview skills workshops, 'making the most of your 121s', and 'planning your career' training
- Delivering anti-racist and white privilege targeted training to 275 delegates
- Delivering active bystander training and racial microaggressions training
- Delivering fair & inclusive sessions to the Leadership Network
- Publishing anti-racism resources for individual and team use
- Publishing new 'recruiting virtually' and 'managing remote teams' e-learning
- Sharing opportunities for development and progression on the council's intranet and directly to our employee networks
- Publishing fair and inclusive guidance for internal and external trainers

Our data shows that:

- Feedback from the fair and inclusive briefings was positive and there is appetite for additional learning
- Disabled staff and those of mixed ethnicity are less likely to feel they have opportunities to progress and develop
- Staff aged under 25, disabled and of mixed ethnicity were less likely to agree Personal Development Plan (PDP) discussions are held in a meaningful way

Recommendations for 2021-22 include the following:

- Use 2021 service-level staff survey responses to the fair and inclusive questions to identify and implement further targeted interventions
- Provide development to our Managers Network to deliver fair and inclusive aims
- Refresh PDP documents to support managers to lead meaningful career conversations
- Pilot additional career planning sessions
- Create a menu of 'stretch assignments' to provide opportunities to staff who are not proportionately represented in the middle and upper pay bands
- Develop a positive action development programme to support staff from under-represented groups to progress
- Increase the disability-related training offer
- Explore ways to improve monitoring of equalities data on our Learning Management System

Recruitment, Retention and Progression

In 2020-21, Recruitment, Retention & Progression workstream activity included the following:

- Attending online Universities careers fairs
- Taking part in the Job Centre Plus virtual jobs fair
- Targeted social media advertising of vacancies to local community networks
- Delivering online sessions with the National Careers Service on getting work in the Public Sector
- Corporate advert published in council's 'Summer Fun' brochure to showcase our employer offer and fair and inclusive commitment
- Senior leaders holding BME Wellbeing Listening workshops
- Producing Covid-19 individual risk assessments and sensitive guidance
- Recruiting to a new HR Diversity Recruitment Consultant role
- External review and internal audit of recruitment processes
- Implementing a new process to check compliance with recruitment training

Our data shows that:

- BME and White Other applicants are less likely than White British applicants to be interviewed or hired
- Disabled applicants are slightly more successful at being shortlisted and hired than applicants who tell us they do not have a disability
- The percentage of BME, White Other, disabled and LGBTQ+ staff on secondment is higher than their proportion in the workforce
- BME and disabled staff accessed acting up opportunities at a lower rate (7.5% and 2.3% respectively) than their percentage in the workforce
- 13.2% of all promotions were achieved by staff identifying as White Other; this is higher than their proportion in the workforce
- BME, disabled and LGBTQ+ staff gained promotions in line with their workforce profiles
- Staff aged under 30, who are disabled, LGBTQ+ or identify as White Other left the organisation at a higher rate than their proportion in the workforce

Recommendations for 2021-22 include the following:

- HR Diversity Recruitment Consultant to deliver a range of actions
- Develop additional inclusive recruitment training for recruiting managers
- Promote development and job opportunities to existing staff in a transparent way
- Additional support for all roles grade M8 and above including the use of ethnically diverse panels
- Review current process for extension of acting ups
- Further data analysis of our largely successful female workforce, to identify possible impacts of intersectionality
- Increase community outreach and in-reach for diverse communities, working with our Employment & Skills Team
- Review digital inclusion and accessibility

Appendices

Appendix 1 – Directorate data at 31 March 2021

Table 1 Numbers of staff by ethnic origin

Ethnic Origin	HASC	FCL	HNC	EEC	F&R	SGL	BHCC
Asian/Asian British – total:	9	23	9	12	16	8	77
Indian	4	6	3	4	4	4	25
Pakistani		3		1			4
Bangladeshi		6	4		2	1	13
Chinese	2	4		1	7	1	15
Any other Asian background	3	4	2	6	3	2	20
Black/Black British – total:	23	26	14	11	9	1	84
African	15	17	6	4	3	1	46
Caribbean	4	8	8	6	2		28
Any other Black/African/Caribbean background	4	1		1	4		10
Mixed/Multiple ethnic groups – total:	17	39	17	25	17	4	119
White and Black Caribbean	3	7	4	4		1	19
White and Black African		3	2	1	1	1	8
White and Asian	5	10	3	9	8		35
Any other Mixed/Multiple ethnic background	9	19	8	11	8	2	57
Other ethnic group – total:	11	13	2	5	2	0	33
Arab	1	2					3
Any other ethnic group	10	11	2	5	2	0	30
White – total:	573	967	508	758	444	145	3395
English/Welsh/Scottish/Northern Irish/British	501	866	452	683	392	133	3027
Irish	15	22	17	10	15	2	81
Gypsy or Irish Traveller	1	1	1				3
Any other White background	56	78	38	65	37	10	284
Prefer not to say	15	19	21	37	17	7	116
Not known	44	150	165	96	45	21	521
Grand Total	692	1237	736	944	550	186	4340

Table 2 Numbers of staff by sexual orientation

Sexual Orientation	Number of staff						
	HASC	FCL	HNC	EEC	F&R	SGL	BHCC
LGBTQ+ total:	96	123	81	66	62	18	445
Bisexual	25	31	19	14	17	8	113
Gay Man	34	27	34	31	28	3	157
Lesbian / Gay Woman	30	49	22	18	14	3	136
Other	7	16	6	3	3	4	39
Heterosexual / Straight	468	820	421	660	374	126	2868
Prefer not to say	51	90	59	88	56	16	359
Not known	77	204	175	130	58	26	670
Grand Total	692	1237	736	944	550	186	4340

Table 3 Numbers of staff by disability

Disability	HASC	FCL	HNC	EEC	F&R	SGL	BHCC
Disability	35	65	63	51	49	7	270
No disability	540	955	466	719	418	143	3238
Prefer not to say	14	22	14	32	23	5	110
Not known	103	195	193	142	60	31	724
Grand Total	692	1237	736	944	550	186	4340

Table 4 Numbers of staff by age

Age band	HASC	FCL	HNC	EEC	F&R	SGL	BHCC
Under 30 years	35	82	82	78	42	13	331
30-59 years	540	1018	544	698	460	137	3397
60 years and over	117	137	110	168	48	36	614
Grand Total	692	1237	736	944	550	186	4340

Table 5 Numbers of staff by religion

Religion	HASC	FCL	HNC	EEC	F&R	SGL	BHCC
Christian - total:	190	278	141	257	128	53	1047
Christian	190	278	141	257	128	53	1047
No Religion - total:	313	594	330	381	265	75	1958
Agnostic	20	36	17	15	17	5	110
Atheist	31	36	31	33	23	7	161
No Religion	262	522	282	333	225	63	1687
Other Religion - total:	64	90	39	62	45	13	313
Buddhist	10	14	7	4	8	2	45
Hindu	2	2		3	2	2	11
Jewish	1	11	2	9	1		24
Muslim	4	13	11	6	3	1	38
Other Philosophical Belief	19	20	6	14	12	3	74
Other Religion	26	25	12	23	16	2	104
Pagan	2	3		3	3	1	12
Sikh		2	1			2	5
Prefer Not To Say	36	69	42	82	37	12	278
Not known	89	206	184	162	75	33	749
Grand Total	692	1237	736	944	550	186	4340

Table 6 Numbers of staff by sex. This table shows binary data required by HMRC

Sex	HASC	FCL	HNC	EEC	F&R	SGL	BHCC
Female	503	973	360	277	274	130	2513
Male	189	264	376	667	276	56	1827
Grand Total	692	1237	736	944	550	186	4340

Appendix II

Table 7: Percentage of the workforce in each pay band and contract type by protected characteristics

	Disabled	BME	White Other	LGBTQ+	Female	Male
Scales 1 - 6	7.8%	9.5%	8.9%	12.6%	52.8%	47.2%
Scales SO1/2 to M9	8.0%	7.6%	6.8%	14.3%	64.2%	35.8%
Scales M8 and above	4.7%	7.0%	4.1%	14.5%	62.1%	37.9%
Permanent contract	7.6%	7.9%	6.9%	12.7%	58.7%	41.3%
Temporary/Seconded/ Fixed Term contract	8.5%	12.9%	14.0%	19.4%	54.6%	45.4%

Appendix III Recruitment data 2020-21

Table 8 Recruitment data by ethnicity

	All Applicants for all vacancies					
2020 - 2021	Number Applicants	% All Applicants	Number Interviews	% Interviews	Number Offers	% Offers
Baseline indicator (all)	2673	100.00%	541	20.24%	213	7.97%
BME	579	21.66%	77	13.30%	26	4.49%
White British	1637	61.24%	385	23.52%	155	9.47%
White Irish	47	1.76%	11	23.40%	7	14.89%
White Other	410	15.34%	68	16.59%	25	6.10%

Table 9 Recruitment data by disability

	All Applicants for all vacancies					
2020 - 2021	Number Applicants	% All Applicants	Number Interviews	% Interviews	Number Offers	% Offers
Baseline indicator (all)	2686	100.00%	538	20.03%	212	7.89%
Disabled	200	7.45%	58	29.00%	16	8.00%
No disability	2486	92.55%	480	19.31%	196	7.88%

Table 10 Recruitment data by gender

	All Applicants for all vacancies					
2020 - 2021	Number Applicants	% All Applicants	Number Interviews	% Interviews	Number Offers	% Offers
Baseline indicator (all)	2710	100.00%	542	20.00%	210	7.75%
Female	1424	52.55%	292	20.51%	118	8.29%
Male	1265	46.68%	244	19.29%	90	7.11%
Other	21	0.77%	6	28.57%	2	9.52%

Table 11 Recruitment data by sexual orientation

2020 - 2021	All Applicants for all vacancies					
	Number Applicants	% All Applicants	Number Interviews	% Interviews	Number Offers	% Offers
Baseline indicator (all)	2531	100.00%	522	20.62%	203	8.02%
Heterosexual	2041	80.64%	403	19.75%	162	7.94%
LGBTQ+	490	19.36%	119	24.29%	41	8.37%

Appendix 4 - Staff survey

Table 12: Staff survey index names and scores

Index name	Organisational score
Engagement	70
Managing change	60
Enabling people	76
Maintaining wellbeing	76
Developing people	72
Working together	63
Fair & Inclusive	78

Brighton & Hove City Council Ethnicity Pay Gap Report 2020-21

1. Introduction

1.1. The government launched a consultation to review ethnicity pay gap reporting in October 2018. It sought the opinion of employers on various questions such as what ethnicity pay information should be reported, which employers should report and if employers identify disparities, should they be required to publish an action plan. This consultation closed on 11 January 2019 and the government's response to the consultation is yet to be published. As at May 2021 ethnicity pay gap reporting is not a statutory requirement. The Government's consultation document is included at Appendix A.

1.2. The council is publishing the workforce ethnicity pay gap on a voluntary basis. In the absence of a mandatory framework for ethnicity pay gap reporting, the council have chosen to replicate the measures used in gender pay gap reporting, and to follow the Office of National Statistics (ONS) guidelines for ethnic origin groupings. Therefore, this report includes:

- the mean and median ethnicity pay gaps
- the mean and median ethnicity bonus pay gaps
- the proportions of Black and Minority Ethnic (BME) and White British employees* who received a bonus
- the proportions of BME and White British employees in each pay quartile

*Please see Appendix B for ethnic origin groupings. In line with the ONS ethnicity pay gap reporting, White British is made up of White British/English/Welsh/Scottish/Northern Irish groups. Ethnic minorities include White minorities such as White Irish. Please note the group White Irish is well represented across varied pay levels at the council and could therefore potentially skew the ethnicity pay gap such that it appears smaller, this is explored later in the report at point 6.4.

1.3. The ethnicity pay gap shows the difference in the average pay between all BME staff in a workforce and White British. Where there is a positive percentage, this means that the pay of White British employees is higher than the pay of BME employees. The higher the percentage, the greater the ethnicity pay gap.

1.4. The reporting data includes council employees who have provided their equalities data and were employed on 31 March 2020. Apprentices, seasonal, temporary or casual employees are included if they fall within the reference period created by the snapshot date. Mirroring the gender pay reporting regulations, the data excludes schools-based staff.

- 1.5. The council's workforce equalities data is provided confidentially and voluntarily by individuals working for the council. The council encourages its workforce to share their equalities data to understand the workforce profile and plan actions to address inequalities. Not all employees choose to share their details. This report is based on 87% of the workforce on the snapshot date who have disclosed their ethnicity data. The remaining 13% either preferred not to say, selected 'not known' or did not provide details.
- 1.6. The council publishes this information on its website.
- 1.7. This report relates to the snapshot date of March 31st 2020.

2. Ethnicity Pay and Equal pay

- 2.1 The ethnicity pay gap is different to equal pay. Ethnic pay disparities are not primarily about those from a White British background and other ethnic groups being paid differently for the same job. The Equality Act 2010 makes it unlawful to discriminate (both directly and indirectly) against employees (and people seeking work) because of their race. The cause of an ethnicity pay gap may not fall within the direct control of the employer and is likely to be due to other factors that impose a disadvantage on people from ethnic minorities without being explicitly discriminatory.
- 2.2 The ethnicity pay gap is a measure of the difference between White British individuals and BME individuals average ordinary earnings (excluding overtime) across an organisation or the labour market. It is expressed as a percentage of White British individual earnings. Both the mean (average) and median hourly rates are reported.
- 2.3 The council supports the fair treatment and reward of all staff irrespective of race or other characteristics. This report sets out the council's ethnicity pay gap including analysis of our ethnicity pay gap by grade and the council's action plan to tackle the gap.

3. Ethnicity Pay Gap Reporting

- 3.1 Mean and Median Pay Gap Reporting: Brighton & Hove City Council has a positive pay gap for both the mean and median gross hourly rates, i.e. on average White British employees are paid more than BME employees.
- 3.2 The **Mean** (average) ethnicity pay gap in hourly pay is **7%**.
- 3.3 The **Median** (middle) ethnicity pay gap in hourly pay is **3.1%**.
- 3.4 **Salary quartile reporting** is calculated by sorting employees by their hourly rate, from the lowest to the highest, then splitting them into four equal quartiles to show the proportions of White British and BME employees in each group. Definitions of the salary quartile information are shown in appendix C.

Quartile & Hourly rate range		% White British in Quartile	% BME in Quartile
1. Lower Quartile	£7.70 - £11.54	79.9	20.1
2. Lower Middle Quartile	£13.55 - £13.99	82.3	17.7
3. Upper Middle Quartile	£13.99 – £18.03	81.8	18.2
4. Upper Quartile	£18.03 - £82.52	86.5	13.5

3.5 Bonus pay reporting. The council does not pay bonuses, as such no figures are reportable.

4. Supporting Narrative

4.1 The council's overall workforce ethnicity profile is 83% White British and 17% BME.

4.2 4,061 employees are included in the reporting data. These employees hold 4,222 employees job roles in the pay period comprising of 3877 contracted role and 345 casual roles. As per reporting requirements employees on less than full pay have been excluded.

4.3 The mean hourly rate of pay for White British employees was £16.04. The mean hourly rate for BME employees was £14.91, this results in the reported 7% difference.

4.4 The median hourly rate of pay for White British employees was £13.99. The median hourly rate for BME employees was £13.55, this results in the reported 3.1% difference.

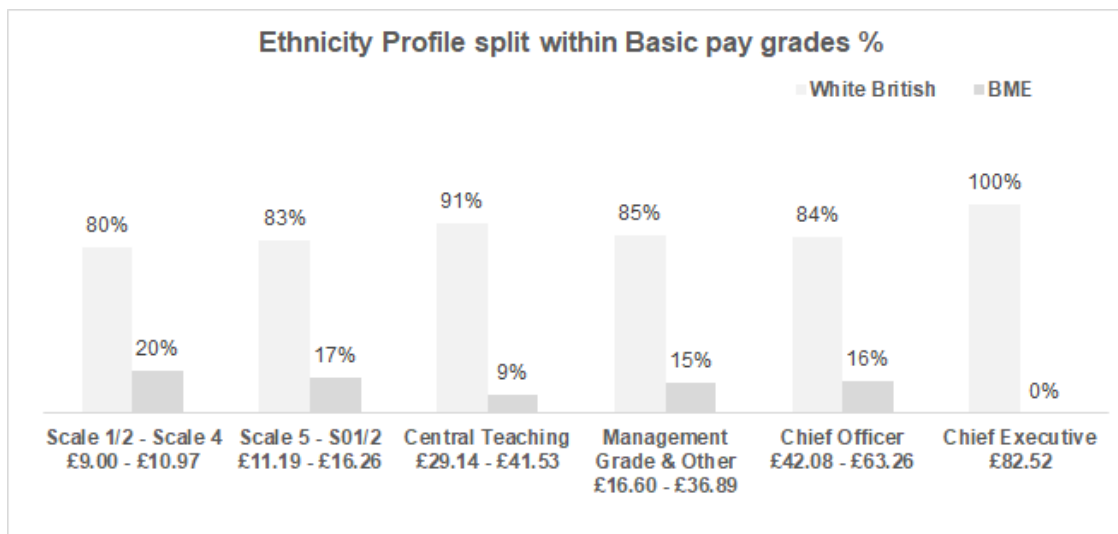
4.5 **Salary Quartiles.** The % of BME employees in each quartile is lower than the % of White British employees. This is similar to the overall workforce ethnicity profile of 17% noted above. The highest % representation of BME employees is at the lower quartile (20.1%), with higher representation than the workforce profile at the lower middle quartiles (17.7%), and upper middle (18.2%). The upper quartile shows the lowest proportion (13.5%).

Within quartiles the mean ethnicity pay gap is less than 0.8% for the first 3 quartiles, with the gap increasing at the upper quartile to 4.5%. In contrast the median ethnicity pay gap within quartiles is less than 0.8% for the top 3 quartiles, increasing to 2% for the lower quartile.

Quartile Ethnicity Pay Gap		White British £	BME £	Pay Gap by Quartile %
1. Lower Quartile £7.70 - £11.54	Mean hourly rate	10.29	10.26	0.3
	Median hourly rate	10.14	9.94	2.0
2. Lower Middle Quartile £13.55 - £13.99	Mean hourly rate	12.71	12.62	0.7
	Median hourly rate	12.44	12.36	0.6
3. Upper Middle Quartile £13.99 – £18.03	Mean hourly rate	15.94	15.88	0.4
	Median hourly rate	16.26	16.26	0.0

4. Upper Quartile £18.03 - £82.52	Mean hourly rate	24.63	23.52	4.5
	Median hourly rate	21.27	21.13	0.7

4.6 **Basic Pay.** The ethnicity profile within the council's main basic pay grades similarly reflects the workforce ethnicity profile hourly pay rates between £9.00 and £10.97 where 20% of those on these grades are BME, 80% White British. Management grades have an ethnicity profile of 85% White British and 15% BME, and for Chief Officer grades 16% are BME, 84% White British.



The distribution of ethnic groups across the pay grades shows a more balanced picture. Proportionately more BME employees (75%) hold roles with hourly pay rates between £9.00 - £16.26, compared to White British (69%). Of all BME employees 23% hold management graded roles, this is 5% less than all White British employees (28%) where the hourly rate range is between £16.60 - £36.89. Reaching Chief Officer pay grades, 0.5% of all White British employees are on these pay grades, compared to 0.4% of all BME employees.



- 4.7 Pay & Grading – The council’s annual pay policy statement provides details of the council’s pay and grading arrangements and can be found [here](#).
- 4.8 **Male ethnicity pay gap.** The median hourly rate for male White British employees is £13.64, and £13.63 for male BME employees. This gives a positive male ethnicity pay gap of 0.1%. This means male White British employees are paid 0.1% more per hour than BME male employees.
- 4.9 **Female ethnicity pay gap.** The median hourly rate for female White British employees is £14.46, and £13.53 for female BME employees. This gives a positive female ethnicity pay gap of 6.4%. This means female White British employees are paid 6.4% more per hour than female BME employees.
- 4.10 **BME gender pay gap.** The median hourly rate for male BME employees is £13.63, and £13.53 for female BME employees. This gives a gender BME pay gap of 0.7%. This means male BME employees are paid 0.7% more per hour than female BME employees.
- 4.11 **White British gender pay gap.** The median hourly rate for male White British employees is £13.64, and £14.46 for female White British employees. This gives a White British gender pay gap of -6%. This means female White British employees are paid 6% more per hour than male White British employees.
- 4.12 The council has reported an overall workforce negative median gender pay gap of -2.5%, which means female employees are paid 2.5% more per hour than male employees.

5. How figures compare nationally

- 5.1 The Office of National Statistics* latest figures from 2019 reported a 2.3% national median ethnicity pay. This is 0.8% lower than the council’s 3.1% reported ethnicity pay gap. The ONS reported a median hourly pay for White British groups as £12.40 per hour compared with those in an ethnic minority group at £12.11 per hour. The council’s reported median hourly rates are higher with £13.99 for comparable White British groups compared with those in an ethnic minority at £13.55 per hour.
- 5.2 Of those organisations that have published ethnicity pay gap data similar to the council there is a trend towards a concentration of BME staff in lower grades and an absence or under-representation of BME staff at senior grades.
- 5.3 **Ethnicity Pay gaps by gender.** The ONS latest figures report that ethnic minority men earned 6.1% less than White British men, whilst the hourly pay of ethnic minority women was 2.1% more than White British women. The council reports significantly different pay gaps, where White British men earned 0.1% more than ethnic minority men, and White British women earned 6.4% more than ethnic minority women.

*ONS 2019 Ethnicity Report Link:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/ethnicitypaygapsingreatbritain/2019>

6. Summary & Actions

- 6.1 The council is confident that its ethnicity pay gap does not stem from an equal pay issue. In 2010 the council introduced a new pay and grading system to ensure all roles are graded using a recognised job evaluation system to make sure individuals receive equal pay for equal work. In 2013 a new system of allowances and expenses was implemented to ensure consistency across the workforce.
- 6.2 The council's ethnicity pay gap shows that on average (by both measures) White British employees are paid more than BME employees and this is similar to the national ethnicity pay gap. This is because we have more White British employees in higher graded posts.
- 6.3 The analysis of our March 2020 ethnicity pay gap figures tell us that our pay gap is because BME employees hold fewer management and senior positions within the council than White British employees. While BME employees made up 17% of our overall workforce in March 2020, only 15% of employees holding management grade roles are BME, and 16% of employees holding Chief Officer roles are BME. These grades attract the highest levels of remuneration. This is similarly reflected in the pay quartile reported figures where the upper quartile was made up of 13.5% BME employees and 85.6% White British employees.
- 6.4 The reporting method used to calculate an overall percentage ethnicity pay gap using White British as the base comparator group means that all Black and Ethnic Minority groups are reported as one BME group. This will inevitably impact the overall reported headline pay gap figures. Looking at the proportions of BME and White British employees in each basic pay grade and pay quartile allows us to consider where ethnic minorities are concentrated in terms of pay and identify any apparent barriers to progression.
- 6.5 Future ethnicity pay gap reporting, where total numbers allow for meaningful analysis and do not risk disclosure of individuals, could explore the data at a more granular level of detail. This might include reporting individual ethnic minority pay gaps, which could identify variations in outcomes within the current groupings. For example, data for this reporting period shows that the council's median pay gap for Black African staff is positive at 13%, meaning White British employees are paid 13% more. Conversely, there are negative pay gaps for Indian staff (-29%) and White Irish staff (-18%). This means that as a median pay gap, Indian and White Irish employees are paid 29% and 18% more respectively than White British.

- 6.6 The council is committed to improving the diversity of its workforce to reflect its communities and ethnicity forms part of our wider inclusion agenda.
- 6.7 As part of the Public Sector Equality Duty, the council carries out regular equalities monitoring in respect of the following aspects of employment:
- workforce composition
 - recruitment and retention
 - employment casework
 - employee satisfaction via the Annual Staff Survey
- 6.8 Historically, the insight provided by this data has also been used to develop actions to address any difference in outcomes identified for different staff groups.
- 6.9 Following feedback from our 2017 Staff Survey the council developed five commitments known as ‘Our People Promise’, one of which is:

“We promise that we will be a fair and inclusive place to work by working towards having a workforce that is reflective of the communities we serve, and where everyone experiences dignity and respect in the workplace.”

The work programme to deliver this promise, our co-created ‘Fair and Inclusive Action Plan’ has a comprehensive range of outputs to support the recruitment, retention and progression of BME staff. See Appendix D for a link to the Council’s Fair & Inclusive Action Plan.

Appendix A

Link to Governments 2019 Consultation on Ethnicity Pay Gap Reporting:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/747546/ethnicity-pay-reporting-consultation.pdf

Appendix B

Ethnic Origin Groupings for reporting purposes. In line with the Office of National Statistics (ONS) ethnicity pay gap reporting, White British is made up of White British groups. Ethnic minorities include White minorities.

Ethnic Origin	Grouping for Ethnicity Pay Gap Reporting
Any other Asian background	BME
Any other background	BME
Any other Black background	BME
Any other Ethnic background	BME
Any other ethnic group	BME
Any other Mixed background	BME
Any other White background	BME

Arab	BME
Bangladeshi	BME
Black - African	BME
Black - Caribbean	BME
Chinese	BME
Indian	BME
Pakistani	BME
White British - British	White British
White British - English	White British
White - Gypsy / Irish Traveller	BME
White - Irish	BME
White British - Northern Irish	White British
White British - Scottish	White British
White British - Welsh	White British
White and Asian	BME
White and Black African	BME
White and Black Caribbean	BME

Appendix C

Hourly Pay Definition for the purposes of calculating the mean and median hourly rates.

Pay will include:

- basic pay
- paid leave, including annual leave, sick leave, maternity, paternity, adoption or parental leave (except where an employee is paid less than usual because of being on any such leave)
- area and other allowances
- shift premium pay
- pay for piecework
- bonus pay

It will not include:

- overtime pay
- expenses

Full-pay Relevant Employee Definition

“Full-pay relevant employee” means a relevant employee who is not, during the relevant pay period, being paid at a reduced rate or nil as a result of the employee being on leave. Employees who receive no pay at all during the relevant pay period, whether or not this is as a result of being on leave are excluded from the ethnicity pay gap calculations. “Leave” includes—

(a) annual leave

(b) maternity, paternity, adoption, parental or shared parental leave

(c) sick leave and

(d) special leave

Pay Quartiles

This calculation requires an employer to show the proportions of White British and BME “full-pay relevant employees” in four quartile pay bands. This is done by dividing the workforce (so far as possible) into four equal sections to determine the lower, lower middle, upper middle and upper quartile pay bands. Where employees receiving the same hourly rate of pay fall within more than one quartile pay band, a relative proportion of BME and White British employees receiving that rate of pay was assigned to each of those pay quartiles.

Appendix D

Link to the Council’s Fair and Inclusive Action Plan: <https://www.brighton-hove.gov.uk/fair-and-inclusive>

Brighton & Hove City Council

Policy and Resources Committee

Item: 122

Subject: Home to School Transport for Pupils with Special Needs and Other Social Care Transport Contract

Date of meeting: 24 March 2022

Report of: Executive Director of Families, Children and Learning

Contact Officer: Mia Bryden

Mia.bryden@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks approval for the re-procurement of a Dynamic Purchasing System to provide home to school transport (HTST) to pupils with special educational needs, and other hired transport for vulnerable children and adults on behalf of social care teams.

2. Recommendations

That the Children & Young Persons Committee:

- 2.1 recommends to Policy & Resources Committee that it approves the procurement of a Dynamic Purchasing System for home to school transport for a term of four years from 1 September 2023 to 31 August 2027;
- 2.2 recommends to Policy & Resources Committee that grants delegated authority to the Executive Director of Families, Children & Learning to tender routes using the Dynamic Purchasing System;
- 2.4 recommends to Policy & Resources Committee that it agrees that operators should be required to pay their directly employed staff the living wage

That the Policy & Resources Committee:

- 2.1 approves the procurement of a Dynamic Purchasing System for home to school transport for a term of four years from 1 September 2023 to 31 August 2027;
- 2.2 grants delegated authority to the Executive Director of Families, Children & Learning to tender routes using the Dynamic Purchasing System;

- 2.4 agrees that operators should be required to pay their directly employed staff the living wage.

3. Context and background information

- 3.1 The 2019 introduction of a new HTST Dynamic Purchasing System (DPS), based on a reverse auction bidding process, resulted in significant loss of trust and confidence in the service and the Council from families, transport operators and schools. The service was subject to internal and external reviews and was placed on the corporate risk register. As a result, routine progress reports have been tabled for CYPS committee scrutiny.
- 3.2 The current DPS comes to an end in August 2023 and the Council has to make a decision about onward procurement of this essential statutory service in good time to allow for effective and efficient implementation.
- 3.3 A public consultation for all stakeholders on re-procurement options concluded in November 2021. Full feedback is detailed in appendix 4 in the Options Appraisal.
- 3.4 A Procurement Project Board has been meeting since April 2021. It is chaired by the Assistant Director of Education and Skills and includes representation from schools and from the Parent and Carers Council (PaCC). The board is advised by the Head of Procurement and a lawyer from the Council's Legal Team. There is also representation from licensing colleagues. The guiding principle has been to ensure that the safety and wellbeing of children and young people is at the forefront of decision making.
- 3.5 Re-procurement options have been explored by the Procurement Board, and the advantages and disadvantages of each option have been carefully considered.
- 3.6 If the recommendations are approved at Policy & Resources Committee in March 2022 this will allow four school terms to procure the DPS and the required routes.
- 3.7 The HTST Members Policy Panel in 2020 cautioned against adopting a procurement model that focused on e-auctions designed in such a way as to either give routes to the lowest bidder or accept unnecessarily high service costs on routes receiving only one bid. It is not proposed to use 'reverse auction bidding' again.
- 3.8 The HTST Members Policy Panel requested the service ascertain the benefits of cross-county collaboration in terms of procurement, provision and/or standard setting. Detailed talks have been held with both East and West Sussex, but both operate home to school transport very differently (to one another, and to Brighton & Hove) making collaboration and standardisation challenging.
- 3.9 The Panel also requested that a 'One Contract One School' approach at selected sites be considered. Only two of the nine transport operators

supported this proposal. This was initially suggested to support traffic management at Hill Park and Downsview Schools, but work carried out in partnership between operators, schools and the home to school transport team appears to have largely alleviated these issues.

- 3.10 The Panel considered the performance of the current contract and concluded that there were no substantial issues with the quality of service, as suggested by the positive feedback from the operator consultation session on 25 October 2021.
- 3.11 The Members Policy Panel Final Report of November 2020 recommended that 'Supporting young people with independent travel training should be an essential consideration and resourced where appropriate'. HTST aims to maximize independence for all its young people, and to enable that independence as early as possible. By teaching young people with SEND to travel independently we aim to increase confidence, independence and choices for young people. A new Independent Travel Training (ITT) service is being set up and will be managed by the Head of Service - HTST. Pump-priming funding has been agreed. This service aims to offer ITT to every HTST student, of any age, who is willing and able to be trained for a greater degree of independent travel. The ITT service aims to become self-funding from the savings to the HTST budget.
- 3.12 As per the Members Policy Panel recommendation, the service is also exploring an offer to parents to pay them a personal travel budget in place of the standard service, if parents are able to find alternative means of getting their child to school. This will be voluntary.

The Preferred Option

- 3.13 The preferred option is an 'open bid' Dynamic Purchasing System model of procurement, with a new contract and service specification in line with key responses to the consultation. This option was endorsed unanimously by the Members' Procurement Advisory Board which met this month on 10.1.2022.
- 3.14 An 'open bid' model allows new suppliers to apply to join at any time, in contrast to a 'closed' Framework. This reduces the risk of the Council being left with too few suppliers if other suppliers drop out. This addresses some of the problems associated with the Council's previous experience using a Framework from 2015-19.
- 3.15 A DPS procurement model is common for Home to School Transport and many other services and is encouraged by the Local Government Association.
- 3.16 In the *Association of Transport Coordinating Officers* Local Authority Passenger Transport Survey 2020, the method used to procure mainstream education transport services varied between authorities. Methods or processes used to procure SEND transport services included dynamic purchasing (33); open tenders which were moving to DPS (2); framework agreements (7); DPS and frameworks (3).

- 3.18 A DPS is currently used in Adults Services for Home Care; homeless services and commissioning of services for people with learning disabilities. In West Sussex it is used by the Children's Disability Commissioning Team for special school placements for non-maintained schools
- 3.19 The DPS procurement model was not responsible for the concerns and problems that arose in 2019. It was not identified in the LGA's Independent Review: Home to School Transport Feedback Report, January 2020 as a cause of the problems which arose. The LGA found (among other things) that the procurement and implementation of the new system was rushed and that concerns which were raised were ignored.
- 3.21 A DPS is more likely than other routes to market to control costs. The service is currently running within budget despite 10% extra pupils on transport from this September 2021, but there are very limited opportunities to control demand, which has more than doubled since 2015, and continues to rise with increasing numbers of children and young people on Education and Health Care plans becoming eligible for free transport.
- 3.22 A full list of advantages and disadvantages of different procurement methods is set out on pages 6 and 7 of the options appraisal.

Specific considerations

- 3.23 Routes are currently tendered individually. The Procurement Board feel this is a good configuration for the service, which most importantly can deliver continuity for children and parents, by firms with local knowledge operating within a competitive market.
- 3.24 It is proposed that the re-procurement process should include a clause in the contract that operators, where they directly employ staff, should pay and verify that they pay the Voluntary Living Wage¹ (VLW). This is in line with the Corporate Cleaning, Corporate Security and School Meals contracts. This will increase the costs to the Council. Without knowing the numbers of employed staff, and the rates of pay, it's difficult to say exactly what the impact on the Council's budget might be.

4. Analysis and consideration of alternative options

- 4.1 Two alternative options have been explored.
- 4.1.1 Revert to a Framework. The key risk with a closed Framework and a limited number of suppliers is that the market in which transport operators are working is volatile, with an emerging shortage of drivers and Vehicle Passenger Assistants (VPAs), plus rises in the Living Wage and fuel prices. In these conditions relying on a small number of firms is a risk to the

¹ The Voluntary Living Wage rate, £9.90 from April 2022, is set by the Resolution Foundation and this rate covers the whole country outside London. The National Living Wage is the term given to the statutory National Minimum Wage for people over 23. It will be £9.50 from April 2022.

sustainability of the service and cost control. A full list of advantages and disadvantages is set out on pages 7 and 8 of the options appraisal.

- 4.1.2 Bring the service in house. A fully in-house service covering all routes would cost in the region of £1.2m more than the current contracts based on part-time staff costs.
- 4.2 A smaller in-house service, covering only the ten most expensive contracted out routes would cost around £144,000 more than those 10 contracted out routes.
- 4.3 A 'hybrid' in-house and outsourced service was explored around five years ago – this was in the context of a review of the small Adult Social Care (ASC) fleet, alongside a Needs Assessment of the transport needs of all vulnerable people in the city. The outcome was that an Integrated Transport Unit manager was appointed to explore the potential for a city-wide transport service covering patient transport, community and voluntary sector, social care and Home to School/education. However, the project folded and the ASC fleet was sold. A full list of advantages and disadvantages is set out on pages 8 and 9 of the options appraisal.

5. Community engagement and consultation

For a description of extensive engagement, see attached options appraisal and business case at appendix 4.

6. Conclusion

It is necessary to re-tender this framework agreement which expires at the end of August 2023. To build in sufficient time to carry out a fair and transparent procurement process, the process must commence now. It will enable the Council to comply with its duty to provide home to school transport for all eligible pupils in the city from 1 September 2023, as well as providing other social care transport, whilst achieving value for money savings through a revised contractual specification.

7. Financial implications

The method of procurement of services does not have a financial value in itself and so there are no direct financial implications from the recommendations of this report. The process must be fair, transparent and provide the best value for money for the Council. The financial demands on the service have intensified in recent years with increasing numbers of children being eligible for home to school transport and appropriate, constructive procurement is a vital factor in effective budgetary control.

The financial implications of the alternative options explored are highlighted in the main body of the report and in the options appraisal.

Name of finance officer consulted: David Ellis Date consulted (11/02/22):

8. Legal implications

A DPS is similar to an electronic framework agreement, but new suppliers can join it at any time. The DPS involves a two-stage process. First, in the initial setup stage, all suppliers who meet the selection criteria and are not excluded must be admitted to the DPS. Contracting authorities must not impose any limit on the number of suppliers that may join a DPS. Unlike framework agreements, suppliers can also apply to join the DPS at any point during its lifetime. Individual contracts are awarded during the second stage. In this stage, the authority invites all suppliers on the DPS (or the relevant category within the DPS) to bid for the specific contract. The DPS should be set up and run in accordance with the PCR as well as the Council's Contract Standing Orders.

Name of lawyer consulted: David Fairfield Date consulted: 14/02/2022

9. Equalities implications

The statutory duty on the Council to provide free Home to School Transport for children and young people with complex special educational needs and disabilities (SEND) is aimed at ensuring their access to schooling is assured, especially given mobility issues and the fact that the nearest suitable school may be further than for children without SEND. In arranging transport, the Council must comply with the Equalities Act of 2010 which requires that children and young people with SEND are not treated 'less favourably' than their peers and that there is no indirect discrimination against their parents and carers by requiring of them more than would reasonably be required of other parents. An Equalities Impact Assessment is available in the options appraisal.

10. Sustainability implications

The Education Act 2006 (as amended) places a general duty on the Council to promote the use of sustainable travel and transport. The duty applies to children and young people of compulsory school age and sixth-form age who travel to receive education or training in the Council's area.

The Home to School Transport Service is responsible for around 780+ vehicle movements at peak times across the city, it is important that transport providers invest in newer more environmentally sustainable vehicles.

The service is consulting on a draft sustainability plan, outlining its part in helping to meet the Council's target of zero carbon emissions by 2030.

It is also important that the best and most efficient route planning minimises the numbers of vehicles needed by using the most suitable vehicles for each shared journey.

11. Other Implications

Social Value and procurement implications

The Home to School Transport Service provides significant funding in the order of £3m per annum to the local economy through its contracts to the taxi and private hire trade and public service vehicle companies. The contract could require employers delivering services on the Council's behalf to pay their employees the Living Wage, and this will be monitored through the contract management process. The procurement process will ask suppliers how they intend to deliver social value to support the objectives in the City Plan, and social value will form a significant percentage of the tender evaluation process.

Keeping business local - One potential consequence of either a DPS or a closed Framework arrangement is that operators can potentially join from any part of the country. Tendering individual routes, and using a DPS, both encourage smaller local providers to bid. Few providers from outside the city can be competitive if their base is some distance outside of the city. In order to establish a DPS the procurement will follow the restricted procedure. A restricted procedure utilises a Selection Questionnaire (SQ) prior to full tender. How these questions are answered will determine which suppliers will be entitled to bid. One advantage of using a DPS is that all operators who satisfy the selection criteria will be admitted to the DPS. This should result in operators from Sussex or the Greater Brighton area being admitted to the DPS and for journeys to schools and colleges outside the city, this can potentially provide shorter journey times at lower cost, as happens now with a small number of routes.

The criteria for admission to the Framework/DPS will specify that operators must follow specified provisions in the Brighton & Hove 'Blue Book' of local Licensing regulations. This will eliminate the advantage that operators based in more lightly regulated authorities and help to ensure fairness to local operators.

Risk and Opportunity Management Implications

Potential risks arise for pupils and service users if suitable contractual arrangements are not made and any failure to do so would mean that the Council would not comply with its statutory duty to provide home to school transport to pupils with special educational needs. The greatest risk for students is that in the absence of transport they could not attend school.

Any overspending on home to school transport and social care transport will likely impact upon other service provision within the Council and services to children and families in particular. It is considered that the procurement of a DPS, and the subsequent implementation of call-off arrangements, will achieve the greatest value for money for the Council.

A full risk register is detailed in the options appraisal.

There has been a consolidation of providers in the local taxi market since 2011. The specification for the service and the contract terms must limit the possibility for unexpected additional costs whilst attracting sufficient interest from providers to achieve value for money. Consultation with current providers and careful drafting of the specification and DPS in advance of the formal tender will be undertaken to endeavour to mitigate this risk.

Supporting Documentation

Appendices

1. Options Appraisal and Business Case

Options Appraisal	
Programme/Project/Service Name	Redesign Home to School Transport Options Appraisal – Procurement Options from 2023
Directorate/Service	FCL/ Education and Skills/ Home to School Transport
Full Business Case Author	Mia Bryden, Interim Lead, HTST
Date Full Business Case drafted	November 21
Senior Responsible Owner/ Project Executive	Jo Lyons, Assistant Director, Education and Skills
Programme or Project Manager	Steve Foster

1. Executive Summary & Recommendations

This Options Appraisal considers future procurement arrangements for the Home to School Transport (HTST) Service after the end of the current contract in August 2023.

A Procurement Board, comprising; the Interim Head of Home to School Transport, a representative of the Parent Carers' Council (PaCC), a special school Headteacher, and representation from Legal, Procurement, and Licensing services, supported by a Project Manager, has been working on a consultation, analysis of options and recommendations since April 2021. Their guiding principle has been to ensure that the comfort, safety and wellbeing of children and young people is at the forefront of decision making.

Throughout, the Board has ensured

1. That the project is securely linked to the corporate systems and takes full account of lessons learned from previous procurement activity in 2019 and the recommendations of the LGA independent review (March 2020) and the Members' Policy Panel (Nov 2020) to minimise the risks of what happened in 2019 being repeated.
2. That sufficient time is allowed to ensure the Board is able to consider all issues and consult stakeholders in some depth, with the Board running from April 2021 to 31 March 2022, allowing a subsequent lengthy lead-in period to the implementation of new arrangements in September 2023.

2. Objectives

The project's objectives are:

- a) To define the values and standards to be set for new procurement arrangements (Appendix 1), specifically, to ensure that the safety and wellbeing of children and young people are front and centre of any new arrangements
- b) To review and evaluate the current system of procurement against other potential options
- c) To determine the procurement arrangements once the current framework contract ends in August of 2023
- d) To ensure the new contract (including the detail of the specification) is aligned to new procurement arrangements and takes into consideration feedback from all stakeholders.

3. Background and context

The current DPS framework comes to an end in August 2023 and the council has to make a decision about onward procurement of an essential statutory service in good time to allow for effective and efficient implementation.

The 2019 introduction of a new Dynamic Purchasing System, based on a reverse auction bidding process, resulted in significant loss of trust and confidence in the service and the council from families, transport operators and schools. The service was subject to internal and external reviews and was placed on the corporate risk register. It is critical that the new procurement arrangements are made in full consultation with all stakeholders and particularly families.

To this end, a Project Board has included a representative of the Parent Carers' Council (PaCC), and has continued with the successful co-production model used generally in Home to School Transport.

Budget

The system for procuring transport does not necessarily have a financial value. Under an external procurement system, spend on the service usually depends on effective tendering of 'call-off contracts', so it is difficult to construct a business case to be made for procurement options in the traditional sense. However, the efficacy of arrangements for procurement underpins the effectiveness of the tendering of the service and provides the means to secure best value for public funds, and this options appraisal considers factors in the different systems most likely to control costs and ensure best value.

The current budget for the service is £3.8m. This includes an uplift of £1m to cover previous overspends and funding for an expanded team, agreed at Policy & Resources Committee in May 2020 and one-off funding of £0.4m to cover additional social distancing measures in 2021/22. This uplift brought the budget in line with the average for our comparators. While transport must always meet the needs of the eligible children and young people who use the service, it must also provide best value for public funds and be fair and equitable.

Budget pressures rise each year with increases in the number of children and young people on Education and Health Care plans and becoming eligible for transport. This is the case nationally as well as in the City. The percentage of EHC plans has increased by over 80% since 2015. The number of families successful at SEN Tribunals is also rising, and they frequently seek schools outside the City borders, which require more costly single passenger journeys over longer distances. There currently a total of 68 children requiring single passenger journeys at cost of £5,319.59 per day. Appendix 2 shows a profile of need.

The key means of budget control in the context of rising year on year pressures is efficient route planning and assurance of best value through effective tendering. While the service has achieved some success in controlling spiralling costs to date, more work needs to be done, and the service has developed a Value for Money tool. This was not used during the pandemic due to the distortions from social distancing and partial school closures. However, from September 2021, this tool has been updated with current pricing. A key factor in determining whether an Operators bid for a home to school journey represents value for money is to establish the mean market rate fare cost and consider how it compares with other bids and with what the authority is willing to pay.

Having a quality procurement system that commands the respect of stakeholders, together with a best value framework that focuses on the right balance of quality and price, should enable the service to secure continuous improvement with strong and effective budget management.

Which corporate principles and priorities (as outlined in the Corporate Plan) will it help deliver?

A Growing and Learning City

- Supporting children and young people's access to education at school and college, ensuring no children or young person is left behind.

A Sustainable City

- Becoming carbon neutral by 2030
- Developing an active and sustainable travel network

What other programmes, projects or services does it link to?

- FCL's No Child Left Behind
- Transport's LTP5 objectives
- Procurement policy on Social Value and on Sustainability
- Co-production with Parent Carers' Council
- SEND strategy, including Transitions and Preparing for the Future
- Equalities objectives

4. Summary of Options considered

Our top priority will always be the comfort, safety and wellbeing of children and young people on home to school transport. Children should arrive at school reasonably stress-free and ready to learn.

There are three main options for 2023:

1. To use a Dynamic Purchasing System to procure services after 2023 (note this does not include the controversial 'reverse auction' bidding).
2. To revert to a **Framework Agreement**, like the one in place from 2015 to 2019
3. To have an **In-House Transport Service**

Commissioning Home to School transport as part of a wider city-wide project which could also meet the travel needs of vulnerable people for adult social care, CVS and patient transport is beyond the scope of this report.

5. Considerations

It's important to note that the investigation into the problems and concerns associated with the new contracts in 2019 did not suggest that they arose because of the procurement option. As described in the LGA's Independent Review: Home to School Transport Feedback Report, January 2020, *'these concerns primarily focused on the speed of the procurement, lack of political oversight, and the fact that Edge Public Solutions were the only bidder'*. This is generally understood by parents, operators and the Members Policy Panel.

There has been consultation with stakeholders in preparation for procurement 2023. A summary of consultation feedback can be read in section 10 and the full consultation at Appendix 4.

The service has a rolling online survey enabling parents and carers to feed back on the provision of HTST at any time. Parents are satisfied with the service – a rolling survey of parents shows 95% satisfied or very satisfied, and PaCC were ‘very satisfied’ in their survey response in October 2021.

The main areas for improvement identified by parents and children are around timekeeping, communication, and continuity of staffing – all these can be addressed through changes in the service specification, rather than the procurement method. Schools and Operators have also been asked to comment on the current procurement model. The specific issues identified in the current contract and possible alternative approaches are presented at Appendix 3.

Specific consideration: Is tendering individual routes the best way forward?

It is recommended that invitations to tender are for the smallest sensible level of operation, to allow small operators to bid for work. In a city the size of Brighton & Hove, it makes sense to tender route by route. This has worked well in the past and has indeed allowed smaller local operators to win tenders. HTST currently has nine operators, and approximately 87% of routes are run by firms based in the city, 3% of routes are run by ‘out of area’ firms who transport children to agency schools on the borders of the city, and 10% of routes are delivered by public service vehicles. We feel this is a good configuration for the service, which most importantly can deliver continuity for children and parents, by firms with local knowledge operating within a competitive market.

Consideration has been given to basing tenders around one or two individual special schools (either for a single provider or a consortium) where there are multiple journeys and limited car park/ turning space, e.g. at Hill Park and Downsvie Schools. This ‘One Contract One School’ arrangement has the potential to simplify traffic management and the relationship between the operator and the school, as well as possibly supporting the Sustainability Strategy. Only two of the nine transport operators have written in support of this proposal. This was a scheme used under the previous Framework agreement. However, work carried out in partnership between operators, schools and the HTST team has led to the resolution of traffic issues to a significant degree at Hill Park and Downsvie, so there seems insufficient reason to continue to pursue this option. It also has the effect of limiting competitive tendering for HTST routes to these two schools, which form the majority of HTST journeys. Current arrangements are reported by families to be working well for the children and young people on these routes, with smaller numbers of children with additional needs sharing vehicles and shorter journey times.

One other alternative is to consider bundling routes together, or area based contracts, into a smaller number of contracts (as is done in Kent), but the consensus locally is that the current arrangements for an authority of the size of Brighton & Hove work well, and aside from reviewing the potential to look at individual schools, there has been no demand to move away from route-based planning.

A final benefit of route-based planning is in cost control. The aforementioned Value for Money tool enables the service (and operators) to identify individual routes which are outliers in need of further investigation, whether over or under bidding. Routes can be grouped for analysis into categories, such as, numbers of children, mileage, complexity of need etc – and then minimum, maximum or average costs can be established to help set pricing bands, to evaluate bids or to frame contract management discussions. Councillors and operators themselves have been keen on this tool playing a part in deliberations.

Specific consideration: How will the options help to deliver sustainability and Community Wealth Building?

Sustainability

The Home to School Transport Service is responsible for around 780+ vehicle movements at peak times across the city. The Home to School Sustainability Strategy is being co-produced with parents and schools. We hope to work with the Transport Team and with Licensing to lead by example in setting the highest possible ambition in reducing our environmental footprint.

The Home to School Transport Service will require its suppliers to conduct their operations in a sustainable manner, in line with the council's [Sustainable Procurement Policy](#) and the council's Social Value Framework (p13-15).

It is intended that:

- sustainability requirements will be detailed in the specification, which will form part of the contract;
- the invitation to tender will include a sustainability quality question;
- the contract will include Key Performance Indicators (KPIs) linked to reducing environmental impact.

Community Wealth Building

The Home to School Transport Service provides significant funding in the order of £3m pa to the local economy through its contracts to the taxi and private hire trade and public service vehicle companies. The contract could require employers delivering services on the council's behalf to pay the Living Wage, and this will be monitored through the contract management process. The procurement process will ask suppliers how they intend to deliver social value to support the objectives in the City Plan, and social value will form a significant percentage of the tender evaluation process.

Keeping business local - One potential consequence of either a DPS or a Framework arrangement is that operators can potentially join the framework from any part of the country. Tendering individual routes, and using a DPS, both encourage smaller local providers to bid. Few providers from outside the City can be competitive if their base is some distance outside of the City. In order to establish a DPS the procurement will follow the restricted procedure. One advantage of using a DPS is that all operators who satisfy the selection criteria will be admitted to the DPS. This will hopefully result in operators from Sussex or the Greater Brighton being admitted to the DPS and, for journeys to schools and colleges outside the city, this can potentially provide shorter journey times at lower cost, as happens now with a small number of routes.

The criteria for admission to the Framework/DPS will likely specify that operators must follow the Brighton and Hove 'Blue Book' of local Licensing regulations. This will eliminate the advantage that operators based in more lightly regulated authorities would otherwise have and help to ensure fairness for local operators.

6. Options appraisal

OPTION 1

Description of the option

To use a Dynamic Purchasing System to procure services after 2023 (note this does not include the controversial 'reverse auction' bidding).

2. Is this the preferred option?

Yes

Reasons

The primary ambition is to provide high quality, safe and consistent home to school transport by the most cost-efficient means for eligible children and young people living in the City. This option better meets the procurement and service standards set out at Appendix 1.

Dynamic Purchasing Systems were specifically introduced to open markets up to greater competition and to encourage smaller suppliers. They are used successfully by many authorities for home to school transport and are encouraged by the Local Government Association, including for this type of procurement. In the ATCO Local Authority Passenger Transport Survey 2020, methods or processes used to procure SEND transport services included dynamic purchasing (33); open tenders which were moving to DPS (two); framework agreements (seven); DPS and frameworks (three).

A DPS sets up a pre-qualified list of suppliers (a framework in effect). The council can set a range of entry criteria to qualify. Providers who meet the required quality standard move onto a list of approved suppliers who are invited to tender for routes when they are opened to tender. The fundamental difference with a Framework is that new suppliers can apply to join the list at any time, in contrast to the 'closed' Framework. This reduces the risk of the council being left with too few suppliers if other suppliers drop out. This addresses some of the problems associated with the council's previous experience using a Framework from 2015-19.

This is the preferred option as the advantages as set out below outweigh the disadvantages. The consultation on procurement options reports a high level of satisfaction with the service (which uses a DPS) and no strong indications that change would be beneficial (see stakeholder feedback section below).

Advantages

- Experience and feedback from operators and parents/carers suggests a DPS as currently operated works well
- A DPS can save money – the service is running within budget despite 8% extra pupils on transport from this September 2021
- Allows new suppliers to be added to the DPS during the lifetime of the system, supporting contingency and continuity planning
- Supports a more robust market in that there are multiple alternative suppliers if one fails to meet expected standards or gets into financial difficulty
- Maximises competition in terms of cost and quality
- Affords some flexibility into the contract as part of negotiations (e.g adding passengers)

- Allows some cross border firms to join the local framework which can enable better value journeys to out of City schools and colleges, supporting a reduction in journey times for children and young people with additional needs
- Maximises chances for innovative practice from new suppliers (e.g. around control of emissions), providing selection criteria are met

Disadvantages

- May require more capacity in the Home to School Transport Service to manage and monitor multiple contacts
- Quality control can be harder to maintain across multiple providers
- More Procurement capacity needed to assess new applicants for the framework at the point of application

In the context of the above, a DPS appears to provide a reasonable balance of quality and price that has been repeatedly reported as satisfactory or better by the large majority of parents and carers providing feedback. The service is operating within its current budget, despite an increase of 10 % of pupils this September.

OPTION 2

Description of the option

To revert to a Framework Agreement as formerly in place between 2015 and 2019

Is this the preferred option?

No

Reasons

This is not the preferred option as the disadvantages outweigh the advantages.

A Framework is a fixed list of pre-qualified suppliers that can bid for work because they meet the demanding criteria required to be able to tender for a specific contract. Following mini competitions the council awards individual 'call-off' contracts (for routes) to these suppliers throughout the lifetime of the framework. As with a DPS, there is no guarantee of work and therefore no contract value in its own right. There were only four providers on the 2015-19 Brighton & Hove Framework.

Advantages:

- Potentially smaller group of suppliers to manage.
- Simplifies negotiations and contract management
- Limits numbers of different firms accessing school sites and makes traffic coordination potentially easier

Disadvantages

- Over-reliance on a fixed group of suppliers can be problematic if standards slip, they go into administration, or simply decide to no longer provide home to school transport. A framework does not allow for new suppliers to be added
- No stimulation of local market
- Does not allow for a wider range of competitive tendering

- Most LAs have moved away from this system to a DPS or are in process of moving to a DPS due to the limitations.

The key risk with a closed Framework I that once the suppliers are selected, no new operators can join the framework as suppliers. The market in which transport operators are working is volatile, with an emerging shortage of drivers and VPAs. These factors, together with rises in the Living Wage and fuel prices, mean that relying on an unnecessarily small number of firms is a risk to the sustainability of the service and cost control. Additionally, restricting competition would be hard to justify when the service is under increasing pressure from the rising numbers of eligible pupils as well as rising costs for operators, and uncertainty over the timescales for more sustainable alternatives, especially investment in e.g. wheelchair accessible electric vehicles.

OPTION 3

Description of the Option

To have an In-House Transport Service.

Is this the preferred option?

No

This is not the preferred system on the grounds of practicality and significant cost.

Under a fully 'in-house' system, the council directly employs drivers and vehicle passenger assistants and supplies the vehicles used in transport.

Advantages

- LA has control over standards of transport and staff effectiveness/ training
- Direct control of routes and pricing
- Easier for LA to monitor safeguarding standards and investigate incidents

Disadvantages

- Significant capacity needed to hire or TUPE 300-400 staff (this includes; drivers, VPAs and office/ admin functions)
- Management capacity to line manage and supervise this large group of staff would need to be sourced
- There would need to be substantial administrative support
- Significant budgetary implications to purchase or hire, maintenance and storage of a large fleet of approximately 200 vehicles (a range of saloon cars and multi-seater minibuses)
- Storage capacity for 200 vehicles required would be difficult to source and costly to maintain
- Cost of equipment (crelling harnesses, bucklesafes etc)
- Running costs, fuel, tax, MOT, maintenance and insurance
- The council does not have expertise in this sector of work, or IT systems capable of supporting it
- Would need to link up with other services/needs to maximise value of staff and vehicles, so in reality this would need a separate management team to co-ordinate the fleets response across the city's needs.

A fully in-house service covering all (at the time of writing) 180 routes would cost in the region of £1.2m more than the current contracts, based on part-time staff costs. A smaller in-house service, covering only the ten most expensive contracted out routes would cost around £144,000 more than

those 10 contracted out routes. A 'hybrid' in-house and outsourced service was explored around five years ago – this was in the context of a review of the small ASC fleet, alongside a Needs Assessment of the transport needs of all vulnerable people in the city. The outcome was that an Integrated Transport Unit manager was appointed to explore the potential for a city-wide transport service covering patient transport, community and voluntary sector, social care and Home to School/education. However the project folded and the ASC fleet was sold.

The city now has a Community Transport service, which runs some Home to School routes. The fleet is made up of larger vehicles and therefore do not have the means to transport children on smaller shared vehicles or on solo journeys.

There may be a case for the council to run just a team of in-house VPAs. These are hard for operators to recruit and retain, and are needed on about 75 routes. The 'cost comparison' case however is difficult for two reasons. First because its not known what pay rates are applied to VPA's by their current operator, or even if they are employees. Second, any pay gap would anyway be narrowed by the proposed contractual requirement for operators to pay their staff the Living Wage (£9.90 in 2022), compared to the scale 3 council rate (mid-point £10.10 plus 2022 award).

There are other benefits to having a small team of in-house VPA's. They can cover challenging or complex journeys, and can also be used as the 'eyes and ears' of the council where there are issues. The council already has a single highly valued VPA (as well as two drivers) and is currently recruiting more. Given these uncertainties, no significant growth is planned for an in-house team of VPA's at least until the impact of the Living Wage can be monitored.

6. Funding

Have the budgets to fund the programme or project been identified? Specify which budgets.


The sole budget involved is the home to school transport budget, which is from the General Fund.

This project concerns decision-making about future procurement options and our preferred option is neutral. Entry to the council's framework for HTST is on merit and is of nil value to transport firms. The value is in the call-off contracts for school runs which need to be planned and tendered with care and skill under any system to achieve best value.

There are different financial risks and costs associated with each option. These are covered in the discussion of each option in the text above.

7. Risks and opportunities

Assess the risks and opportunities associated with the programme or project by using the council's Risk Management Framework and risk register template. List the most significant risks in the table below and the initial mitigating actions.

Risk description	Potential consequences	Likelihood (1 to 5)	Impact (1 to 5)	Mitigating controls and actions
 HTST Re-procurement Risk				

9. Outline programme or project plan

Indicate the timeline for the programme or project with key milestones, including when decisions are needed and by whom, and deliverables.

Project Board	10 November	
Modernisation Board	29 November (FCL)	
Project Board	8 December	
Draft of CMDB report	25 December	
PAB	10 Jan	
CMDB	19 Jan am	
HTST Governance Board	19 Jan pm	
Progress report	CYPS Cttee	7 March (draft report by 1 Feb)
Sign off	P&R	24 March (draft report by 14 Feb)

Procurement will be aligned carefully with the detailed operational arrangements from school applications. This will take place in the spring and summer of 2023. Operators, schools and parents will be involved in confirming route planning, and in ensuring that parents and schools have accurate expectations of the service.

10. Stakeholder consultation

List any consultations with stakeholders and the findings. Examples of stakeholders include citizens, staff, partner organisations, Members.

What follows is a summary of consultation feedback from:

1. Local authorities (from a survey and further meetings)
2. Parent and Carers Council (survey, meetings, committee report and online)
3. Operators (feedback session and online)
4. Schools (meetings and online)
5. Councillors (Members Policy Panel, summary of discussions from November 2020)

Consultation with other Local Authorities

A survey questionnaire was circulated to all Local Authorities within the Association of Transport Co-ordinating Officers (ATCO) Network, including neighbouring Local Authorities, with follow up meetings with those similar to Brighton & Hove.

Fourteen Local Authorities responded: Redbridge, Birmingham, Norfolk, West Northamptonshire, Bristol, Royal Borough of Windsor, Fife, Bexley Borough, Hertfordshire, Lewisham, Southend and Reading. Further meetings took place with: Bristol, Birmingham, Southend, East and West Sussex.

The following key points emerged:

- 29% of respondents were in a balanced budget situation
- 64% of respondents were in an overspend situation
- 7% of respondents were in an underspend situation

Common Themes

- A significant majority of LAs are operating a DPS which allows Operators to join at any time
- Children and young people are going further afield to independent specialist schools and this initially increases single passenger journeys, subsequently impacting upon the budget
- There are a rising number of EHCPs which as in turn leading to increasing requests for transport
- Carbon Neutral targets and considerations of how to achieve them is key in all LAs.
- Employment of in-house VPA's significantly reduces pressures on Operators, as well as ensuring better management and more effectively meeting need.

2. Consultation with Parent and Carers Council (PaCC)

PaCC report being currently 'very satisfied' with the service. They like

- the good continuity of staffing
- the rapport with friendly, caring staff; and
- the reliability of the service.
- Training is now a requirement for all staff, including 'bespoke' where required by the individual needs of students.

The online survey confirmed some issues with communication between the service, parents and operators, and a concern about the numbers of students on shared vehicles.

PaCC are pleased to be actively involved, ensuring that any changes to the service will always keep the needs of young people at the forefront of decision making . PaCC recognises the financial constraints and legacy of 2019 but reiterates the need for the Service to continue to accommodate increasing numbers of students without a drop in standards.

Close working with the SEND Team ensures the Service can forecast need with a fair degree of accuracy, but flexibility of any new procurement system will be a critical measure, as well as tight monitoring and real time responsiveness to environmental factors impacting the service.

During the transition to the new contract, any change must feel 'seamless' to students and their families. This will be one of the measures of a successful re-procurement, and PaCC will have a key remit to help reassure children and young people and their families around any changes.

PaCC suggests that the procurement should be organized around an agreed set of principles or standards – a Charter for Home to School.

PaCC would like to have some opportunity to have conversations with operators, perhaps a couple of times a year.

There are some calls for an app that would track the movement of the vehicle for parents and students, and show a picture of the driver. This would need both a revised back-office system for home to school transport, and to be written into the contract with operators.

3. Consultation with Operators

About half the firms were represented at a feedback session. Operators like

- the clear roles and structure of the HTST Team
- the commitment and early morning availability
- the helpful contract monitoring and review meetings.

Operators feel strongly that a reverse auction 'race to the bottom line' should not be part of the tendering process.

There are some mixed views about bidding being 'open' or 'closed'.

Operators represented appeared to favour tendering individual routes rather than in blocks. Some would like a greater opportunity to be involved in, or even to take control of, route planning before tendering begins.

Operators stress the growth in costs, from fuel, vehicles, and particularly wages. Although the current contract contains provision for a costs-based increase in Agreed Price for operators once a year at the request and submission of a business case by Operators, some would like to see an automatic uplift, based on inflation or the Transport RPI.

Operators would also like to see

- Improved phone availability by the Team (currently manned by 1 member of staff from 7am to 7.45 am, 2 members of staff from 7.45 am to 9.00am to 3 members of staff from 9am-3.pm, to 2 members of staff between 3pm to 5pm).
- the potential to use untrained drivers in an emergency
- perhaps a provision in the contract for firms to liaise between themselves to arrange cover drivers and VPAs
- more interaction with school staff for drivers and VPA's
- more checks at schools, for example on correct wheelchair handling
- face-to-face training where possible, instead of online
- clarity on first aid requirements (discrepancy in Contracts to Blue Book requirements)
- automatic increase price when children are added to existing routes
- automatic waiting time payments exceeding the current Contract requirement (5 mintues)
- One operator had sought a longer contract term
- Two operators have supported the benefits of 'One School One Contract' tenders to reduce congestion and improve communication with schools.

4. Consultation with Schools

Schools did not overly engage in the procurement consultation process. Schools are mostly very satisfied with the service (from the few responses to the online consultation below). Schools like:

- Fewer vehicles to manage on site
- The good rapport with drivers, VPA's and HTST staff
- The encouragement given to students to be independent

Schools would like to see

- more flexibility around students changing needs, and also a longer gap between reviews/reapplication when a student has needs that aren't going to change
- To share a picture of the driver when the service starts

5. Consultation with Councillors

The recommendations from the Members Policy Panel November 2020

- A full procurement appraisal takes place during 2021/22 in good time for the termination or renewal of current arrangements in August 2023
- Develop a business case to assess the value for money of a small, part-time, expansion of in-house capacity to improve resilience and to potentially reduce costs for some more expensive or challenging journeys.
- Work with East and West Sussex to understand what, if any, benefits might flow from greater collaboration either in service provision, regulatory standard setting, or joint procurement.
- Work with stakeholders to evaluate the benefit of tendering 'One Contract One School' for selected sites with a view to implementing change for September 2021, if permitted within the current contractual provisions. To include the potential costs of traffic management on site.
- Develop the VfM tool so that it is ready to evaluate route planning for September 2021 routes.
- Ask officers to develop a series of contract revisions or variations that can be negotiated with operators to improve the quality of the service for the rest of the current contract term.
- Embed social, economic and environmental sustainability in future contracts.

11. Equalities

Has an Equalities Impact Assessment been conducted for the programme or project? Is one required? When will it be undertaken?

Equalities are key to new arrangements. All arrangements will have children and young people front and centre and their safety, wellbeing and access are paramount considerations. Reasonable adjustments will be made to ensure their safe transport to school and back in a timely manner, with consideration paid to their SEND and medical/ mobility needs at all times. Attention will also be paid to the needs of parents and carers to ensure there is no indirect discrimination in the new systems or contractual arrangements.

A Equalities Impact Assessment is available here:



HTST Short EIA Nov
2021.doc

12. Sustainability

*What significant environmental impacts is the project likely to have?
Are there any implications for the local economy and local communities?*

There are significant sustainability implications. The council is working towards carbon neutral status by 2030 and lowering transport emissions is key to this.

A HTST Sustainability Strategy/ Independent Travel Training working group has been set up to review the existing draft Sustainability Strategy. This comprises the Project Manager, Head of Service, PaCC representative, and representation from Special Schools, Procurement and BHCC Transport Planning.

As part of the procurement exercise Operators are asked to undertake a number of actions to demonstrate that consideration is been given to issues related to equalities, sustainability, and community impact, (i.e. local employment).

13. Data Protection

*Has a Data Privacy Impact Assessment been conducted for the programme or project? Is one required?
When will it be undertaken?*

This needs to be undertaken.

No data privacy impact assessment has been undertaken but advice will be sought on whether this is necessary. Personal data is shared with the operators, and operator CCTV and audio will need to be shared (at no cost) with the council.

Authority to proceed

This business case needs to be approved via the appropriate governance route before the programme or project can be implemented. Please complete the table below to confirm where this authority was obtained. Please ensure the agreement was minuted

Meeting where authority to proceed was obtained	Date of meeting
FCL Modernisation Board	29 November 2021
Members Procurement Advisory Board	10 January 2022
Corporate Modernisation Delivery Board	19 January 2022

Appendix 1 – Procurement and Home to School Service Standards



The over-riding procurement policy requirement is that all public procurement must be based on value for money, defined as “the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought”. This should be achieved through competition, unless there are compelling reasons to the contrary. Public Procurement Policy, last updated January 2021.

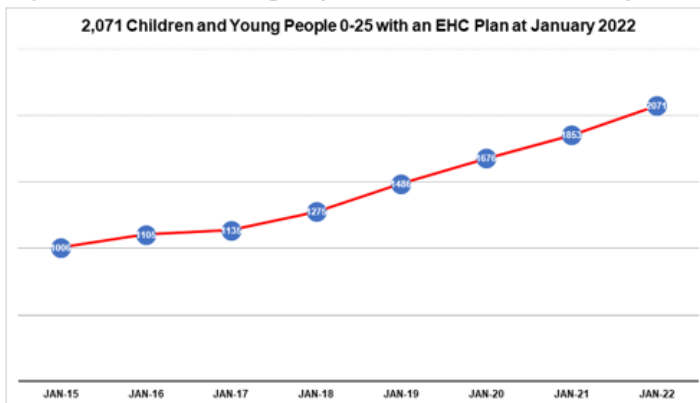
PaCC & HTST Co-produced Home to School Service Standards

1. We will work collaboratively with families, education settings, social care and the SEND team to access key information about the child/young person’s needs so as travel arrangements have children and young people front and centre, and their safety, SEND, medical/ mobility and access needs are paramount considerations.
2. Children, young people and their families and advocates will be listened to and respected when discussing children’s individual transport requirements
3. High quality, free home to school transport will be provided by the most cost-efficient means for children and young people living in the City, who qualify for free travel under the Home to School Travel and Transport Policy
4. Children and young people will be kept safe because the service carries out risk assessments to establish the suitability of provision, routes and personnel
5. All children and young people will be safeguarded and all drivers and vehicle Passenger Assistants will have an enhanced DBS check and will complete relevant home to school transport training
6. The Parent and Carers Council will be involved in co-production of the home to school transport service
7. We recognise some children can find traveling to and from school stressful, our arrangements aim to reduce this stress, as much as is practicable, to provide children and young people with a reasonably stress-free and safe journey to and from school, within statutory timeframes
8. Suitable vehicles will be sourced to meet the individual needs of passengers, and drivers and vehicles will be suitably licenced and insured
9. Operators will adhere to contracts and compliance will be monitored by the home to school transport service
10. Families will be signposted to appeal decisions made about their child’s eligibility or type of free transport to and from school
11. All concerns, complaints and incidents will be recorded and fully investigated by the service, in liaison with parents, schools and Operators, where necessary, ensuring continuous service improvement
12. All confidential information will be handled in line with General Data Protection Regulations (GDPR).

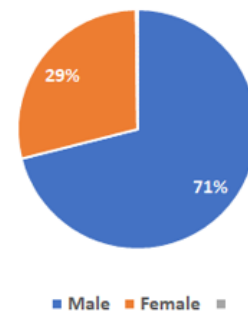
Appendix 2 – Profile of Need: Growth in demand & Context within which the Home to School Transport Service operates.

Children and Young People 0-25 with an EHCP

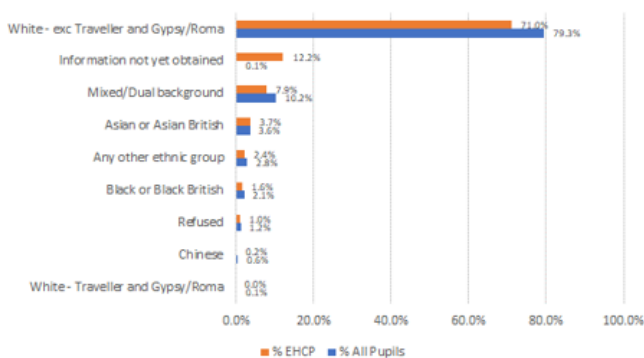
2,071 Children and Young People 0-25 with an EHCP at January 2022



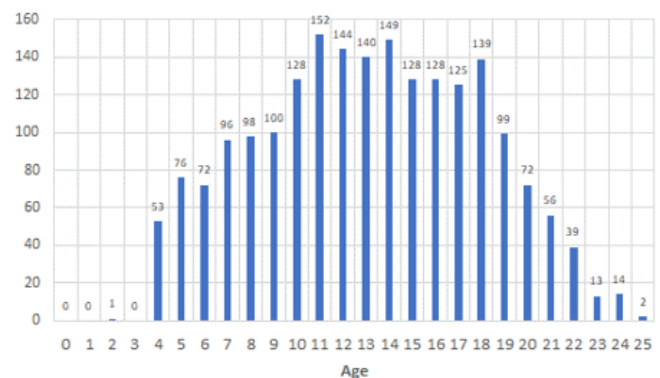
Children and Young People 0 to 25 with an EHCP at October 2021 by Gender



Children and Young People 0-25 with an EHCP at October 2021 by Ethnic Origin



Children and Young People 0-25 with an EHCP at October 2021 by Age



Context and nature of the Home to School Transport Service

At the time of writing the Home to School Transport Team supports 1,149 eligible children and young people to get to and from school. 603 are children with additional needs. This number varies across the academic year as children join and leave transport. The current average cost per pupil is £6,720 per annum.

Currently 39 children have 'travel alone' status (Children and young people are classified as 'Travel Alone' where their current needs are so complex and challenging that their safety and wellbeing, or that of other children or transport staff, would be significantly compromised by travelling on a shared vehicle and all other support strategies have been explored.) Arrangements for Travel Alone are decided by a Transport Panel, comprising the Team Manager, Transport Officers, and a representative from Amaze.

Currently 29 children have 'solo passenger' status (Solo passenger journeys are appropriate where:

- No other pupils are making that journey to a school or setting
- Alternatives to solo passenger journeys have been considered, notably whether:
 - an alternative vehicle or different seating arrangements could meet needs;
 - whether further training and expert support could enable transport staff to meet needs;
 - if an additional VPA on route could enable needs to be met
 - if a personal allowance to family to arrange transport is appropriate.

Solo passenger journeys are not permanent arrangements and may be subject to change, e.g when a new child is risk assessed as compatible to join the route. Arrangements for Travel Alone are decided by a Transport Panel.

The cost of these travel arrangements is currently £5,319.59 per day for a total of 68 children.

Numbers of children eligible for HTST are steadily increasing, the current (at the time of writing) number of pupils on contracted taxi routes is an increase of 10% since this time last year. The number of children requiring the more costly travel alone and solo passenger status is also increasing. This increase in demand can result in travel arrangements for existing children changing, causing unavoidable disruption which can led to complaints from families. For example, children losing their 'solo passenger status' due to the fact another child is added to the vehicle who is now enrolled at the same school or setting.

Budget pressures rise each year with increases in the number of children and young people on Education and Health Care plans and becoming eligible for transport. This is the case nationally as well as in the City. The percentage of EHC plans more than doubled since 2015 (1,006 /2,024 children). The number of families successful at SEN Tribunals is also steadily rising, and they frequently seek schools outside the City borders, which require the more costly solo passenger journeys over longer distances.

The market within which the transport operators are working in is volatile, with an emerging shortage and increasing turnover of drivers and vehicle passenger assistants impacting on continuity of service which can led to frustration with the service on offer.

Since the last contract there has been rises in the living wage. The real living wage has recently increased to £9.90, a 4.2% rise.

Fuel prices have risen 27.3% in the last calendar year.



Appendix 3 – Proposed Contract and Service Specification provisions

The below suggested revisions have been put forward during consultation by the Service, Operators, Schools and parents carers. This is in draft format as the Procurement Board continue their discussions.

1. Contract and Schedules to be gender neutral
2. No return to e-auctions or 'reverse auction bidding' systems. Utilise Intend.
3. Deterrents for the last minute handing back of routes as was the case in 2019.
4. Should operators have automatic annual inflationary increases
5. Should operators pay the living wage to their staff?
6. Subcontracting- legitimate and informal
7. Blue Book licensing requirements, including first aid, DBS checking, CCTV
8. Safeguarding training
9. Should vehicle emissions standards conform to those of the wider local taxi/PSV licensing provisions, which are expected to reflect the city's Carbon Neutral 2030 target
10. Should drivers be paid 'retainers' when children go into respite/hospital
11. Should respite be considered illness
12. Clarify route cancellation/ amendment
13. Waiting time
14. Expectations of transport staff – good command of English
15. Quality kitemark
16. Action if no replacement driver can be sourced when a driver is temporarily suspended pending investigation
17. Consider requirement for operators to support access to back-office systems, for example to enable parents to track their vehicle.
18. consider making mandatory the use of (password protected) mobile devices for drivers/vehicles, for HTST information

Appendix 4 – Consultation Feedback

Procurement Post 2023 – Consultation Meeting with Operators

25 October 2021 11am -12.30

Attendees

BHCC

- Regan Delf – outgoing Interim Head of Home to School Transport Service (Chair)
- Mia Bryden - incoming Interim Head of Home to School Transport Service (Note taker)
- Michelle Hunt- outgoing HTST Team Manager
- Kim Wilson-Smith - incoming HTST Team Manager
- Steve Foster- Project Manager, Performance, Improvement & Programmes
- James Breen – Strategic Procurement Manager
- Martin Seymour – Hackney Carriage Officer

Operators

- Scott Beale- B&H Radio Cabs
- Andy Cheeseman – Southern Taxis Group

- Michael – Taxi4u.
- Claire Johnson– ACE, joined at 11.25am

Not in attendance

- B&H Streamline
- Community Transport
- Minibus Travel
- Sprint Reliance

Q1. What do you feel are the strengths in the way that home to school transport currently works within Brighton and Hove?

Firm	Feedback
Echoed by all attending firms	<ul style="list-style-type: none"> • Chain of command, commitment and early morning availability of the HTST, and general day to day operations are working well. • The SEND Officer role has supported in ensuring the service is child centred in its decision making.
ACE	<ul style="list-style-type: none"> • The contract monitoring review meetings are a helpful addition.

Q2. How could the engagement of transport be improved after August 2023?

Firm	Feedback
Taxi4u	<ul style="list-style-type: none"> • Return to the transparency afforded by the reverse eAuction bidding tool
B&H Radio Cabs Southern Taxis Group ACE	<ul style="list-style-type: none"> • Favoured the approach of emailing operators for bids rather than using the reverse eAuction bidding tool –the email process supports healthy competition, is more ethical, supports decision making with quality and safety over price e.g prevents a ‘race for the bottom line’
ACE	<ul style="list-style-type: none"> • Before route schedules are put out to bid on, they need to be accurate and more considering route planning is required • Favoured individual tendering, rather than in ‘blocks’
Southern Taxis Group	<ul style="list-style-type: none"> • Suggested operators should route plan rather than the Service as Operators know the roads and have access to better route planning infrastructure/ systems and would be able to better meet the needs to families (taking into account having to accommodate the needs of other children in the household and parental work commitments, etc). • Helen Burdett commented she felt reverse auction bidding inappropriate and she felt immoral in respect of SEND children – cause of many previous problems
All Operators	<ul style="list-style-type: none"> • Minimum Wage/Living Wage increments could be included in new Contract in-line with Government inflationary awards. • Suggestion that the Contract could incorporate Transport Sector RPI

Q3. How could the whole HTST service to students/families be improved?

Firm	Feedback
– Southern Taxis Group	<ul style="list-style-type: none"> • The Service needs to be more child centred– the Service is still too focused on cost savings at the expense of the safety and experience of the CYP. • The phones aren’t answered at key times in the morning and afternoon. AC suggested a separate phone line for operators.

	<ul style="list-style-type: none"> Meetings are sometimes run during key times in the afternoon when operators need to have contact with the Team.
Taxi4u	<ul style="list-style-type: none"> Favoured the Service suspending the rule regarding drivers needing to have completed mandatory training in emergency cover situations. M suggested BHCC having more bank Drivers and VPAs who can provide cover for the Operator in emergency situations M suggested the Service could request cover driver information when Operators bid for routes to ensure there is a suitable contingency
Southern Taxis Group & ACE	<ul style="list-style-type: none"> The Service needs to allow Operators the freedom and flexibilities to arrange cover between Operators on the Framework in emergency situations.
ACE	<ul style="list-style-type: none"> The Service would benefit from greater understanding of how Taxi firms run their businesses. More interaction and support for drivers/VPA by school staff More checks at schools – particularly pertaining to wheelchair use Face to Face training for drivers/VPA would be welcomed
Southern Taxis Group & Taxi4u	<ul style="list-style-type: none"> There needs to more consideration before adding children onto existing routes and the impacts this has on drivers/VPA as well as knock on effects with timings (pick up/ drop off of the vehicle in its entirety).

- During discussion regarding Q3 there was a general conversation about known and as yet not known, but anticipated, driver shortages (both locally and nationally) as a result of the EU exit and the enticing recruitment campaigns for HGV drivers.

- Also during discussion regarding Q3, there was a conversation about the general trend of increasing fuel costs in the UK, the increasing price of cars, and the rising cost of living, and the impact on Firms operating costs and profit margin. The current contract does not have an annual uplift in line with CPI as some do – this means firms can be operating routes at the same price for four years while fuel and wage costs increase, eroding profit and making this unfair in business terms. RD reminded Operators of Schedule 3 Point 19.6 regarding uplifts: *Where the Contractor is of the opinion that they require an uplift of their Agreed Price the request should be made by providing a detailed breakdown of wage costs, overheads and profit margin at the time of the e-auction (agreed price) and which elements have increased in cost, together with a detailed explanation. The request should be emailed by 1st October of any year from 2020.*

- AC asked for clarification regarding TUPE arrangements for employed drivers and VPAs. This was provided by JB.
- AC asked for clarification regarding BHCC's request for Operators to dispose of first aid boxes and asked what the expectations were regarding first aid training for drivers and the use of fire extinguishers. It was acknowledged that there are inconsistencies within the Blue Book and the HTST Contract requirements on these issues. Clarification regarding first aid and the use of fire extinguishers will need to be addressed in the re-procurement exercise, in the interim there are agreed emergency protocols in place directing drivers to call 999 in the event of an emergency and following instructions from call handlers if required.

There have been 22 responses to the online consultation. The following pages show, verbatim, the results, grouped together (parents; operators; schools).

Q1: Which best describes how you are responding to this?

Option	Total	Percent
Transport firms: Taxi Operator/Minibus or Bus Company/driver/ VPA	2	5.56%
Families: Parent/ carer, child or young person	10	55.56%
Parent Carers Council and Amaze	1	5.56%
Schools and colleges	4	22.22%
Home to School Transport Service and related Internal council services	2	11.11%
Other, please give details below	0	0.00%
Not Answered	0	0.00%

Q1b: What changes would you like to see to the current contract and Dynamic Purchasing System currently operated by Brighton & Hove after August 2023?

There was only one response to this question:

Operator

“A return to the quality provision of transport for our most vulnerable clients within Brighton & Hove. A move away from the bidding system which;

1. Does not give best value for the council since providers have are fully aware that prices are able to be substantially elevated for gain over quality
2. A bidding system for vulnerable groups is not an appropriate platform considering the client base requirement and quite honestly distasteful.
3. Assessing school access and the types of vehicle best suited to the venues access requirements - there have been substantial difficulties at site venues where vehicle sizes are conflicting and space limited.
4. A return to continuity of one operators per school - all service delivery would then be provided with a higher level of continuity and organisation.
5. A longer term of contract in order that appropriate vehicles can be sourced/maintained/provided and staff can be retained ensuring job security”.

Q2: What do you feel are the strengths in the way that home to school transport currently works within Brighton and Hove?

Parent/Carer/Young person:

- My daughter is autistic and goes to a specialist school, consistency and the same taxi driver helps her massively in her day to day school life. It makes things calmer for her and less anxiety.
- Very efficient, Capable reliable and friendly driver and VPA, understands my child’s needs
- The school buses are friendly, Professional always ready and willing to help.
- They doing good
- During the pandemic HTST has been able to keep up with the changes here at school. We often had students to needed to be picked up and taken home at different times, we were able to have a discussion around what this would look like and come to a compromise that worked for both parties
- I can found that Taxi driver is really on time and they always can found a new way to College when somewhere is bad traffic.

- The structure of pick up and return helps our child with familiar routines and keeps our child calm - for parents we know our child is safely transported with vpa . Buses / taxi are clean with friendly experienced staff who understand children with complex needs
- The HTST Team now work closely with the PaCC and this keeps children's needs at the heart of all decisions and operations, Operators work closely with the HTST Service and the drivers and VPAs get to know the children and schools know the crews. There is more oversight of training and this makes the service safer.
- Experienced drivers and VPAs with local knowledge.
- I guess it means the LA can take the best offer saving money
- Reliable daily transport of our son to school and back.
- Our routine is great, communication between us driver & escort is fantastic. They know my daughter and they care. That's essential.

PaCC and Amaze:

Continuity in the staff providing the pick up and drop off service i.e. driver and escort.
Reliability of timings.
Having a rapport with staff.
The staff on our service are courteous, friendly and polite.
The staffs positive and caring attitude towards our child.

Schools or colleges:

- Taxis are required for some students, particularly as we have not been able to run ITT due to COVID
- This year, we have less taxi's to manage for parking and loading and unloading at beginning and end of the day.
Gemma in the office has been great at keeping in contact and we have a good rapport.
Taxi drivers and escorts have been more accomadating at parking where we want them too. (playground) and then waiting until all learners are in college before leaving site.

HTST or Internal council :

- There amazing lovely staff
- I think BACA should have a bus to safely take children to and from school, from the deans, as they have to do two bus journeys in the morning and afternoon, and its adding anxious behaviour as they can sometimes have to wait for another bus if one is full, i dont see that longhill have buses to all areas, yet its walking distance for many, yet more children are choosing BACA School, but not realising the dangers for travelling to and from school as well as homework, it really needs safety as paramount from the deans, parents will pay the childrens fare to get them to and from safely..... please please consider this, as parents and children are worried sick, if there children are safely at school or safely coming home, and also it will cut traffic and polution..... they lay buses on for the albion ground and there mainly adults! please please please lay on and bring back the BACA SCHOOL BUS

Q3: How could the engagement of transport be improved after August 2023?

Parent/Carer/Young person:

- We are extremely happy with how things are and don't want them to change.
- At this time I am very happy with the service, and do not see any need for change
- It's perfect how it is
- as to stay the same
- We are extremely happy with our current taxi arrangements of same driver escort every day, same children in car . Communication is good
- Make sure that routes don't get put out to tender with too many students on one run. Use the magic formula we know works, which is 3 or 4 students - less friction, more space, fewer pick ups/stops. This means that more operators can bid for the runs. Keep the Council's spend inside our own city so that we protect jobs at this time
- Better communication in transit to see when the transport is due to arrive and that it has arrived the other end safely. Intergrated system so messages can be sent to the driver, transport provider, Home To School Transport Office and school through a hub, for example, when a child is off sick.
- I would like the priority to be reliable, trustworthy drivers with an understanding of disabilities and my child's needs.
- Improved understanding of the juggles parents are struggling with to manage work and different children in different schools. This has not always been appreciated or accommodated when making transport arrangements despite the fact that the need for the transport for some families is precisely because they have children in different schools.
- Communication - We have NO communication from the company, just messages from the driver and escort off their own bat. None. No communication of any sort. Not only that, we have no communication from the council. NONE. In the past 2 - 3 years. None. Nada. Zilch. How on earth can that be good practice?

HTST or Internal

- There great
- It will cut pollution and traffic at school times, as it will be one bus

PaCC/Amaze:

- Not really clear on the meaning of the question! We haven't experienced any problems at all.

Schools or colleges:

- The engagement of transport between ourselves and HTST is good, there is very little we would change.
- Continue as we are. Ability to review the system if learners needs change over the year. Share a picture of the driver and escort before the school year starts, so we can share social stories with the learners and their parents.
- Find more Taxi driver to ready keep after when normal taxi are ill

Operator:

1. A move back to the quality provision of transport
2. Budgeting for quality and price provision of service delivery
3. Engagement via a bidding platform is morally wrong - it is acceptable for the contract provider to expect a quality provision of service for a fair and living wage for providers going forward. The current system has some providers giving a prime service at lesser rates to the over inflated prices of others again detrimental to BHCC.

4. The council have a platform online where interested parties are able to register and can be invited to tender. ESCC are already currently using this platform. It fully utilised would be potentially effective.

Q4: How could the whole HTST service to students/families be improved?

Parents/Carers/Young people:

- Just good communication would be all i ask for.
- As Q3: At this time I am very happy with the service , and do not see any need for change
- No improvement Needed
- Fine
- To continue to provide good reliable services to families - pick up times to remain in accordance with guidelines around journey lengths , understanding that not all children can ride with others
- Reduce numbers on vehicles so it's less stress for passengers and crew and family. Then we'll feel less rushed and children won't have such a stop start long journey to school or back home. School can be really demanding for my child and his journey can make or break him.
- Better communication
- We have lots of changes when driver can't do particular day. An improvement would be for it to be more consistent. I would hope the app might help at least for us to know who's coming
- As Q3: Improved understanding of the juggles parents are struggling with to manage work and different children in different schools. This has not always been appreciated or accommodated when making transport arrangements despite the fact that the need for the transport for some families is precisely because they have children in different schools.
- Communication, see above. We don't need fancy apps or this tricky that rubbish. Just people actually doing their jobs and communicating between council, company, driver / escort, family. It's a simple solution but devilishly difficult to actually do. It requires constant attention and changing of processes - basically, people changing their habits. That's the hardest thing to accomplish. It requires attention and focus. And in the entire 11 years of my daughter being at school - seems to be very far from being achieved.

HTST or Internal:

- By making them feel safe will bring the anxiety down a big big must

PaCC/Amaze:

- We have a great service so can't think of any improvements.

Schools and colleges:

- The rules around how far a student lives from school needs to be revised. If a child with SEN needs to come to school on transport so the whole day is not wasted then parents should not have to battle the LA to get what the child needs to a productive day in school.
- Share a picture of the driver and escort before the school year starts, so we can share social stories with the learners and their parents.

Operators:

- Multi disciplinary teams working together for the benefit of the client base. Sometimes it does feel like a case of us and them, particularly when trying to facilitate improvement initiatives. It is very common for minor and sometimes major amendments to transport be implemented and this needs to be attended to efficiently with all teams putting the clients base needs primarily.

Q5: How satisfied or dissatisfied are you with this year's arrangements for Home to School Transport?

Parent/carers/young people: 8 x Very Satisfied; 2 x Fairly satisfied

HTST or Internal: 1 x Very satisfied; 1 x Neither

PaCC/Amaze: Very Satisfied

Schools and Colleges: 1 x Fairly; 3 x Very Satisfied

Operators: 1 x Very Dissatisfied

Q6: Any final comments about the Home to School Transport Service?

Parents/Carers/Young people:

- Please leave things unchanged as they are working well for us.
- The driver and VPA , that take my daughter to school are fantastic . I am always informed of any change early enough to prepare my daughter they have an excellent understanding of her needs
- We love the school bus, We have correspondence regular
- I would like to see more electric taxis being used. An app like the one being talked about which lets me track my son's vehicle and that is a real time 2-way communication would be really helpful.
- Continuity is important for our children, as well as short journey times and experienced staff. Reducing anxiety by good communication is essential for many. Keep services local, with good local knowledge and a lower carbon footprint.
- I've been pleased that school and myself have been told when driver changes. I would like the app to go ahead. I don't think anything will be perfect but it's currently pretty good and the app would make the journey predictable and less stressful due to knowing when and who would be coming
- A big thank you to all that help my son xxxx
- See previous comments. Please. They are important in this section. No point in repeating myself.

HTST or Internal:

- Please please please Put on a bus for BACA SCHOOL, as it isnt fair for kids to travel two buses, crossing main roads elmgrove and lewes road, to get another like Longhill has a woodingdean.... Saltdean..... whitehawk bus..... BACA NEEDS A BUS AS MORE CHILDREN ARE CHOOSING BACA FROM THE DEANS

PaCC and Amaze:

- Although we are aware of families that have had issues over the years, we are extremely happy (and grateful) with the service as a whole, in particular with the driver and escort. Keep up the good work.

Schools and Colleges:

- Home to school transport on the whole works really well for us at school. We have a couple of students who require HTST for the whole year but we continually find ourselves have to apply every half term due to the distance they live to the school. This child has a severe learning difficulty and its very upsetting for the whole family and us, the process of keep applying
- This year has been the smoothiest transition in September, old and new taxi drivers have enabled a good and settled start to the year. Learners are now able to see themselves to and from their taxi's. Much more independence for them.

Operators

Team work, effective communication, good relationships and team building need to be nurtured. BHCC staff at the frontline need to be supported and have the time to administer to the many and diverse calls incoming and the many amendments to the transport that result from the diverse and constant changeable nature of this contract. To nurture suppliers providing best practice and those who are willing to commit to this client base for the long term. To support all personale and clients in the quality provision of service delivery. Non an easy job but one commendable and worthy.

Brighton & Hove City Council

Children Young People and Skills Committee

Agenda Item 74

Subject: Education Capital Resources and Capital Investment Programme 2022/2023

Date of meeting: CYPS 7 March 2022
P&R 24 March 2022

Report of: Executive Director of Families, Children & Learning

Contact Officer: Name: Richard Barker
Tel: 01273 290732
Email: Richard.barker@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 In order to determine an overall Capital Programme for Brighton & Hove City Council, each service is asked to consider its capital investment requirements, within the level of allocated resources for 2022/23.
- 1.2 The purpose of the report is to inform the Committee of the level of available capital resources allocated to support education buildings and to recommend a capital programme for 2022/23 in respect of School Condition Allocation (SCA) and Basic Need funding.

2. Recommendations

- 2.1 That the level of available capital resources totalling £5million for investment relating to education buildings financed from capital grant be noted.
- 2.2 That Committee agree the allocation of funding as shown in Appendices 1 and 2 and recommend this to Policy & Resources Committee on 24 March 2022 for inclusion within the Council's Capital Investment Programme 2022/23.
- 2.3 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.

3. Context and background information

- 3.1 The Education Capital Programme forms part of the Council's full Capital Investment Programme which was presented to Budget Policy & Resources Committee on 10 February 2022 and Budget Council on 24 February 2022.

- 3.2 The capital finance settlement from central government includes Basic Need, School Condition Allocation (SCA) and Devolved Formula Capital for community schools.
- 3.3 Capital finance for Voluntary Aided Schools academies and free schools does not form part of the funding allocated to Local Authorities as they have access to the separate Condition Improvement Fund administered by the DfE.
- 3.4 The table below shows the allocations of capital grant funding announced for 2022/23 only and does not include 2021/22 grant forecast to be re-profiled into 2022/23 including those approvals in the Targeted Budget Management 2020/21 Month 9 report to Policy & Resources Committee on 24 February 2022.

	2022/23 Settlement million
School Condition Allocation (SCA)	£4.500 *
Basic Need Funding	£0
LA Devolved Formula Capital Grant (Passported entirely to schools)	£0.500 *
Sub Total	£5.000*

* To be confirmed. Estimate based on 2021/22 allocation

- 3.5 At the present time the government has not announced the maintenance funding allocations for 2022/23. For the purposes of this report we are working on the assumption that there will be no appreciable difference to the allocation for the 2021/22 financial year and therefore we assume that the School Condition Allocation will be £4.5million and the Devolved Formula Capital (DFC) allocation will be £0.5million. This is considered to be a cautious assumption; we have compiled a reserve list in case the actual settlement is higher than anticipated.
- 3.6 DFC grants are passed directly to schools and therefore are not available for the Local Authority to spend.
- 3.7 In February 2021 the Government updated their allocation figures for Basic Need capital funding for 2022/23. There was no allocation for Brighton & Hove for this period.
- 3.8 In addition to the funding from central Government there is a Services to Schools buy back option for the council's strategic property function providing schools with a full condition survey, statutory compliance contracts and access to advice and support on all property matters. It is anticipated that this will generate £0.615 million for the 2022/23 financial year. This is

£7,300 less than last year since Moulseccomb Primary has become an academy.

3.9 This service buy back resulted from a change in the rules around the ways in which schools are funded in 2017/18. Before this date Schools Forum agreed to the use of £0.9million for building maintenance. As a result of this we set up a buy back scheme for schools. Since the change all community schools buy the full service, Voluntary Aided schools buy a partial service (in recognition of their different status with the council when it comes to property) and the free schools and academies do not buy the service at all due to their direct relationship with the DfE. It is for this reason that the total buy back amount is now £0.615million.

3.10 The table below shows the level of new resources available for the Local Authority to spend in the 2022/23 financial year.

	Million
Capital Finance settlement	£4.500
Services to Schools Income	£0.615
Total	£5.115

3.11 Additional grant funding may be made available throughout the forthcoming financial year and will be reported separately if necessary.

3.12 Capital reprofiles and slippage arising from the 2021/2022 Capital Programme will be incorporated into the 2022/2023 programme when the capital accounts are closed on 31 March 2022.

Capital Commitments

3.13 An overall summary of expenditure for 2022/23 is attached at **Appendix 1** and a more detailed explanation of each item is shown below.

Condition Related Works

3.14 The capital maintenance funding will be used to address the most urgent and important items highlighted by the condition surveys of school buildings as well as a number of programmes to address specific safety and improvement priorities as set out in paragraphs 3.15 – 3.25 below. In doing this the council will consider how best to do so in a responsible and sustainable way.

3.15 It is recommended that £4.500 million from SCA plus £0.615 million from Services to Schools is allocated to carry out maintenance and legislative works to the school estate in the 2022/23 financial year.

3.16 A copy of the proposed structural maintenance programme is attached at **Appendix 2** to this report. This shows the estimated total cost of each programme of work (such as roof replacements, mechanical and electrical works etc.) but not the estimates for each individual element. This is because at the present time the amounts are pre-tender estimates and it

would not make commercial sense to reveal these prior to going out to tender.

- 3.17 The extent of the work at each school will be determined by the condition survey and detailed investigation and scoping of the problem to be addressed. There will also be discussion with each school on the timing and scope of the works.
- 3.18 Projects within the planned programme are procured using the building maintenance frameworks put in place in 2020/21. The successful contractors had to demonstrate that they would minimise waste, meet targets for reductions in waste to landfill and optimise the recovery, reuse and recycling of waste.
- 3.19 In addition to this they had to describe the steps they will take to minimise the use of resources (water, fuel, energy from fossil fuels) and improve sustainable sourcing and this was all taken into account when scoring the applicants. The framework contracts include performance indicators in respect of sustainability and environmental management that are to be monitored on a quarterly basis.
- 3.20 We look at the sustainability of projects at the outset to ensure the best outcomes for the building and its users. The building works we undertake will improve the thermal performance of the building overall. This can include items such as repointing, replacing curtain walling with aluminium systems which have better lifecycle costs, recyclability and energy efficiency.
- 3.21 When replacing or refurbishing roofs we look to exceed Approved Document L requirements in terms of energy efficiency. The insulation we install when undertaking roofing works are rated A+ (the highest) in the BRE Green Specification Guide. We are now also considering the use of aluminium rainwater goods (gutters and pipes) in some cases, but there are significant cost implications to this.
- 3.22 In terms of mechanical plant, we install efficient condensing boilers and water heaters, make use of heat recovery on ventilation and heat pumps with improved coefficients of performance. Pipework is insulated and building management systems include zoning and automatic adjustments with the seasons to reduce waste. We use LED and PIR controlled lighting, low energy extract fans, non-concussive taps and water flow restrictors all of which reduce waste and improve efficiency.
- 3.23 By allocating the School Condition Allocation for 2022/23 (£4.5million), and the £0.615 million from the services to schools funding we will be able to invest £5.115 million in improving the condition of the school estate. Of this, £4.313 million will be allocated to the most urgent projects detailed in **Appendix 2**.
- 3.24 In addition to these works we also allocate funding to programmes of work arising from statutory responsibilities. The allocation is as shown below;

Legionella	£0.150million
Asbestos	£0.150million
Fire Safety works	£0.150million
Accessibility adaptations	£0.150million
Surveys and feasibility work	£0.150million
Advanced design	£0.050million
TOTAL	£0.800million

- 3.25 Legislation on the control of asbestos in buildings has given rise to the need to carry out works on a rolling programme to school buildings to achieve compliance with the legislation. In line with good practice the council does not seek to actively identify and remove dormant asbestos due to the risks of disturbance. Instead the rolling programme means works are completed alongside larger improvement projects in the school or a standalone removal project when the circumstances require it.
- 3.26 In 2021/22 we identified 75 individual projects to undertake throughout the year at an estimated cost of £6.3228million (Inc. fees). To date we have undertaken 61 of these (some of these are still ongoing) and 12 will continue into 2022/23, the budget to meet the cost of this work has been re-profiled within the TBM9 report. The remaining two projects were at Moulsecoomb Primary School. As a result of overly high tenders we could not undertake this work and the school has now become an academy, therefore we will not be undertaking these works at all. A list of these projects is included in **Appendix 3**.

Basic Need Funding

- 3.27 Basic Need funding is provided to authorities who are experiencing increasing school rolls. The funding is provided to ensure that the Local Authority can meet its statutory obligation to secure a school place for every child that wants one.
- 3.28 Brighton & Hove did not receive an allocation for the 2022/23 financial year because our pupil numbers are falling. We do however have £8.312million of unallocated Basic Need funding from previous years.
- 3.29 Our Basic Need priorities remain implementing the outcomes of the SEND review by making adaptations to special schools and to ensure there are adequate secondary school places available in the city over the next few years.
- 3.30 In the capital budget for 2019/20 an allocation of £4.0million was agreed for the work required to create the Central Hub which was to incorporate Homewood College and the Pupil Referral Unit.
- 3.31 A scheme to provide enhanced facilities for Homewood College was developed in conjunction with the school and tendered in the summer of 2021. A tender evaluation exercise was undertaken to select the preferred contractor.

- 3.32 However, owing to the outcome of the recent Ofsted inspection this project has been paused while consideration is given to the best way to proceed. Should this project not go ahead the £4million allocated to this project (minus any abortive costs incurred) will be available for investment in other projects.
- 3.33 Work is progressing well on the Cullum Centre for Hove Park School. The provision on the Nevill campus is complete and the provision on the Valley Campus will be complete by the start of the summer term.

High Needs Provision Capital Funding

- 3.34 On 25 March 2021 the DfE announced an allocation of capital funding to support the provision of additional high needs places.
- 3.35 Brighton & Hove were allocated £1million as a result of this (included in Appendix 1 against last year). A condition of receiving the grant was that we submitted a form outlining our proposals to the DfE. We did this in August 2021. The information we submitted was very general and did not name any schemes.

Section 106 Funding

- 3.36 Since 2007 we have sought education contributions for developments of more than 10 new dwellings in areas where there was a pressure on school places. The calculation of a contribution has always been based on the number of pupils the development is likely to generate and the cost of providing this number of places. We do not seek contributions in areas where there are sufficient school places.
- 3.37 From 2007 until January 2021 we had secured approximately £4.624million of contributions. Since that date we have secured a further £1.101 million from 10 developments. **Appendix 4** shows the contributions received between January 2021 and January 2022.
- 3.38 It is important that any monies accrued are used in accordance with planning legislation and policy objectives as further defined in the Developer Contributions Technical Guidance. The decision on how to use the funding is based on knowledge of the school estate in terms of its capacity and condition. This information is gathered via the condition surveys and the yearly updating of the plans for the SCAP return.
- 3.39 In the 2021/22 financial year £0.552 million of Section 106 funding was used to part fund the work to date at Varndean, Hove Park, Blatchington Mill and Patcham High Schools. The sums for secondary provision have been allocated to schools based on the location of the development and included in the sums allocated for additional place provision.

4. Analysis and consideration of alternative options

- 4.1 The only option available would be to not make use of this funding to improve or extend the education property portfolio. This is not recommended as it would limit our ability to maintain, modernise and improve our school buildings property portfolio and to secure sufficient school places.

5. Community engagement and consultation

- 5.1 There has been no specific consultation regarding the content of this report. When an individual project is developed the necessary consultation is undertaken and reported to the relevant committee.

6. Conclusion

- 6.1 The proposed Capital Programme will enable us to continue to ensure that we secure school places in areas of the City where they are required and to improve the condition of our education property portfolio.

7. Financial implications

- 7.1 The report sets out the allocation of capital resources included in the Capital Investment Programme 2022/23 as approved at Policy & Resources Committee on 10 February 2022 and Budget Council on 24 February 2022. The capital resources will meet ongoing capital maintenance requirements as well as addressing bulge classes, refurbishments, permanent expansions and to implement outcomes resulting directly from the SEND review.
- 7.2 The report details the resources available for investment into the Education Capital Investment Programme for 2022-23. The report includes estimated Government grant contributions for Education Capital Maintenance (£4.5m) and Devolved Capital Formula (£0.5m) which are subject to confirmation from the DfE in due course and will be reported in future TBM reports. The capital resources include income estimated at £0.615m for 2022/23 that relates to Services to Schools buy back associated with the strategic property function. This income will assist with maintenance spend identified in this report.
- 7.3 Developer contributions (Section 106 contributions) received and the spend to date is detailed in Appendix 4. The contributions are required to be spent in accordance with planning legislation and policy objectives. These do not form part of the resources included in Appendix 2.

Name of finance officer consulted: Rob Allen Date consulted: 07/02/22

8. Legal implications

- 8.1 There are no direct legal implications arising from this report. Particular projects may give rise to specific issues which will be covered by individual reports at future meetings.

Name of lawyer consulted: Serena Kynaston Date consulted: 01/02/22

9. Equalities implications

- 9.1 Para 3.24 refers to £0.15million being allocated for Accessibility Adaptions. This funding is used to make adaptations to mainstream schools required by pupils with SEND who prefer a place at a mainstream school. This could include changes resulting from any type of SEND and ensuring school buildings are compliant with the Equalities Act.
- 9.2 New and refurbished buildings will conform with all relevant regulations and be fully accessible.

10. Sustainability implications

- 10.1 The environmental impacts of individual schemes are reported to Members when the detailed report is submitted to Policy and Resources Committee for final approval. The detailed planning of projects at educational establishments will take account of the implications of Brighton & Hove's policies in relation to sustainability issues generally.
- 10.2 The council will consider how best to undertake the planned programme in a responsible, sustainable way. Projects within the planned programme are procured using the new building maintenance frameworks put in place last year. The successful contractors had to demonstrate that they would minimise waste, meet targets for reductions in waste to landfill and optimise the recovery, reuse and recycling of waste. In addition to this they had to describe the steps they will take to minimise the use of resources (water, fuel, energy from fossil fuels) and improve sustainable sourcing. The framework contracts include Performance Indicators in respect of sustainability and Environmental Management these will be monitored on a quarterly basis.
- 10.3 We look at the sustainability of projects at the outset to ensure the best outcomes for the building and its users. The building works we undertake will improve the thermal performance of the building overall. This can include items such as repointing, replacing curtain walling with aluminium systems which have better lifecycle costs, recyclability and energy efficiency. When replacing or refurbishing roofs we look to exceed Approved Document L requirements in terms of energy efficiency. The insulation we install when undertaking roofing works are rated A+ (the highest) in the BRE Green Specification Guide.

11. Other Implications

Social Value and procurement implications

- 11.1 Works arising from this report will be procured using the council's framework contracts. These have been evaluated on a number of factors including Social Value.

Crime & disorder implications:

- 11.2 There are no specific crime and disorder implications arising from this report. Which just serves to allocate funding. The detailed planning of projects will take account of security issues. Well maintained buildings are less likely to attract anti-social behaviour.

Public health implications:

- 11.3 There are no public health implications arising from this report.

Supporting Documentation

1. Appendices

1. Overall summary of expenditure
2. Proposed structural maintenance programme for 2022/23
3. Complete projects from 2021/22
4. S106 Contributions received in 2021/22

2. Background documents

Appendix 1

	2021 /22	2022/23
CAPITAL MAINTENANCE INCOME		
2021/22	£4,871,068	
Additional SCA Allocated in 2021	£2,262,000	
2022/23 (para 3.5)(to be confirmed)		£4,500,000
School contributions (Para 3.8)	£623,000	£615,000
Unallocated from previous years	-£132,411	£523,657
Total	£7,623,657	£5,638,657
CAPITAL MAINTENANCE EXPENDITURE		
Condition works proposed by committee in March (Para 3.16 & 3.23)	£6,300,000	£4,315,000
Asbestos (Para 3.24 & 3.25)	£150,000	£150,000
Legionella (Para 3.24)	£150,000	£150,000
Fire Risk Assessments (Para 3.24)	£150,000	£150,000
Ventilation in Kitchens	£100,000	
Advanced design on future schemes (Para 3.24)	£50,000	£50,000
Surveys (condition gas etc.) and feasibility work (Para 3.24)	£50,000	£150,000
Individual Pupil needs (Para 3.24)	£150,000	£150,000
Total	£7,100,000	£5,115,000
Unallocated / - shortfall	£523,657	£523,657
BASIC NEED INCOME		
2021/22	£4,916,000	
2022/23		£0
Unallocated from previous years	£3,395,917	£8,311,917
Total	£8,311,917	£8,311,917
BASIC NEED EXPENDITURE		
Total New Commitments		
Amount to carry forward to 2022/23	£8,311,917	
Amount to carry forward to 2023/24		
2021/22 High Needs Provision Capital Allocation	£1,000,000	
Total New Commitments		
Unallocated from previous years		£1,000,000
Amount to carry forward to 2022/23	£1,000,000	
Amount to carry forward to 2023/24		£1,000,000

2022-23 EDUCATION CAPITAL MAINTENANCE		
School	Bid	Priority
Asbestos works		
Goldstone Primary	Rewire, lighting and ceiling replacement in Classrooms 0/032, 0/035, 0/035A, 0/038 and WC's 0/032, 0/030	D2
Middle Street	Phase 1 - Replacement power, lighting, asbestos removal and new ceilings (Ground floor South)	D2
	Asbestos total	£150,000
General Building works		
Balfour Primary	Replace high level cladding (Old Infant site)	D2
Benfield Primary	Concrete remedial works	D2
Brunswick Primary	Stair replacement phase 2	D2
Coldean Primary	Replace kitchen structural glazing	D2
Downs View Life Skills	Replace structural glazing generally and including removal of asbestos panels	D2
Downs View Link Coll	Repair timber deck to fire escapes required	D2
Downs View Woodingdean	Upgrade structural glazing to the South elevation.	D2
Fairlight Primary	Replacement ceilings on top floor including removal of ACM (phase 3) Staircase lobby 2/003, classrooms 2/012 & 2/014	D2
Hove Park Lower	Re-pointing and wall tie replacement to south and west elevations	D2
Hove Park Lower	Replace main hall ceiling and lighting	D2
Hove Park Upper	Masonry repairs and lintel replacement outside toilet block	D2
Royal Spa Nursery	Replace cladding insulation	D2
Rudyard Kipling	Replace timber cladding to rear of building and first floor main building inc. curtain walling.	D2
St Georges House	Damp -proofing works and drainage works	D2
St Luke's	Replacement lintels and wall ties in West elevation	D1
Stanford Junior	Stonework repairs around bell tower	D2
West Hove Infant (Connaught Rd)	Re pointing front and rear elevations	D2
Woodingdean Primary	Re-pointing, cavity wall ties replacement (West)	D2
	General building works total	£779,000.00
Roofing works		
Balfour Primary	Flat roofs to front and rear classrooms (Junior)	D2
Benfield Primary	Recover canopy flat roof to South elevation	D2
Benfield Primary	Replacement flat roof above kitchen and (south west facing playground)	D2
Bevendean Primary	Single ply roof replacement above 0/103 - 0/105	D2
Bevendean Primary	Replacement of pitched felted roof above nursery 0/060 – 0/065	D2
Blatchington Mill	Replacement pitched roofs (Phase 1 West)	D2
Brackenbury Primary	Recover felt flat roofs above single storey Annexe building	D2
Hove Junior (Holland Road)	Recover staffroom flat roof	D2
Hove Park Lower	Replace flat roof covering above main entrance	D2
Hove Park Upper	Replace pitched tiled roof (phase 1) main building	D2
Lynchet Close	Recover pitched roofs (phase 1 South)	D2
Mile Oak	Recover flat roof above main reception	D2
Saltdean	Flat roof replacement above Year 1 adjacent to reception	D2
	Roofing works total	£820,000.00
Mechanical Works		
Carlton Hill	Replace heating system	D2
Coombe Road	Replace Lead incoming Main	D2
Hill Park Lower	Replace main boilers	D2
Hove Junior (Portland Rd)	Replace heating	D2
Peter Gladwin	Renew fan coil units in KS1, approx. 12	D2
Portslade Sport C	Boilers replacement, control panel and gas supply	D2
Queens Park	Replace H&C Water Services	D2
St Luke's	Replace Breakfast Club Heat Pump & Radiator Replacement (to be included in Main Heating works)	D2
	Mechanical works	£880,000.00
Electrical works		
Hove Park Upper	Replace ground floor ceilings to corridor and classrooms, power and lighting	D2
Patcham Junior	Phase 3 lighting works (upper floors)	D2
Rudyard Kipling	Replace & rewire external lighting on south wall including integral emergency	D2
West Hove Infant (School Rd)	Replacement lighting and wiring circuits - GF and FF	D2
West Hove Infant (School Rd)	Re-wire final circuits	D2
Westdene Primary	Rewire and replacement lighting	D2
	Electrical works total	£555,000.00
Toilets		
Bevendean Primary	Boys toilet refurbishment and adaptation 0/067	D2
Carden Primary	Boys Toilet Refurbishment 0/002 and 0/002b	D2
Carden Primary	Girls Toilet Refurbishment 0/004 and 0/004b	D2
Mile Oak Primary	Nursery toilets alteration and refurbishment	D2
Patcham Infant	Refurbish boys and girls toilets x 2 - 0/009, 0/010, 0/020 and 0/021	D2
Saltdean	Refurbish toilets; Block 4, Ground floor girls and boys toilets 0/003 and 0/004.	D2
St Luke's	Refurbish top floor boys and girls toilets	D2
Stanford Infant	Toilet Refurbishment Boys 1st Floor	D2
Stanford Infant	Toilet Refurbishment Girls 1st Floor	D2
	Toilets	£665,000.00
Resurfacing works		
Benfield Primary	Resurface path to north of site	D2
Blatchington Mill	Resurfacing tarmac path outside mobile units	D2
Blatchington Mill	Construct new path around OLA building	D2
Blatchington Mill	Take up paving slabs south of West wing entrance and resurface with tarmac.	D2
Downs View Life Skills	Resurface playground	D2
Hove Junior (Holland Road)	Linear drains where DPC bridged	D2
	Resurfacing works total	£72,000.00
	D1 works (excl. fees)	£80,000.00
	D2 works (excl. Fees)	£3,841,000.00
	Total (Excl. fees)	£3,921,000.00
	Fees @10%	£392,100.00
	Overall Total (incl. fees)	£4,313,100.00

School	Bid	Priority	Completing 2021/22	Carry forward to 2022/23
Asbestos				
Coombe Road	Replace external canopy including asbestos removal	D2		£12,000.00
		Sub total	£0	£12,000
General Building works				
Balfour Primary	Re-pointing works at Balfour	D2	£15,000.00	
Blatchington Mill	Repointing and wall ties to Block 2 and 6th form	D3	£20,000.00	
Carlton Hill	Replace curtain walling phase 2 south elevations	D2	£60,000.00	
Coombe Road	Replace lintels to the staff room	D1		£30,000.00
Downs View Life Skills	Recover plain clay tiles above offices, domestic science room and Old Coach-house	D2	£60,000.00	
Downs View Life Skills	Structural glazing Replace curtain walling to gym	D2	£80,000.00	
Fairlight Primary	Replace wall ties and re-pointing – inner elevations	D2	£25,000.00	
Hangleton Primary	Repointing/wall tie replacement (south elevation)	D2	£8,000.00	
Hove Park Lower	Re-pointing and wall tie replacement to south and west elevations	D2		£25,000.00
Hove Park Upper	Re-pointing & wall ties to hall (VI Form block south elevation)	D2	£45,000.00	
Hove Park Upper	Recover metal and 2no corridor flat roofs above rooms	D2	£143,000.00	
Jeanne Saunders	Major renewal of rainwater goods, including soil pipes, lintels, 2 no large structural windows and re-pointing	D2	£50,000.00	
Longhill High	Replace structural glazing to staircase A Block south	D1	£90,000.00	
Longhill High	Replace structural glazing to staircase A Block north	D2	£90,000.00	
Longhill High	Replace curtain walling to block 4 ground, first and second floors	D2	£100,000.00	
Moulsecobm Primary	Finish the boxing works	D2	£30,000.00	
Portslade Sports C.	Cladding defects	D2	£10,000.00	
Queens Park	Repointing and masonry works to the South elevation.	D2	£25,000.00	
Queens Park	Remedial works to boundary walls to premises managers house	D2	£9,000.00	
Royal Spa	Rendering to boundary wall	D2	£7,000.00	
Stanford Infant	Refurbish caretaker's kitchen	D2	£10,000.00	
Surrenden Pool	Refurbishment works to girls and boys changing rooms	D2	£150,000.00	
West Hove Infant (Connaught Rd)	Re pointing front and rear elevations	D2		£15,000.00
Westdene Primary	Replace fire egress ramp/stair to library (50/50 split with Corp PMB)	D1	£30,000.00	
Woodingdean Primary	Re-pointing/wall ties (courtyard and front entrance)	D2	£10,000.00	
		Sub total	£1,067,000.00	£70,000.00
Roofing works				
Blatchington Mill	Recover flat roof to former sixth form block	D2	£90,000.00	
Brunswick Primary	Flat roof replacement above Reception, corridor, Activity Area and Hall Two	D1	£70,000.00	
Downs View Special	Replace flat roof covering to lift plant room	D2	£30,000.00	
Hill Park Lower	Replacement flat roof covering (Playroom, Staff Room ,Music Therapy, Medical room)	D1	£48,000.00	
Homewood College	Replacement flat roof covering– dining room, classroom, toilets, store and 1-1 room (ground floor block 2)	D2	£50,000.00	
Longhill High	Recover flat roofs above changing and drama rooms – phase 3	D1	£172,000.00	
Mile Oak	Flat roof on Two storey block	D1	£99,000.00	
Saltdean	Flat roof Block D1 (gas pipe)	D1	£115,000.00	
Westdene Primary	Recover pitched felt roof above library area and classroom	D1	£52,000.00	
		Sub total	£726,000.00	£0.00
Mechanical works				
Benfield Primary	Replace heating pipework below floor	D2	£60,000.00	£180,000.00
Coombe Road	Replace Boiler Control/Panel in -1/003	D2	£8,000.00	
Fairlight Primary	Old Heating distribution,(including ceilings and lighting in Gf and Ff)	D2	Fees	£350,000.00
Hertford Infant	Replace heating system	D2	£25,000.00	£238,000.00
Hove Park Lower	Replace fan coil units	D2	£87,000.00	
Mile Oak	Replace boiler to 1990's extension and potential asbestos removal	D2	£20,000.00	
St Luke's	Change old heating, mains conversion, hot & cold water and lighting.	D2	Fees	£950,000.00
Stanford Infant	Replace H&C Services	D2	£80,000.00	
		Sub total	£280,000.00	£1,718,000.00
Electrical works				
Carlton Hill	4 Way MCCB Panel Board in Switch Panel, future replacement with a 6 Way Panel Board	D3	£6,000.00	
Downs View Special	Replace 5nr 3 phase and 6nr single phase electrical distribution boards	D2	£25,000.00	
Elm Grove Primary	Replace old inefficient lighting	D3	£50,000.00	
Fairlight Primary	Rewire and replace lighting, rewire to first floor classrooms.	D2		£35,000.00
Hove Park Lower	Partial replacement of electrical services	D2	£140,000.00	
Hove Park Lower	Replace ground floor ceilings, power and lighting 2 technology 1 food-tech rooms	D2	£50,000.00	
Hove Park Upper	Replace hall ceiling, power and lighting	D2	£140,000.00	
Lynchet Close PRU	Replacement of electrical services to sports hall, including lighting & emergency lighting.	D2	£10,000.00	
Lynchet Close PRU	Replacement of electrical services including external security lighting	D3	£50,000.00	
Hove Park Upper	Replace ground floor ceilings to corridor and classrooms, power and lighting	D2		£100,000.00
Middle Street	Replacement power, lighting, asbestos removal and new ceilings (ground floor)	D3	£50,000.00	
Mile Oak	Replace ceiling to gym, power and lighting	D2	£80,000.00	
		Sub total	£601,000.00	£135,000.00
Toilets				
Carden Primary	Boys Toilet Refurbishment 2/027	D2		£55,000.00
Carden Primary	Girls Toilet Refurbishment 2/027A	D2		£55,000.00
Coldean Primary	Refurbish early years boys and girl's toilets	D2	£90,000.00	
Elm Grove Primary	Refurbish ground floor toilets, boys & girls	D2	£100,000.00	

Hove Park Lower	Toilet refurbishment (LRC – male and female) Library wing	D2	£100,000.00	
Hove Park Upper	Girls Toilets	D2	£60,000.00	
Longhill High	Room A103 (Block 1) Male staff toilet refurbishment)	D1	£50,000.00	
Longhill High	Room B006 (Block 3) Boys toilet refurbishment	D1	£50,000.00	
Mile Oak	Refurbish toilets 0/078 & 0/080	D3	£80,000.00	
Moulsecoomb Primary	Toilet Refurbishment - First Floor Boys	D3		£55,000.00
Moulsecoomb Primary	Toilet Refurbishment - First Floor Girls	D3		£55,000.00
Saltdean	Refurbish toilets – Year 1 boys and girls (North Block)	D2	£90,000.00	
Woodingdean Primary	Refurbish YR3 toilets	D3	£80,000.00	
	Sub total		£700,000	£220,000
Resurfacing works				
Balfour Primary	Re-surfacing to EYFS and Year 2 paved areas	D2	£35,000.00	
Carden Primary	Resurface playground	D2	£12,000.00	
Coldean Primary	Resurface infant site playground and outside classroom paved areas	D2	£35,000.00	
Hove Park Upper	Resurface playground and car park	D2	£50,000.00	
Rudyard Kipling	Resurface playgrounds and paths 28P, 23T & including path leading to Downs Valley Road	D2	£30,000.00	
Rudyard Kipling	Resurface playground 59P and 1T as shown on grounds plan)	D3	£45,000.00	
Woodingdean Primary	Resurface West playground	D2	£12,000.00	
	Sub total		£219,000.00	£0.00
	TOTAL (Excl. fees)		£3,593,000.00	£2,155,000.00
	Fees (@10%)		£359,300.00	£215,500.00
	Total (inc. fees)		£3,952,300.00	£2,370,500.00

APPENDIX 4

REF XPPB Classifica tion	RECEIPT OF SECTION 106 CONTRIBUTIONS TO EDUCATION		date received	Sums received
414	Greater Brighton Metropolitan College (GBMet) Pelham Street Brighton 2018/02607 signed 27/3/19 yr 18/19		16/04/2021	£ 114,873.00
425	Sussex County Cricket Ground Eaton Road Hove 2019/02948 signed 19/8/2020 yr 20/21	Education (Phase 1 50%)	10/05/2021	£ 25,272.50
429	Anston House, 137/147 Preston Road Brighton 2016/02499 signed 30/10/2017 as varied 20/11/2020 yr 17/18	Education	22/02/2021	£ 205,164.00
430	Unit 1-3 Ellen Street, Hove 2020/00917 signed 1/10/2020 yr 20/21	Education	15/02/2021	£ 62,995.00
434	76/79 and 80 Buckingham Road Brighton 2018/01137 signed 12/3/2019 yr 18/19	Education	24/06/2021	£ 33,000.00
435	Whitehawk Clinic, Whitehawk Road, Brighton 2017/01665 signed 19/7/2018 yr 18/19	Education	25/06/2021	£ 26,915.00
436	Land east Coldean Lane, north Varley Halls Brighton 2018/03541 signed 21/1/2020 yr 19/20	Education	10/05/2021	£ 257,214.00
437	Belgrave Centre Clarendon Place Portslade 2018/03629 signed 25/3/2020 yr 19/20	Education	10/05/2021	£ 71,226.00
441	former St Aubyns, High Street, Rottingdean 2017/02680 signed 8/2/2019 (DoV 24/3/21) yr 18/19	Education (50%) Education (50% b	09/08/2021 13/12/2021	£ 121,342.50 £ 128,307.78
445	Land at Victoria Road Housing Office, Portslade 2019/02578 signed 20/9/2020 yr 20/21	Education	05/10/2021	£ 54,347.86

£ 1,100,657.64

Subject: Annual Planned Maintenance Budget and Asset Management Fund Allocations 2022-23 for the Council's Operational Buildings

Date of meeting: 24 March 2022

Report of: Executive Director for Economy, Environment & Culture

Contact Officer: Name: Angela Dymott 29-1450
Martin Hilson 29-1452
Peter Togneri 29-1481

Email: angela.dymott@brighton-hove.gov.uk
martin.hilson@brighton-hove.gov.uk
peter.togneri@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 To seek approval for the annual revenue budget allocation and programme of maintenance, improvements and Health & Safety works for the Council's operational property portfolio. The report details the allocations for two budget areas: The Planned Maintenance Budget and the Asset Management Fund.
- 1.2 The Planned Maintenance Budget that covers essential repair works to civic offices, historic, operational, commercial and environment buildings consist of a revenue budget of £2,996,740 and a Social Care Planned Works Budget of £500,000, totalling £3,496,740.
- 1.3 The annual Asset Management Fund is a capital budget for property improvements and health & safety works totalling £1,000,000.

2. Recommendations:

- 2.1 That the annual programme of planned maintenance works for the Planned Maintenance Budget as detailed in Appendices 2 and 3, at a total estimated cost of £3,496,740 be approved;
- 2.2 That the Asset Management Fund allocation for 2021-22 totalling £1,000,000, as detailed in paragraph 3.4.2 of this report be approved;

- 2.3 That delegated authority be granted to the Executive Director Economy, Environment & Culture and Assistant Director Property & Design to procure the Planned Maintenance Budget and Asset Management Fund improvement works and award contracts within these budgets.

3. Context and Background Information

Asset Management

- 3.1 The council's Corporate Property Strategy & Asset Management Plan sets out the property context for Brighton and Hove, the council's strategic property objectives, and is available on the council's website. The Corporate Property Strategy & Asset Management Plan will be refreshed and presented to Policy & Resources Committee.
- 3.2 The council's property is managed strategically and operated through a mixed economy Corporate Landlord Model that centralises the council's property functions to professional teams in Property & Design within the Economy, Environment and Culture Directorate. The aim is to make best use of our assets to support the corporate objectives and improve the utilisation, efficiency and effectiveness of our land and buildings. This is supported by the council's property asset data and systems that help to inform the process.
- 3.3 Rolling condition surveys are undertaken to ensure a robust assessment of the council's 5-year requirement for planned maintenance to help prioritise future programmes of work.

Planned Maintenance Budget

- 3.4 This budget of £3,496,740 relates to those operational buildings where the council has a repairing liability but excludes council housing, highways and educational establishments that have their own budgetary provisions. It includes the Environment buildings budget of £105,900 for 2022-23. A similar sum has been transferred to the Head of Facilities and Building Services to undertake little and often, lower value planned maintenance works to Environment buildings. £95,000 has been put forward as savings for 2022-23 from the budget to assist the council with its revenue financial pressures.
- 3.5 The Corporate Building Maintenance Strategy that supports the Corporate Property Strategy & Asset Management Plan sets out a robust strategic framework to deliver the key property objective to optimise the contribution that property makes to the council's priorities and strategic and service objectives. The aim is to ensure that finite maintenance resources are prioritised and targeted at our key operational assets to meet service delivery needs.
- 3.6 Like most local authorities, the council faces a backlog in its required planned maintenance, extreme budget challenges and our small and limited maintenance budgets are inadequate for the need. Financial controls applied over a number of years have meant substantial cuts in what can be achieved with the annual maintenance programme, that in turn increases our prioritised volumes of required maintenance with associated risk. Officers aim to ensure best use of resources available, value for money and that funding is prioritised.

- 3.7 The annual planned maintenance budget allocation is prioritised in consultation with service client officers to address the highest critical and most essential maintenance works and supports service re-design and delivery. It also aims to ensure that statutory compliance works and higher risk Health and Safety issues are addressed. Essential maintenance includes works of a structural nature and those that keep our buildings watertight. Around a third of the planned maintenance budget covers the costs of statutory compliance testing, routine servicing and maintenance contracts as detailed in
- 3.8 In accordance with the council's 50-year lease agreement with the trustees of the Brighton Dome Complex on the Royal Pavilion Estate that commenced in 1999, a figure estimated at £242,003 has been top sliced from the budget to a sinking fund to contribute towards maintenance works at the Dome. There is an obligation within the lease agreement that the council provides a contribution to this sinking fund each year (that increases by Retail Prices Index) to go towards helping to maintain the fabric of the building, items of plant, statutory compliance testing, routine servicing, etc.
- 3.9 The Royal Pavilion & Museums buildings transferred to the Royal Pavilion & Museums Trust on a 25-year contract on 1st October 2020. The lease arrangements mean that the Trust is fully responsible for all forms of external and internal maintenance, health and safety and statutory compliance for the leased buildings. To financially contribute towards to the upkeep of the council buildings, the council retains an annual sum within this budget for a planned programme to be prioritised and agreed between the Trust and Property & Design. For 2022-23 the estimated sum allocated is £438,680 for planned maintenance and £61,320 for term, statutory and reactive contracts; a total estimated sum of £510,972 from this budget and a further estimated contribution of £184,000 from capital reserves and delegated budgets to support the total maintenance commitment to the Trust.

Summary of the proposed Annual 2022/23 Planned Maintenance Budget Programme of Works

- 3.10 The financial allocation to each main service client area is listed within Appendices 2 and 3. Examples of planned maintenance works in the corporate and environment programme include structural remedial works, seafront redecoration, roofing works, lift repairs, window replacement, cladding repairs, repairs and redecoration to cemetery buildings and libraries, boiler replacement at leisure centres. For Corporate Landlord (CL) premises the PMB is primarily used for project works relevant to but not exclusive to for example, ACOP L8 and water monitoring, passenger and goods lifts, boiler refurbishments and replacements, electrical installations, fire and intruder alarms, automatic doors and laundry equipment. In the case of Freedom Leisure CL would only be responsible for the replacement of main plant i. e. boiler or air handing plant and main structural repairs of the premises i.e. roofs and floors. The provision of cyclical maintenance and reactive repairs remains the responsibility of Freedom Leisure. Flexibility is available during the year to reprioritise the programme to meet any changing service priorities and respond safely to any local Covid-19 outbreaks or similar emergency requirements within specific buildings.

- 3.11 There are sums to fund the ongoing structural propping and engineer checks to Madeira Terraces whilst the major project of refurbishment develops. Each service client area also has a sum allocated for Health and Safety risk management works that is to address any unforeseen required remedial works throughout the course of the year.
- 3.12 Examples of areas of work to the adult and children's Social Care portfolio include a variety that address risk reduction to support some of the most vulnerable; such as roof repairs, window repairs and internal and external redecorations.

The Asset Management Fund

- 3.13 The Asset Management Fund 2022-23 is a capital fund of £1,000,000 to support property improvements, property related Health & Safety requirements and access improvements under the Equality Act 2010. It forms part of the Capital Strategy 2022-23 along with the Strategic Investment Fund of £250,000 and the Information, Technology & Digital Fund of £1,000,000.
- 3.14 The proposed overall Asset Management Fund allocation is as follows and details of the bids can be found in Appendix 3 which includes a breakdown of the reprioritised Workstyles programme, important health & safety improvements to two major operational buildings, and property related health & safety and Equality Act requirements:

Description	Asset Management Fund
1. General Property Improvements	Funding £m
1a Workstyles Phase 4	0.750
1b Bartholomew House – (trickle vent installation)	0.030
1c Energy Certificates	0.035
Sub total general property improvements	0.815
2. Equality Act Improvements	
2a Rolling programme of access improvements to corporate buildings	0.025
2b Lift lighting Upgrade across corporate offices	0.040
3. Property Related Health & Safety Legislation	
3a Asbestos Management	0.020
3b Legionella Management	0.020
3c Fire Risk Assessment Works	0.080
Sub total Equality Act & property related Health & Safety	0.185
TOTAL OVERALL	1.000

Procurement of Works

- 3.15 Contract Standing Orders set out the council's process for the procurement of building works. Officers have streamlined the way the council procures through a wide range of collaborative processes. Achieving the best use of every pound spent, and reducing risk within the financial restrictions, is largely dependent upon adopting the right form of procurement for each given situation. Larger value projects are delivered through the council's Strategic Construction Partnership and larger frameworks. Planned maintenance projects are procured predominantly through frameworks set up in collaboration with East Sussex County Council colleagues. Where appropriate for works below £15,000 Property & Design's reactive repairs and minor works framework is utilised.
- 3.16 The seven planned maintenance framework Lots create added and social value to the City with an increased benefit to our local economy and environment. There is an increased focus on sustainability and working groups of officers and contractors work collaboratively to drive efficiencies leading to reduced cost and, waste, maximising innovation through the supply chain, mitigating risk through joint management and striving for continuous improvement over the four years of the frameworks.
- 3.17 Key Performance Indicators monitor framework contractor performance in key areas – on time delivery, cost certainty, % of project specific social value commitments delivered, % of employment and skills social value commitments delivered, local spend, environmental management and minimising all but essential waste from Landfill; such as asbestos.
- 3.18 The Planned Maintenance Budget includes an allocation to fund statutory testing, routine servicing and maintenance contracts, an integral part of good planned maintenance practice. This includes mechanical and electrical, lifts and water hygiene cyclical maintenance. These contracts were procured by BHCC in collaboration with colleagues at East Sussex County in 2020. They are fixed priced contracts for a period of 4 years with the option to extend for a further 2 years subject to satisfactory performance and value for money. A sum in excess of £1.0m is required to fund these M&E and building fabric contracts.

4 Analysis and consideration of alternative options

- 4.1 For the Planned Maintenance Budgets failure to provide any maintenance to our building stock, conform to Health and Safety and other statutory legislation to meet liabilities will increase risks, inhibit service delivery, may lead to a negative perception of the council, reduce the value of the assets and prevent fulfilling the council's priorities, aims and objectives as stated in the Corporate Property Strategy & Asset Management Plan and Corporate Strategy. Property teams work closely together to ensure that these programmes of work align with services and the limited funding prioritised to meet Client service objectives.
- 4.2 For the Asset Management Fund failure to improve the council's core office accommodation, address property related access obligations under the Equality Act 2010 and property related Health & Safety legislation would increase council risks and liabilities, inhibit service delivery, may lead to a negative perception of the council, reduce the value of our assets and prevent fulfilling the council's

priorities, aims and objectives as stated in the Corporate Property Strategy and Asset Management Plan and the corporate priorities in the council's Corporate Strategy.

5 Community engagement and consultation

- 5.1 Consultations take place with all service Client officers of the relevant Directorates and with technical officers within Property.
- 5.2 The Workstyles programme will involve extensive internal and external consultations on customer and service delivery requirements. This includes extensive engagement with community stakeholders and residents affected by the Moulsecoomb Hub and Portslade Hub works, and supporting widespread consultation of staff through the Future Ways of Working programme.
- 5.3 The procurement of planned maintenance frameworks and the term and reactive contracts as set out above was reported to the Procurement Advisory Board and subsequently to Policy & Resources on 10th October 2019.

6. Conclusion

- 6.1 To approve the financial allocation to a prioritised annual programme of maintenance works to the operational buildings set out in Appendices 2 and 3 excluding council housing, highways and those structures falling on highway land, educational properties, car parks, public conveniences, city parks roadways and paths, city clean messrooms, hostels, etc which have their own budgetary provisions.
- 6.2 To approve the Asset Management Fund financial allocation for 2022-23 and the recommended bids as detailed at paragraph 3.4.2 and Appendix 3 for property improvements, access requirements under the Equality Act 2010 and property related Health & Safety requirements for 2022-2023.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The council's Planned Maintenance Budget for 2022-23 provides a total £3,496,740 for annual planned maintenance expenditure on the council's civic offices, historic, operational (excluding schools, housing and highways) social care buildings, environmental buildings and commercial buildings. Included within this annual budget and overall programme of works are items that will be capitalised and included in the 2022-23 Capital Investment programme. A permanent annual contribution toward the Dome Complex sinking fund estimated at £242,003 has been top sliced from the Corporate Planned Maintenance Budget. The proposed budget allocation to the respective building portfolios reflects the risk prioritisation outlined in the report and is shown in Appendix 1 to this report.
- 7.2 The Planned Maintenance Budget will make a contribution toward the planned maintenance programme of the Royal Pavilion and Museum Trust as agreed in the report to P&R Committee on 5 December 2019. The total contribution for

2022-23 will be around £684,000. This will be met by a contribution of £500,000 from the Planned Maintenance Budget and £184,000 forward funded from capital reserves and approved revenue budgets.

- 7.3 The Planned Maintenance Budget will be met from a combination of revenue budget and capital borrowing. The borrowing costs have been factored into the Medium-Term Financial Strategy
- 7.4 The council's capital funded works programme provides £500,000, for essential repair works to Social Care premises. The proposed budget allocation is shown in Appendix 3 to this report. This is funded from borrowing with the financing costs met corporately within the general fund revenue budget.
- 7.5 The programme of works set out in the appendices can be funded from within the agreed budget allocations for 2022-23. Emerging compliance risks will be addressed by reprioritising the allocation as required. Risk and priorities will be reassessed and considered in the development of the allocation for 2022-23.
- 7.6 The General Fund Revenue Budget, Capital & Treasury Management Strategy 2022-23 report presented to Budget Council on 24 February 2022 recommended the allocation of £1,000,000 capital resources to support the Asset Management Fund 2022-23. The Asset Management Fund allocation will be met from capital receipts funding. The Asset Management Fund allocations will be incorporated into the council's Capital Investment Programme 2022-23 to support the schemes identified within the table at paragraph 3.11 and Appendix 3
- 7.7 The Asset Management Fund will make a contribution toward the Workstyles Phase 4 projects subject to a detailed business cases being approved for the various programmes listed in Appendix 3. Any revenue budgets and running costs associated with the investments in this report will be met from existing budgets.

Finance Officer Consulted: Rob Allen

Date: 24 February 2022

8. Legal implications

- 8.1 Works of repair set out in this report must comply with relevant lease conditions, health and safety and other applicable legislation. Framework agreements, with individual contracts being called off under the frameworks and partnering agreements are effective contractual tools for delivering construction contracts on time within budget. All forms of procurement outlined in this report must comply with the council's Contract Standing Orders and public procurement regulations.
- 8.2 The proposed works fulfil legislative requirements under Health & Safety law including in relation to fire safety and the control of Legionella. The access improvement works proposed will assist the council in meeting its obligations under The Equality Act 2010.

Lawyer Consulted: Alice Rowland

Date: 23 February 2022

9. Equalities implications

- 9.1 Where applicable, items of maintenance work within the programme will consider the Equality Act 2010 to improve access and general facilities to address the diverse needs of staff and users of the civic offices, operational and commercial buildings.
- 9.2 The provision of on-going access works under the rolling programme will assist in the council in meeting requirements under the Equalities Act 2010.

10. Sustainability implications

- 10.1 The council will consider how best to undertake the planned programme in a responsible, sustainable way. Projects within the planned programme are mainly procured through the building maintenance frameworks. The contractors on each framework had to demonstrate that they would minimise waste, meet targets for reductions in waste to landfill and optimise the recovery, reuse and recycling of waste. In addition to this they had to describe the steps they will take to minimise the use of resources (water, fuel, energy from fossil fuels) and improve sustainable sourcing. The framework contracts include Performance Indicators in respect of sustainability and Environmental Management these will be monitored on a quarterly basis. Energy efficiency measures are incorporated into maintenance and improvement works whenever appropriate to help the council meet its CN2030 target.
- 10.2 We are in the process of carrying out specialised energy audits of the operational estate for the worst performing buildings in order to start to prioritise a programme of works and an investment strategy working towards a carbon zero position in 2030. The results of the energy audits and associated energy efficiency and potential renewable energy measures proposed in the investment strategy will feed into the planned maintenance programme of works to ensure all proposed programmes of work are joined up.

11 Other Implications:

Social Value and procurement implications

- 11.1 The maintenance and repair of operational properties is part of the Corporate Property Strategy & Asset Management Plan to ensure efficient and effective use of assets contributing to the City and the council's strategic priorities.
- 11.2 The risks and opportunities are dependent on the successful procurement of contractors and robust contract and financial management to ensure that works are completed safely within budget and programme. Corporate risk is reduced through the Corporate Landlord model, ensuring consistency of approach for statutory and other legal requirements.
- 11.3 Planned maintenance works procured through the contractor frameworks are evaluated 90% cost and 10% on the social value that each contractor offers. There are three main themes of Social Value. Firstly, Economic and Employment such as apprenticeships, delivering talks to encourage working within the construction industry or interview workshops. Secondly, Social or Community

Benefits such as donation of equipment or materials or doing extra work on community assets such as repairing or repainting. Thirdly Environment, the frameworks have a range of KPIs that seek improved sustainability and environmental management of council assets and supply chain. As part of a project delivery a contractor may put forward added value in the form of surveys or inspections that seek to reduce the carbon imprint of a site they are working on.

Crime & disorder implications:

- 11.4 There are no direct implications in respect of the prevention of crime and disorder within this report although certain items of work try to minimise vandalism through design and the use of relevant materials.

Public Health implications:

- 11.5 Health and Well being will be assessed for each improvement and will be addressed through the allocation funding for the Water Management, Mechanical, Electrical and Lift statutory compliance and servicing contracts. Failure to have robust processes to manage these risks could lead to significant public health implications e.g. proliferation of Legionella Bacteria, etc. Both the Corporate and Social Care programmes include prioritised works to reduce risk to public health e.g. structural improvements, internal decorations to improve hygiene in Social Care premises, etc. and to ensure Covid government guidelines are met.
- Works to council properties to ensure the water management of the council's property portfolio is meeting the requirements of the Approved Code of Practice ensures public health requirements are met with regard to Legionella and asbestos management. The additional trickle ventilation proposed to Barts House will improve the ventilation and air quality for staff.
- The Equality Act proposed improvements will address access to a Corporate Town Hall and lighting requirements to corporate lifts.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed Corporate Planned Maintenance Budget Allocation 2022-23
2. Proposed Social Care Planned Works Budget Allocation 2022-23
3. Proposed Asset Management Fund Allocation 2022-23 - Detail of Allocations

Background Documents

1. The Corporate Property Strategy & Asset Management Plan
2. The Corporate Building Maintenance Strategy

Proposed Corporate Planned Maintenance Budget Allocation 2022-23

Property Type	Examples of works / properties covered	Service area Clients	Budget Allocation
Corporate - Building	Asbestos testing & surveys	All	£15,716
Corporate - Fabric maintenance contracts, Mechanical & Electrical testing, servicing & statutory compliance	Clearance of roofs, gutters, graffiti removal, boilers, legionella control, lifts, mechanical & electrical testing & maintenance	All – corporate contracts cover all property types historic, leisure, libraries, environment, Brighton Centre etc.	£1,073,591
Historic – contribution to the Royal Pavilion & Museums Trust	Royal Pavilion & Museum buildings annual prioritised works	Royal Pavilion & Museums Trust	£438,680
Dome	General maintenance contribution	Dome	£242,003
Leisure	Prince Regent boiler replacement, King Alfred electrical works	Sports & Leisure Services	£148,500
Libraries	Various libraries	Libraries & Information Services	£120,000
Seafront	Seafront repairs & redecoration, Volks Railway & Madeira Terrace	Seafront Services	£303,100
Civic, Amenity & Environment	Town Halls improvements to lifts, cemeteries, Bartholomew House cladding & park building repairs	Property – Premises & Environment	£265,900 (including the £105,900 Environment budget)
Hollingdean Depot	Contribution towards Health & Safety Improvements	Cityclean	£57,750
Commercial	Miscellaneous Landlord obligations including structural repairs	Property - Estates	£203,000
Venues	Brighton Centre	Tourism & Venues	£128,500
TOTAL			£2,996,740

Proposed Social Care Planned Works Budget Allocation 2022-23

Property Type	Examples of works covered	Prioritisation	Budget Allocation
Social Care Premises	Mechanical	Condition survey & energy efficiency measures	£33,000
	Internal Refurbishment to ten social care premises (subject to safe access)	Statutory & condition survey	£168,000
	External Refurbishment to Children's Centres, Ireland Lodge, etc.	Condition survey	£254,000
	Fire Precautions – works to be prioritised through fire risk assessments & survey	Statutory & survey	£40,000
	Electrical	Condition survey	£5,000
TOTAL:			£500,000

Proposed Asset Management Fund - Detail of Allocations

1) General Property Improvements

1a) Workstyles Phase 4: £750,000

Workstyles is a corporate modernisation programme, established to improve office space and enable flexible, safe and secure working across a range of operational sites. The programme has contributed to the council's Medium Term Financial Strategy and Capital Investment Programme by consolidating the council's operational portfolio, delivering revenue savings of over £2m, and generating capital receipts in excess of £25m. The Asset Management Fund has supported the delivery of the Workstyles programme, contributing to the development of business cases, feasibility studies and professional surveys, as well as funding capital improvements to operational buildings that further enable flexible working and improve accessibility.

Reprioritisation of Workstyles programme

The Workstyles programme has been developed to support the corporate strategic priorities of increasing the housing stock, generating community wealth and social value, and achieving a carbon neutral city by 2030. These priorities were reviewed alongside the programme's primary objective of enabling flexible and accessible working across the council's operational portfolio.

Current projects within the Workstyles Programme (not all of which are supported by the Asset Management Fund) include:

Moulsecoomb Neighbourhood Hub – Proposals for a new neighbourhood hub in Moulsecoomb will provide accommodation for a range of council and partnership services (including Library Services, Health, Youth Services, Community Space, and Adult Learning), and release surplus land for development into 212 new council homes. The project is also supported by One Public Estate grant funding.

Hollingdean Depot offices – aligned with the wider City Environment modernisation programme, a Workstyles project has been established to review and modernise office accommodation at Hollingdean Depot to devise and implement flexible working practices within the City Clean service.

City Downland Estate Plan – Workstyles are project managing the delivery of the City Downland Estate Plan project through facilitating a series of public engagement workshops, developing a vision for the future of the council's Downland estate and using Planning for Real community facilitators. The draft City Downland Estate Plan (CDEP) is currently going through iterative consultations with stakeholders, the Downland Advisory Panel, South Downs National Park (SDNP) with a large public consultation launch in the Summer. Collated feedback responses will shape the Plan, aiming to present the final CDEP to Policy & Resources Committee in the winter and for SDNP endorsement early 2023.

Family Children & Learning Accommodation Strategy – As part of the wider Moulsecomb project, new offices are being developed in Portslade for social workers currently based in Moulsecomb Hub North & South. This presents opportunities to also support the council’s Future Ways of Working programme following Covid recovery looking at the future hybrid model of working led by HR and supported by Property and IT&D.

Future Ways of Working – Accommodation Strategy

As part of the council’s recovery from the coronavirus pandemic, the Future Ways of Working group is developing proposals for how the council will operate in the future. This includes an organisation-wide accommodation strategy that seizes the opportunities presented by the pandemic. The aims of the accommodation strategy are to:

- Enable greater flexibility and choice for staff over where and how they work
- Redesign council-owned workspace to encourage greater collaboration between staff, partners and residents
- Explore opportunities to rationalise the operational portfolio, supporting the council’s medium term financial strategy and reducing the council’s carbon footprint
- Align with other corporate strategies emerging from the pandemic recovery work e.g. Customer Experience, Digital, and Organisational Development

Focus on the continuation of the consolidation of corporate office accommodation and the potential to exit Barts House on a phased basis, exploring options for Brighton, Hove and Portslade Town Halls.

The 2022/23 Asset Management Fund contribution to Workstyles will support continued delivery of these projects, as well as any new projects that emerge through regular review of the operational estate, provided that proposals align with the Administration’s strategic priorities, as outlined above.

1b) Bartholomew House- Trickle vent installation: £30,000

This budget will go towards improvements to existing windows at Bartholomew House in conjunction with ventilation improvements to meeting rooms and surrounding areas on relevant floors of Barts House.

1c) Energy Performance Certificates: £35,000

Properties need to have a minimum EPC Rating of an ‘E’ in order to be able to lease them and by 2023 all properties that are leased are required to have a minimum E Rating. The Council has a number of ‘F’ and ‘G’ rated properties and works are required to these to bring them up to an ‘E’ Rating in order to be able to lease them thereby securing an income.

On average it costs £3,000-£5,000 to bring a property up to the required rating so this £35,000 contribution would improve up to circa 11 properties.

2) Equality Act Improvements: £65,000

2a) The access improvement budget will continue to support projects that improve physical and sensory access for people with disabilities to the council’s

public building and spaces.

Portslade Town Hall - improvements to existing ramped entrance

Lift lighting upgrade - Council Property Lifts: £40,000

3) Property Related Health & Safety Legislation

3a) Asbestos Management: £20,000

Allocation contributing towards a centralised corporate fund to meet the actions as detailed in the corporate asbestos surveys. This fund is used to manage the risk and prevent exposure and the spread of Asbestos Containing Material and is prioritised in the Corporate Asbestos Register.

3b) Legionella Works (L8): £20,000

On-going works are required to council properties to ensure the water management of the council's property portfolio is meeting the requirements of the Approved Code of Practice – HES-L8 to prevent the occurrence of legionella in installed equipment and water systems. In 2022-23 targeted areas will be Social Care and Civic properties where risk assessment reviews highlight the need for remedial works, together with the ongoing auto flushing components required in the sports pavilions (about 50% complete).

3c) Fire Risk Assessment Works: £80,000

This bid will contribute towards a prioritised rolling programme of works to council properties following Fire Risk Assessments of council properties.

Various works have been identified and this bid will allow the highest priority works to be completed in accordance with the Regulatory Reform (Fire Safety) Order 2005.

For example, fire stopping works have been identified as being required at Brighton Town Hall and fire stopping and fire door upgrades at New England House. The works to New England House are informed by return of a specialist Fire Compartmentation Survey and will be specified following further planned intrusive survey work to confirm expected deficiencies in fire stopping and compartmentation.

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 84

Subject: Local Transport Plan 2022/23 Capital Programme

Date of meeting: 15 March 2022 (ET&S Committee)

24 March (P&R Committee)

Report of: Executive Director, Economy, Environment & Culture

Contact Officer: Name: Andrew Renaut

Tel: 01273 292477

Email: andrew.renaut@brighton-hove.gov.uk

Ward(s) affected: All

1. Purpose of the report and policy context

1.1 The council receives capital funding each year for transport schemes through the Government's Local Transport Plan [LTP] process and other funding streams. The council approved the use of this capital funding (based on indicative sums totalling £6.250 million [m]) for approved and new transport schemes and projects for 2022/23 on 24 February 2022 as part of the council's overall budget. This figure has now been confirmed by the Department for Transport [DfT] as £6.357m. In addition, the available funding in 2022/23 has also been increased by approximately £3.500m of additional new capital funding from other sources for investment in citywide improvements to supplement the proposed LTP investment. This report therefore seeks approval of the allocation of the £6.357m funding to particular maintenance and sustainable transport projects and programmes of work.

1.2 The LTP is a statutory document and the council's fourth LTP [LTP4] was approved by the council in March 2015. The development of a new, fifth LTP [LTP5] has begun, and is the subject of another report on the Environment, Transport & Sustainability [ETS] Committee meeting's agenda. An LTP should consist of a long-term Strategy (2030 for Brighton & Hove), and a short-term Delivery Plan. Maintaining, managing and improving the city's transport and highway infrastructure, which is one of the city's largest assets with an estimated value of over £4.0 billion, is an essential part of the council's investment. It helps to deliver environmental and sustainability aims to tackle climate change and air quality, and improves the availability and accessibility of travel options for many people. It also supports and provides access to the many activities that are important to the city's residents and local communities and its wider, sub-regional economic role within the Greater Brighton City Region.

2. Recommendations

That the Environment, Transport & Sustainability Committee:

- 2.1 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.

That the Policy & Resources Committee:

- 2.1 Agrees the 2022/23 Local Transport Plan capital programme budget allocation of £6.357 million, as set out in Appendix 1 of this report.

3. Context and background information

- 3.1 The amount of new Government capital funding for 2022/23 is initially based on estimates of how much investment it considers is required in the city through its Local Transport Plan process. However, over many years, the levels of funding provided have not been sufficient to fully maintain and improve the city's infrastructure to meet standards and demands. This has resulted in a national £10 billion plus backlog and the ongoing deterioration of the council's transport network which becomes more costly to repair or replace over time.
- 3.2 The council's funding is focused on maintaining and renewing the road network to a high standard; improving safety; increasing choices for some journeys by providing for, and encouraging, the use of sustainable transport; and creating a more attractive public realm. The proposed, capital programme for 2022/23 allocates funding across a number of areas including capital renewal (maintenance, including potholes); asset management; and sustainable (integrated) transport projects and programmes. It includes commitments to schemes that are already approved, ongoing programmes of works and new projects which will deliver long-term benefits to the city and its residents. The content of the programme can be based on a number of factors, which include: -
- recent or past decisions made by this or other council committees, often following public consultation, to deliver transport projects and programmes;
 - prioritised projects or programmes identified in investment or action plans to deliver the aims and objectives of approved council strategies or plans following public consultation;
 - decisions made by committees in response to the receipt of petitions, deputations or Notices of Motion;
 - engagement and discussion with The Connected City's Transport Partnership;
 - requests for improvements from ward councillors or residents which are prioritised according to need or significance, based on committee-approved policies or assessment criteria, if available; and
 - technical or statistical data, surveys or evidence which indicate that a significant problem exists and requires capital investment to correct it.

- 3.3 Investment in short-term, reactive repairs to the transport network in response to relatively minor problems identified by officers or residents is carried out from within existing revenue budgets, which are allocated separately within each financial year via the delegated authority assigned to the Executive Director of Economy, Environment & Culture.
- 3.4 The capital funding secured through the LTP process contributes towards enhancing local neighbourhoods and environments and strengthening the city's role as a transport hub and centre for economic activity within the wider Greater Brighton City Region and the South East of England. Schemes can include those within the city centre, such as Valley Gardens or the rebuilding of the seafront highway 'arches' (which are highway structures supporting the promenade and A259), or on strategic corridors where improvements to active and sustainable travel infrastructure can help support and enable behaviour change. More localised investment in neighbourhoods includes bus stops, pedestrian crossings, cycle facilities and Rights of Way improvements.
- 3.5 In addition, the LTP budget has been used to help secure and deliver significant levels of capital funding from other sources for many different projects. These have included competitive, Government funding rounds, and applications to secure external funding streams such as those facilitated by the Coast to Capital Local Enterprise Partnership [LEP], which has provided the primary funding source for delivering the Valley Gardens project.
- 3.6 The Government funding included in the 2022/23 capital programme consists of two traditional LTP 'block' allocations for Maintenance and Integrated (Sustainable) Transport, plus additional funding streams referred to as:-
- **'Incentive' Funding** – additional funding allocated to councils that demonstrate approval of a highway infrastructure asset management strategy; input of stakeholders into the process; collaborative working with construction partners; standard specifications; joint contracts and collaboration with other local authorities.
 - **Pothole funding** – additional funding for minor road surface repairs, or to prevent potholes forming.
- 3.7 The proposed allocation of funds set out in Appendix 1 is based on a number of factors: 1) the progress made on completing or continuing spend on 2021/22 projects and programmes; 2) previously agreed financial contributions or commitments to begin or continue projects or programmes in 2022/23; and 3) success in securing, or being allocated, additional funding from external sources e.g DfT and LEP (Local Growth Fund [LGF]).
- 3.8 The content of the overall LTP programme is described briefly below and is consistent with the principles established within the LTP4 Delivery Plan – maintaining the network, managing movement, and improving streets and

infrastructure. It is also consistent with the principles and priority areas identified in the emerging LTP5.

CAPITAL RENEWAL (MAINTENANCE) FUNDING

- 3.9 The proposed allocation of £2.180m of LTP funding for this area of work is focused on maintaining links and routes and reflects the continued and growing need to renew highway infrastructure in order to ensure that it has a longer life. This minimises the need for ongoing/short-term repairs which are funded from revenue budgets. This sum is in addition to £2.250m worth of funding from other approved, council sources for the street lighting improvement programme and seafront heritage lighting.
- 3.10 The programme includes £0.400m for road re-construction. This will be supplemented by the Government's Pothole funding sum of £1.455m. Priority consideration will continue to be given to repairing damage that has occurred to key routes to address the effects of high traffic volumes and past episodes of winter weather. Sections of roads where the surface requires immediate, major repairs or renewal will be identified based on recent surveys. A further £0.350m will help improve the condition of footways across the city, with a continued focus on well-used corridors. The programme will include the use of appropriate materials to treat tree root areas and reduce flood risk. £0.175m is also allocated to continue investment in addressing problems associated with damaged highway drainage which causes surface water flooding on roads and pavements.
- 3.11 Significant works to assess and strengthen highway bridges and structures across the city will also continue (requiring £0.905m) to ensure they remain in a safe condition and are fit for purpose. The investment involves the inspection, maintenance or renewal of structures which is currently focused on the seafront, in line with the principles of the council's Seafront Investment Plan. The 'arch' structures support the A259 promenade and road, and the programme includes further work to assess and develop detailed designs for the next phases of the central seafront programme and works are also required at Duke's Mound to the east. Other sites involve structural work on retaining walls.
- 3.12 An annual allocation of £0.300m has been previously approved to assist in reducing the ongoing maintenance requirements for the £10m-plus worth of street lighting in the city, primarily funded by an 'Invest to Save' initiative using £2.000m of council funding in 2022/23. Ongoing surveys and condition assessments identify areas/corridors that require street lighting column replacement. The works include upgraded lighting with more efficient lanterns/lamps to help accelerate reductions in electricity and maintenance costs and achieve the city's target of becoming carbon neutral by 2030. The programme of investment in 2022/23 is currently being planned and finalised.
- 3.13 The Government requires all Local Highway Authorities to identify and account for their infrastructure (often referred to as 'assets') by updating their Highway Asset Management Strategy, which provides a

comprehensive inventory of current asset condition. This will be continued during 2022/23 with £0.050m as it is also a requirement for securing Government funding for maintenance. This strategy is used to prepare medium and long-term programmes of works to maintain the highway to required standards. The council's self-assessment of its progress is a 'Band 3' grading, which is the highest level of Government compliance and is expected to secure additional ('incentive') funding for works of £0.364m. This is recognition that the council's approach is delivering value for money by carrying out cost effective improvements in local highway maintenance.

INTEGRATED (SUSTAINABLE) TRANSPORT FUNDING

- 3.14 The proposed allocation of almost £2.358m of LTP funding for this area of work includes increased provision for safe, accessible, sustainable and healthy forms of transport. This will create more efficient movement through junctions and crossings that will help reduce congestion and/or emissions, therefore improving air quality. This total amount of funding will be focused on delivering the following key LTP4 objectives.

Connecting people with destinations, activities and services

- 3.15 Targeting transport investment in certain locations will help support the wider needs of the city and deliver a broad range of improved service outcomes. These locations can include important local facilities and/or more significant destinations that help draw people and investment to the city, by improving safety and increasing the transport options available to reach them.
- 3.16 The 'School Streets' programme will continue with a proposed investment of £0.150m in 2022/23. A 'School Street' is a road outside a school with a temporary restriction on motorised traffic at school drop-off and pick-up times. This will help improve the safety and environment around school entrances and complement other measures on routes to and from schools. Other measures will assist in encouraging sustainable travel behaviour change, such as workplace and school travel planning, some of which are match-funded by businesses, and which will help support the council's measures for the Government-funded Capability Fund for active and sustainable travel projects.
- 3.17 Local parks and open spaces provide opportunities for people of all ages to improve their quality of life in terms of relaxation, fresh air or exercise. Improving access to those locations will enable them to be reached safely and sustainably, or address local perceptions of danger or severance, and therefore be used more regularly. Improving Rights of Way [RoW] in line with the statutory, approved RoW Improvement Plan will continue with £0.050m, with proposed works on routes in Ovingdean and serving Waterhall.
- 3.18 £70,000 worth of investment is proposed in interchange facilities, where people can transfer between different forms of transport on their journey/visit.

Improving neighbourhoods

- 3.19 Continued investment is required in targeted road safety engineering schemes to maximise casualty reduction, especially the number of people killed or seriously injured in collisions. £0.150m is proposed to be invested in priority locations, once recent data have been assessed. A wider review of the council's overall approach to improving road safety and reducing road danger is planned.
- 3.20 Tackling pollution levels in the city's six Air Quality Management Areas [AQMAS] remains a high priority. A new Air Quality Action Plan is being developed and the expansion of the city's electric vehicle charging point network will help meet the growing demands for this infrastructure by widening choice, increasing uptake and therefore reducing carbon emissions. A £0.050m allocation will help deliver more charging points and support grant funding secured from the Government's Office for Zero Emission Vehicles.
- 3.21 Walking and cycling are the best forms of 'zero or low carbon' and active travel, as they provide additional personal health benefits for individuals and can help reduce pollution if they replace some car journeys. The council's first Local Cycling & Walking Infrastructure Plan [LCWIP] is also on the agenda of this ETS meeting. It sets out a prioritised, strategic network of routes and areas and future investment in active travel schemes will be funded via this capital programme. 'Dropped' kerbs at road crossings are important ways of increasing people's mobility and increasing the attractiveness and convenience of journeys, especially over short distances. A total of £1.225m is planned to be spent specifically in these areas in 2022/23, including schemes on the A23 and A259 and at Hove Station. Other named projects within the overall capital programme will also include measures to enable and increase active and healthy travel, including Valley Gardens Phase 3.

Managing links and improving routes

- 3.22 Ensuring the efficient movement of people and vehicles across and along key transport corridors helps to keep the city moving and enable or promote regeneration. Following approval of the detailed design for Phase 3 of the Valley Gardens project between Edward Street and the A259/Palace Pier, the scheme will now progress to construction during 2022/23 using funding secured from the LEP.
- 3.23 £0.300m worth of continued investment in the use of 'smart' technology to manage the city's transport network is planned to replace and optimise traffic signal-controlled junctions and pedestrian crossings and improve the flows of people and traffic. A prioritised programme of locations is currently being developed.
- 3.24 The council has produced a Bus Service Improvement Plan to meet the Government's requirements in the national bus strategy. It sets out how the

council and bus operators will deliver an improved bus network and will form the basis of an Enhanced Partnership agreement between the council and bus operators. The council has already developed a programme of investment in its Bus Network Review [BNR], identifying improvements to address locations where buses frequently get delayed and impact on the reliable operation of the city's bus network. In 2022/23, it is proposed that £0.200m will be invested in locations linked to the BNR, including Western Road.

General allocations

- 3.25 £0.050m will enable work to continue on investing funding secured from approved planning applications (referred to as 'Section 106 contributions') in locations across the city. This will include measures which are primarily focused on sustainable (walking, cycling and public) transport. Minor investment is often required for some schemes after the main construction works have been completed in the previous financial year e.g safety audits and additional remedial works, and to also allow some initial scoping and preliminary work on new or emerging schemes. Some data collection will also be undertaken to assist in monitoring and assessing the wider effects of some schemes and projects.

Future transport capital programme investment

- 3.26 In approving its 2022/23 budget, the council's Budget Book also included indicative figures for the capital sums that it expects to receive annually between 2022/23 and 2024/25 from the Government. These sums have now been confirmed by the Government and total £6.357m. This will enable the ongoing development and delivery of capital projects, programmes and initiatives in line with the council's LTP Strategy. The allocation of these sums will be dependent upon future budget decisions made by the council.

OTHER SOURCES OF FUNDING

- 3.27 The LTP process is one of many funding sources that are used to deliver transport schemes. The council's overall Budget for 2022/23, agreed last month, includes some significant capital sums totalling nearly £3.500m, to deliver specific transport improvements across the city. These are listed in Appendix 1 of this report and include covered seafront heritage lighting, and BikeShare fleet improvements. £0.500m has also been allocated to the development of a computer-based, city-wide Strategic Transport Model and ongoing update costs.
- 3.28 A further £7.500m has also been agreed for the Carbon Neutral Fund which could include further investment in transport schemes including expanding liveable neighbourhoods. Managing and reducing through traffic in residential areas can improve safety and reduce perceptions of danger and create more suitable environments for active travel and more cohesive communities. Work has begun on the development of a pilot Low Traffic Neighbourhood [LTN] project to help create a 'Liveable Neighbourhood' in the Hanover & Tarn area, and work is also underway to develop a

framework to assess and prioritise requests for LTNs and similar measures in other areas of the city.

- 3.29 The impact of the Covid-19 pandemic resulted in the Government making significant amounts of emergency funding available for measures to encourage and provide for safer and greater amounts of local active travel. The funding was provided in two tranches. Further Active Travel Funds have been made available and the council applied for these in 2021, including for schemes on the A259, A23 and in the Old Town area of the city centre. The bid also included an Expression of Interest for a Mini Holland scheme in the Wish/Westbourne area, however the outcome of this application is still awaited.
- 3.30 As referred to in paragraph 3.25 of this report, investment in local transport is also secured through the planning process via legal agreements. Sums previously secured include funding for improving bus stops and making pedestrian routes accessible and these will be supported with £50,000 in 2022/23 to continue these important work programmes across the city near development sites. Transport funding may also be secured through the Planning process via the council's Community Infrastructure Levy [CIL] process.
- 3.31 In future years, the LTP capital programme may also need to reflect new, or successful bids for, funding, when these opportunities arise. For example, new Government funding streams could result in access to significant levels of investment for transport and travel in the city and wider City Region such as the National Roads Fund for the Major Road Network. The council has registered an interest in this fund via Transport for the South East for the A259 Seafront Highway Arches Renewal Programme [SHARP]. A funding bid was also submitted last year for the SHARP as part of the Government's new Levelling Up Fund investment programmes, although this was not successful.

4. Analysis and consideration of alternative options

- 4.1 The proposed 2022/23 LTP capital programme is consistent with the Strategy and the principles of the Delivery Plan in the current LTP, and the proposed allocation of capital investment will help to deliver the emerging objectives and outcomes of LTP5 and those of other strategies and plans. The programme also includes commitments to financial contributions to projects and programmes. These will have either helped secure much larger sums of capital funding from other sources for the council, or will be combined with other sums to invest in comprehensive improvements to the city's transport network. Maintaining these commitments is essential to deliver those projects and will help support the council's case for any similar future bids.

5. Community engagement and consultation

- 5.1 The proposed 2022/23 programme has been circulated to The Connected City's Transport Partnership, and engagement has also taken place with the Partnership on the emerging LTP5.
- 5.2 As outlined in paragraph 3.2 of this report, many individual projects and programmes have been, or will be, the subject of engagement and consultation with local communities and ward councillors. Alongside the Maintenance/Renewal programme, the delivery of Integrated/Sustainable Transport schemes will be considered by the council's Head of Traffic Management in order to minimise the potential effects of works on the overall operation and management of the city's transport network.
- 5.3 Multi-agency working remains key to helping achieve improvements in service outcomes and overall performance across the city through scheme development and transport investment. Improving transport infrastructure and services ensures that the council and its partners can meet the varying needs of the city, especially at a time when achieving sustainable economic, environmental and social outcomes, through value for money investment, are high priorities. When required, all projects will be fully co-ordinated with other council schemes and works by other agencies (gas, water etc) to minimise disruption and ensure efficient use of funds.

6. Conclusion

- 6.1 The decision of the committees to consider and approve the allocation of the 2022/23 LTP capital programme funds to projects and programmes will provide a clear indication of the focus for capital investment in transport using the LTP budget, and other sources of funding. The overall programme is based on the relevant allocations made at Budget Council on 24 February 2022 and it will enable works to be continued or started, which will support the council's, city's and wider stakeholders' objectives.

7. Financial implications

- 7.1 The council received confirmation from the Government this month of a number of sums of capital grant funding that the council receives annually. The overall level of new funding available for 2022/23 through the LTP process was approved by Budget Council in February 2022. This report sets out the proposed use of the Government funding within the LTP capital programme, totalling £6.357m. It also includes other sources of funding secured or approved, as summarised in the table below. A fuller description and breakdown of these sums is shown in Appendix 1 of this report.

Capital Funding blocks/sources	2022/23 New allocations £'000s
<u>Government LTP Grant Funding</u>	
LTP Integrated/Sustainable Transport Block	3,083
LTP Highway Maintenance Block	1,455
Sub-total	4,538
<u>Additional Government Transport Funding</u>	
Incentive Funding - (assuming Band 3 self-assessment ranking for Highway Asset Management Strategy)	364
Pothole funding	1,455
Sub-total	1,819
GOVERNMENT SUB-TOTAL	6,357
<u>Additional council funding</u>	
Street lighting 'Invest to Save'	2,000
Seafront heritage lighting	250
Brighton Bikeshare Replacement Programme	704
Strategic Transport Model	500
COUNCIL SUB-TOTAL	3,454
<u>Local Enterprise Partnership funding</u>	
Local Growth Fund – Valley Gardens Phase 3	1,455
OTHER SUB-TOTAL	1,455
TOTAL TRANSPORT CAPITAL FUNDING AVAILABLE (Government + Council + Other sub-totals)	11,266

- 7.2 Future years' capital programmes will require Policy & Resources Committee approval and will be reported at future committees. Any revenue implications as a result of these schemes including financing costs from borrowing will be met from existing revenue budgets.

Finance Officer Consulted: Rob Allen

Date: 02/03/2022

Legal Implications:

- 7.3 The LTP is a statutory requirement and was adopted by Full Council in March 2015. There are no direct legal implications associated with approving the 2022/23 LTP capital programme, which is consistent with the Strategy and the Delivery Plan set out within the LTP4, and the emerging themes within LTP5. Where sums of money relate to projects which are funded by the LEP, these are subject to formal Funding Agreements. Any relevant legal implications will be considered when individual schemes are brought forward for implementation.

Lawyer Consulted: Hilary Woodward

Date: 16/02/2022

Equalities Implications:

- 7.4 The proposed programme for 2022/23 does not require an Equalities Impact Assessment. However, in developing specific projects and programmes, the needs of those people and communities who are identified as having 'protected characteristics' (those against which discrimination is unlawful) as

defined by the Equality Act 2010 will be prioritised from the outset, and wherever possible their needs will be incorporated into designs in order to overcome barriers to movement that may be experienced. In doing so, this will ensure that the transport network is made accessible to everybody, irrespective of any protected characteristic. The council's newly formed Active & Inclusive Travel Forum will also assist in considering and securing appropriate changes. Improvements to local areas and strategic transport routes will enhance the provision and choice for people, especially those with mobility difficulties, or other disabilities. Road safety schemes will improve conditions for vulnerable road users.

Sustainability Implications:

- 7.5 Allocations of funding within the LTP capital programme will enable the council to meet environmental objectives set out in the LTP4, the emerging LTP5 and the City Plan, such as a shift towards greater use of sustainable and active transport and travel options, improving air quality and reducing emissions to help achieve the commitment to creating a carbon neutral city by 2030.
- 7.6 The proposed overall programme of investment in highway and structural maintenance and sustainable transport and travel measures will be critical to delivering a step change in the actions that are being taken to reduce transport-related carbon emissions in the city by providing infrastructure to overcome the barriers and challenges that make it more difficult to use active and low emission travel. The programme will contribute in a number of ways, including improving road and pavement surfaces for walking and cycling; making local neighbourhoods safer and more attractive to walk and cycle to local shops; improving public transport passenger infrastructure to make it more accessible and a better alternative to the car for some journeys; and providing electric vehicle charging infrastructure to increase the uptake of low emission vehicles for those who need to drive.

Any Other Significant Implications:

- 7.7 The 2022/23 LTP capital programme helps deliver the objectives of the LTP as a strategic document for the city, and transport and travel have a significant role in supporting and helping achieve the city's and council's wider objectives across a number of service departments. These are set out below.

Crime & Disorder Implications:

- 7.8 There are no direct implications arising from the proposed 2022/23 LTP capital programme. However, there is a focus on improving road safety and reducing danger and, wherever possible, its projects and programmes will seek to support the aims and priorities of the council's Community Safety and Crime Reduction Strategy 2020-23, especially in helping to deliver measures that improve the physical environment, ensure communities are stronger, and help people feel safer. This can include work to design, improve, manage and maintain public spaces and streets so that people feel

safe. The positive and active use of spaces is encouraged to ensure that crime and anti-social behaviour are discouraged.

Risk and Opportunity Management Implications:

- 7.9 The design of transport schemes are road safety audited to ensure they comply with current design standards. Regular monitoring and reporting throughout the year of the LTP capital programme and its projects will minimise any risk of not fully spending the approved investment programme. Maintenance and renewal of the seafront as an asset to the city is identified within the council's Strategic Risk Register (Risk SR23 - Unable to develop and deliver an effective Regeneration and Investment Strategy for the Seafront and ensure effective maintenance of the seafront infrastructure) because it includes the transport routes and highway structures that are part of its character and physically support parts of it. Investment in the seafront therefore forms part of the proposed 2022/23 capital programme. Investment in scheduled maintenance of roads, pavements and cycle routes provides safer infrastructure for all users and reduces the need for expensive reactive repairs.

Public Health Implications:

- 7.10 Transport and travel are critical to delivering the city's public health objectives as they contribute significantly to some of today's greatest challenges to public health, including road traffic injuries, physical inactivity, the adverse effect of traffic on social cohesiveness and the impact on outdoor air and noise pollution. Improving people's and communities' health and well-being is a key objective of the LTP4, and the LTP capital programme allows continued investment in transport improvements that provide for and promote active travel, such as walking and cycling. This investment also helps to improve air quality by reducing harmful emissions therefore delivering objectives and actions set out in the council's Air Quality Action Plan, such as providing for electric vehicles and enabling greater use of alternatives to the car for some journeys. Creating less dangerous and more attractive environments, such as road safety and public realm schemes, will improve individual and community health and quality of life.

Corporate / Citywide Implications:

- 7.11 The LTP includes principles and objectives that will help support the city's long-term planned economic growth, social development and environmental enhancement. The annual LTP capital programme plays an important role in delivering the council's Corporate Plan 2020-23; the City Plan Part 1 (especially Policy CP9 on Sustainable Transport) and Part 2 policies and the schemes/projects identified within its associated Infrastructure Delivery Plan. Some measures will also complement those introduced to mitigate the effects of the Covid-19 pandemic on transport and travel by increasing levels of active travel.
- 7.12 The LTP capital programme will support the current and emerging priorities and policies of the council, city, and other partners and stakeholders which

are set out in other strategies, policy documents or statements such as the LEP's Strategic Economic Plan 'Gatwick 360'; the Greater Brighton City Region Inward Investment and Trade Strategy and 5-year Strategic Priorities; and the outcomes set out in the 2020-2025 South Downs National Park Partnership Management Plan. The council is also playing an important role within the wider region by its membership of in the Shadow Partnership Board and officer groups that are part of the Sub-national Transport Body known as Transport for the South East [TfSE]. This has helped to shape the region's Transport Strategy, and seek powers to set investment plans for roads and railways, reduce emissions, improve air quality and make travelling simpler and easier which will allow it to transform travel, boost the economy and protect the environment.

Supporting Documentation

Appendices:

1. Proposed 2022/23 LTP capital programme new allocations

Background Documents

1. Report to Budget Council (General fund revenue budget, council tax, capital & treasury management strategy 2022/23) – February 2022
2. Brighton & Hove City Council's Fourth Local Transport Plan [LTP4] – March 2015
3. 'Developing a new transport plan for Brighton & Hove' – September 2021

SUMMARY OF PROPOSED 2022/23 LOCAL TRANSPORT PLAN [LTP] CAPITAL PROGRAMME NEW ALLOCATIONS

Project/ Programme	Description (see Footnotes below for explanation of symbols)	2022/23 Proposed New Allocation (£'000s)
<i>CAPITAL RENEWAL/MAINTENANCE</i>		
<i>Maintaining links and routes to improve.....</i>		
Surfaces	Roads #	400
	Pavement/Footways	350
Drainage	Replacement of failed gullies/soakaways	175
Street Lighting	Replacement of connections and columns @	300
Bridges & Structures	Retaining Walls	175
	<u>Seafront Highway Arches Renewal Programme</u>	
	Phases 3 & 4 design - King's Road	250
	Arch 181	180
	Duke's Mound Arches	300
Highway Asset Management	Surveys/update inventory/strategy evidence	50
<i>CAPITAL RENEWAL/MAINTENANCE SUB-TOTAL</i>		<i>2,180</i>
<i>INTEGRATED/SUSTAINABLE TRANSPORT</i>		
<i>Connecting people with.....</i>		
Education, Training & Learning	School Streets	150
	School Travel Plan Measures *	10
<i>SUB-TOTAL</i>		<i>160</i>
Workplaces & job opportunities	Business Travel Plan Measures *	20
	Personalised Travel Planning *	10
<i>SUB-TOTAL</i>		<i>30</i>
Parks, open spaces & the National Park	Rights of Way Improvement Programme	50
<i>SUB-TOTAL</i>		<i>50</i>
Interchanges	Cycle parking	10
	Motorcycle parking	10
	Accessible bus-stops	50
<i>SUB-TOTAL</i>		<i>70</i>
<i>Improving neighbourhoods with.....</i>		
Road Safety measures	Collision/casualty/speed reduction sites	150
<i>SUB-TOTAL</i>		<i>150</i>
Air Quality measures	Electric vehicle charging points	50
<i>SUB-TOTAL</i>		<i>50</i>
<i>continued...../</i>		<i>50</i>

Project/ Programme	Description (see Footnotes below for explanation of symbols)	2022/23 Proposed New Allocation (£'000s)
Active travel measures	Pedestrian crossings – freestanding sites	225
	Walking network – incl. dropped kerbs and handrails	100
	Cycle network/Active Travel Fund Tranche 1 & 2 works	900
	SUB-TOTAL	1,225
Managing links and routes with.....		
Technology & Travel Information	'Intelligent/smart' Traffic Signals	300
	SUB-TOTAL	300
Connecting people and neighbourhoods with, and improving, the		
City Centre & Seafront	Valley Gardens:Phases 1 & 2 – completion	50
	Valley Gardens:Phase 3 – detailed design and construction **	0
	Bus Network Infrastructure	200
	SUB-TOTAL	250
General allocations		
'Section 106' works	Various sites +	50
Minor works	Scheme completion & scoping/Monitoring	23
	SUB-TOTAL	73
INTEGRATED/SUSTAINABLE TRANSPORT SUB-TOTAL		2,358
TOTAL LTP ALLOCATIONS		4,538
Overall funding and budgetary sources/decisions for allocations:-		
Government Funding		
	LTP Integrated Transport Block Grant Allocation	3,083
	LTP Maintenance Block Grant Allocation	1,455
	Highway Maintenance Incentive Fund (based on Band 3 assessment)	364
	Pothole funding	1,455
	SUB-TOTAL	6,357
Council Funding		
	Street lighting 'Invest to Save'	2,000
	Seafront heritage lighting renewal programme	250
	Brighton Bikeshare Replacement Programme	704
	Strategic Transport Model	500
	SUB-TOTAL	3,454
Local Enterprise Partnership [LEP]		
	Local Growth Fund – Valley Gardens Phase 3	1,455
	SUB-TOTAL	1,455
GRAND TOTAL		11,266

Footnotes

- sum will be increased through addition of Government Incentive Funding allocation (£364,000 based on Band 3 self-assessment ranking) and Pothole funding (£1.455m).

@ - committed contribution to 'Invest to Save' project (PR&G Committee – 8/2/16).

+ - *to enable design and delivery of works associated with approved development.*

* - *local contribution to support DfT-funded Capability Fund projects, subject to confirmation of funds*

** - *local contribution not required in 2022/23 - funded by LEP Local Growth Fund.*

NOTES –

- In many cases, costs indicated within the proposed programme are preliminary estimates.
- Expenditure on schemes may need to be increased, reduced or deferred during a financial year as information becomes available, such as survey results, tender returns or unforeseen engineering difficulties.
- The timing of construction works may be subject to network co-ordination with other council projects, development, utility companies, contractor availability and weather conditions.

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 126

Subject: Research and Innovation Fibre Ring

Date of meeting: 24th March 2022

Report of: Executive Director for Economy, Environment and Culture

Contact Officer: Name: Max Woodford
Tel: 01273 291666
Email: max.woodford@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 This report updates members on the progress towards delivery of the Research and Innovation Fibre Ring (RIFR) project: A digital project which seeks to lay new municipally controlled fibre-optic cables linking strategic digital sites within the city. The report also updates members on the strategic and community wealth building benefits of the project, and also seeks agreement to participate on some city-wide digital development workstreams with Wired Sussex which will work with communities in the city to help them to benefit from new digital opportunities.

1.2 The RIFR project allows co-operatives of locally owned digital businesses to access and commercialise some of the new fibre, without having to rely on infrastructure owned by (multi) national businesses. The project enables the provision of an upgraded 5G test-bed at the Fusebox and at Brighton Dome and Corn Exchange to assist local businesses in learning about and experimenting with 5G technology and understanding how new connectivity technologies might operate in an arts and culture setting. The report seeks agreement to changes in the way the project is delivered to keep it within budget.

2. Recommendations

2.1 That Committee notes the work done to date to deliver the RIFR project using Getting Building Fund money from government, including the progress made to date on the 5G test bed and further notes the procurement options that have been explored to deliver the fibre.

2.2 That Committee agrees to the council joining the Cooperative Network Infrastructure (CNI) and Brighton Digital Exchange co-operatives.

2.3 That Committee agrees to use £310,000 of the Getting Building Fund grant, to commission CNI to use their status as a Communications Provider to ensure access to existing Openreach infrastructure, and notes that this fibre will be delivered broadly in line with the map shown at Appendix 1.

- 2.4 That Committee delegates authority to the Executive Director for Economy, Environment and Culture to enter into the agreements necessary to deliver the fibre element of the RIFR.
- 2.5 That Committee note how the RIFR project fits into a wider sub-regional digital delivery programme at a Greater Brighton level, as set out at paragraph 3.19, and that Brighton & Hove will work with the Greater Brighton Economic Board to maximise the strategic benefits of the new fibre.
- 2.6 That Committee agrees to commission a £25,000 (maximum) programme of digital education and support to maximise the benefits of the RIFR project to the wider digital economy of the city and to the city's communities – as set out at Appendix 2.

3. Context and background information

RIFR: Background

- 3.1 The Brighton Research and Innovation Fibre ring was first proposed in the Coast to Capital (C2C) LEP's Strategic Economic Plan. It was conceived to address issues highlighted by the council's 2012 Super Connected Cities Programme, which identified that most of the city's small and medium digital businesses – comprising a nationally important digital sector – were located in parts of the city that were poorly served by existing broadband. Many such firms were having to pay for expensive bespoke leased lines. As such, these firms were being poorly served by the national connectivity infrastructure providers, who were not incentivised to invest in new fibre as that would diminish their income from leased lines. The city council and C2C therefore identified the need for locally owned fibre in a ring in the city that linked up key digital sites, such as New England House.
- 3.2 At the same time, the Digital Catapult Centre Brighton (DCCB) wanted to expand on their existing 5G test bed at New England House by creating a new and upgraded test bed in a more 'real world' setting that meant local businesses could innovate and create applications for 5G technology that were more applicable in a variety of settings. Having looked at various options, they agreed with Brighton Dome Brighton Festival to set up and upgrade a 5G test bed at the Dome and refurbished Corn Exchange which could look at applications for 5G technology as part of the creation and consumption of arts and culture content and in a heritage setting.
- 3.3 The City Council and DCCB [originally applied to C2C for Local Growth Funding](#) to fund a project that delivered both the fibre ring and the 5G test bed in August 2019, and members [agreed to the project at a meeting of this committee on 13th February 2020](#). This application was successful. However, the Covid Pandemic meant that the city council had to [put a hold on all new capital projects in March 2020](#), resulting in the LEP having to withdraw the funding as the project could no longer be delivered within the timescales required by the funding.

- 3.4 In June 2020 the government announced a new £900m round of funding, called Getting Building Fund, as part of the response to the pandemic. This funding was also overseen by C2C locally. BHCC and DCCB reapplied with the RIFR project in July 2020, but this time it only required a match funding contribution from the city council of £25,000 – with £200,000 match funding also offered by DCCB for their part of the project. Previously the city council had suggested match funding of £283,000. This is because the Getting Building Fund had more money available to the city council, and it had also been difficult to get to a business case under the previous version of the project that saw the council’s investment being repaid.

RIFR Outputs and Benefits

- 3.5 The project as funded by the LEP has a number of outputs it needs to deliver. This including 5.6km of new fibre in the city centre. The council will end up with this dark fibre in its control. This has potential to be used for future smart cities projects, as well as having the potential to save money under the [South East Grid procurement](#) delivering network services for the city council – because the council will own its own fibre connections to buildings on the RIFR route and therefore not have to pay for third party connections via the South East Grid. However, the project’s primary focus is not financial savings for the city council.
- 3.6 More important than the direct outputs are the Community Wealth Building benefits of the project. Community Wealth Building is an approach to local economic development which supports keeping assets in local ownership with value generated and retained locally. Often this can be enabled by anchor institutions, such as the local authority, using their purchasing and regulatory powers to give certainty and to make business cases work for local investment. The RIFR Project delivers a 5G test bed for local businesses to do important R&D. But it has also always been envisioned that the new fibre being provided would only be partly retained by the local authority for its own use. The rest of the fibre was always meant to be offered to local digital firms to commercialise, probably via an existing co-operative of digital businesses such as the Brighton Digital Exchange (BDX), who already own a data centre and digital connecting and hosting point at New England House. The BDX was another project delivered by the city council and Wired Sussex acting jointly to deliver locally owned digital assets.
- 3.7 This control of local assets by local businesses, to commercialise and do business with one another while not having to rely on the infrastructure owned by large (multi) national providers, is one of the key outcomes from the project. It will create an environment where local businesses can innovate and flourish on their own terms.
- 3.8 As set out at paragraphs 3.12 to 3.18, this model is proposed to change slightly, but in a way that continues to benefit local businesses without harming the interests of the city council.

The city council has signed a funding agreement with C2C for the project, and has a separate agreement with DCCB, who have started to deliver the

5G test bed elements of the project. They are progressing with procurement of the equipment and are awaiting delivery so they can proceed with installation. The impact on supply chains of the global pandemic has meant the equipment has a longer lead-in time from ordering.

Strategic Activity to Build on the Benefits of RIFR

3.9 The RIFR project will deliver new digital hardware in the city. However, work needs to be done to ensure that the benefits of that new infrastructure are felt as quickly as possible and as widely as possible. To this end, work has been done with Wired Sussex, the digital sector representative group, to look at how the city council and Wired Sussex can work together on a programme of Strategic Activity to Build on the Benefits of RIFR. The proposal from Wired Sussex is included at appendix 2.

3.10 The proposal sets out three main objectives:

- To enable Brighton & Hove's digital, media and tech sector to engage effectively and consistently with the city council.
- Enable communities under-represented in our digital sector to learn about the sector, the opportunities it provides and how to benefit from it.
- Support and add additional value to existing BHCC-funded initiatives that support the creative industries.

It then proposes five main workstreams to deliver this, including working with organisations and institutions to facilitate information and activity about what the local digital sector does and how to build a career in it. That activity would be based around building ongoing and sustainable relationships between digital companies in the city and community organisations. To kickstart the programme, a number of Wired Sussex Board member companies have already committed themselves and their staff to support the project.

3.11 This is work that can only be directly delivered by Wired Sussex, given their membership offers the breadth and depth of the city's digital sector to be able to work with communities. They are also uniquely placed to be able to make the links between the cooperatives backing RIFR (Brighton Digital Exchange and CNI) and the arts and culture sectors. This work would cost a maximum of £25,000 and would be funded from Economic Development budgets.

RIFR Update: Procurement and Delivery Options

3.12 The part of the project to deliver new fibre has proved more difficult to deliver within the budget. BHCC has worked with Mid Sussex District Council (see paragraph 3.19, below) to look at options. The original intention had been to call Balfour Beatty off the SCAPE framework to do the digging and instal the ductwork for the new fibre, as Mid Sussex are doing for their fibre projects. However, a combination of the complexity of digging in Brighton's constrained streets and the uncertainties in supply chain and costs for capital projects has meant the project team could not get the delivery price down to a level the project could afford. We have looked at other options, including using the Highways Term Maintenance contractors – because much of the cost is linked to the fact that pavements in the area

proposed would need to be reinstated. However, this too has proven outside of the contract budget. The project team has therefore come to the conclusion that digging up streets to lay new ducting to house the new fibre is too expensive for the project to support.

- 3.13 Therefore a new proposal has emerged as a way of delivering the new fibre. The existing Openreach duct and pole infrastructure (which carries Openreach fibre, as well as older copper cables) is required by law to be open to other Communications Providers. This is due to Openreach's (formerly part of British Telecom) role as the national connectivity infrastructure provider. The now private company of Openreach retains some universal service obligations in return for controlling what was a state owned asset. This is known as [Physical Infrastructure Access, or PIA](#).
- 3.14 Therefore, the project could be delivered by putting new sub-duct within the existing Openreach ducting, and then putting new fibre into that sub-duct. This has the benefit of not needing kilometres of city streets to be dug up. In most cases the sub-duct can be pushed through the main duct from an open inspection chamber, and the fibre then blown through that sub duct. The only places where digging will be required is where the old Openreach duct has been blocked or where the RIFR project needs to put in a new cabinet as a connection point. Only three or four cabinets are likely to be needed. In addition, where the city council already have ducting in the right places – for example for traffic signals – then that can also be reused. This aligns with the government's Public Asset Reuse approach to new fibre.
- 3.15 This method of delivering fibre is obviously much cheaper than digging up streets and then reinstating them. The £310,000 project budget for new fibre will therefore deliver approximately 10km of new fibre. The map at Appendix 1 shows the current working proposal for the route of the new fibre. The absolute minimum necessary connection is between the original 5G test bed at New England House, and the new upgraded test bed at the Dome. The rest of the route is intended to pass as many elements of the city's digital economy as is possible. In addition, there is an intention to link up with the privately owned Zayo fibre spine that heads west along the coast towards Chichester and Portsmouth (though Zayo are also a CNI member). The exact route and how far the spurs out from the central ring go will be impacted by issues like the number of blockages found in Openreach ducts.
- 3.16 Accessing the Openreach network under the PIA rules can only be done by accredited Communications Providers, as Openreach need to ensure that any access into the infrastructure does not damage it or cause problems for other users. The City Council is not a Communications Provider so there have been discussions with BDX, as the local digital co-operative, about how to implement a PIA solution. BDX is a member of a nationwide digital co-operative called Cooperative Network Infrastructure (CNI). CNI can commission one of its members who is a Communications Provider (and is based in Brighton & Hove) to deliver the fibre in the Openreach network.
- 3.17 The fibre being delivered by CNI would require a change in the ownership and operation model. Previously the city council would have commissioned

and paid for the new ducting and fibre, would have owned that asset and would have then handed over 50% of the fibres to the co-operative to manage. Under the new model, the co-operative will be the neutral host for the new fibre in the Openreach network, but will grant the city council Indefeasible Right of Use of 50% of the fibres for 30 years (the assumed lifetime of the asset). The city council still ends up with control of 50% of the fibres for the life of the asset, so the fundamental benefits proposition doesn't change. In reality, the city council may not need to make full use of the 50% of the fibres in its control, and may rent unused fibres back to the co-operative at a market rate, delivering an income source.

- 3.18 The method for delivering this is for the city council to become a member of both the Brighton Digital Exchange and CNI co-operatives. It then uses £285,000 Getting Building Fund grant money (plus its own £25k match funding to make the £310,000 total) to commission CNI to deliver the fibre. External legal advice has confirmed that the Council does not need to undertake a competitive tender process for the reasons set out in the legal implications.

Greater Brighton Fibre Spine

- 3.19 The proposed RIFR fibre ring will be part of a wider network of fibre spine projects being delivered in the city region. Mid-Sussex District Council have a number of such projects, funded via Local Growth Fund, Getting Building Fund and the national Local Full Fibre Networks Programme. This includes linking Burgess Hill to Crawley, putting fibre into the Northern Arc around Burgess Hill using 'dig once' principles (putting fibre in as part of any development involving works to a highway) and connecting rural communities with new fibre. Mid-Sussex are also looking to use more affordable PIA solutions to use Openreach infrastructure to provide fibre to rural communities they otherwise could not reach.
- 3.20 Mid-Sussex also have an existing project to dig new fibre from Burgess Hill to New England House, to link Brighton's digital cluster with a cluster of their own they are looking to grow. Given the work Mid-Sussex are doing, and the fact they are delivering similar projects (and in some cases running fibre along the same streets), BHCC have been working very closely with them. Their project team have done much of the work around procurement options for the fibre ring. Given the close working between the two councils, and the fact we are delivering very similar projects, in similar ways, it is proposed that Mid-Sussex deliver the project management of the RIFR project to exploit economies of scale. There have already been elements of dig coming out of New England House where the costs have been directly split between BHCC and Mid Sussex, rather than both councils duplicating one another. It is proposed that all elements of project management of the RIFR project – including management of the build stages of the project – continue to be delivered by Mid-Sussex District Council. BHCC would need to directly award this work to Mid-Sussex under a co-operation agreement, and it is proposed that the Executive Director for Economy Environment & Culture uses their delegated powers to issue a waiver of contract standing orders to regularise this.

- 3.21 This network of government and LEP funded fibre spines in public and/or co-operative ownership offer an opportunity for the digital sector in the city and wider city region. The Greater Brighton Economic Board agreed a [Greater Brighton Digital Action Plan](#) in January 2019. One of the key deliverables in that plan was new Multimode strategy to delivering fibre, which these projects represent. City region partners can now use this spine network, along with the availability of privately funded networks such as City Fibre, to shape the next iteration of the plan, and start to think in more detail about the strategic, environmental, economic and social benefits the new fibre can deliver. This includes considering how to address issues of digital exclusion and how we might grow our leading digital sector across the city region, such as the work proposed with Wired Sussex as set out above.

4. Analysis and consideration of alternative options

- 4.1 As set out at 3.12 and 3.13, the project team has exhausted all options for delivering the RIFR project within budget during the process of seeking procurement options that work. This is now the only way of delivering the project within budget. But this method of delivery using PIA also has positive benefits including: Considerably more fibre being delivered for the money; much less roadworks and digging in the city centre and a quicker delivery time.

5. Community engagement and consultation

- 5.1 During the development of this project there has been consultation and engagement with the digital business sector through Wired Sussex, Brighton Digital Exchange and CNI.
- 5.2 The fact that the PIA method of delivery will not require significant digging up of roads means there is less of a requirement to consult with affected residents.

6. Conclusion

- 6.1 The RIFR project is an innovative way of delivering new fibre to serve the city's digital economy in a way with fits with Community Wealth Building principles. The project team has identified the most cost efficient and least disruptive way to deliver the project. The proposal from Wired Sussex will enable the benefits of RIFR to be felt most widely.

7. Financial implications

- 7.1 The council has been awarded a total of £1,266,000 from the Getting Building Fund toward the Research and Innovation Fibre Ring as reported to Policy & Resources Committee in February 2020. Match funding of £200,000 from the Digital Catapult Centre Brighton and £25,000 from Brighton and Hove City Council has provided a total of £1,491,000 toward the delivery of the project. A total of £310,000 from this budget will be invested into the delivery of the fibre into the CNI Digital Operative. This funding will be made up of £285,000 from the Getting Building Fund and the

council match funding of £25,000. The match funding will be met through the corporate Strategic Investment Fund.

Name of finance officer consulted: Rob Allen Date consulted: 28/02/22

8. Legal implications

- 8.1 The Council is required to comply with the Public Contracts Regulations 2015 in relation to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works.
- 8.2 External legal advice has confirmed that the Council can rely on regulation 32(2)(b)(ii) and/ or (iii) to enable it to work with CNI without undertaking a procurement. The type of the arrangement with CNI, which is set out at 3.14 to 3.16 above, supports these grounds. The ducts which are to be utilised for the infrastructure are owned and operated by Openreach and they require any third party intending to use the ducts to be accredited as a Communications Provider. It is therefore only possible for a Communications Provider, such as CNI, to use the ducts. This technical requirement and the requirement that the role of the neutral host be carried out by a cooperative (set out in the Council's LEP grant application) means that there are no reasonable alternative providers and justify the use of Regulation 32. A Contract Award Notice will need to be published to explain the basis on which the Council is relying on Regulation 32.
- 8.3 A Waiver of the Council's Contract Standing Orders will also be required.
- 8.4 The external legal advice confirms that the Council's investment in CNI should be treated as constituting a subsidy. It is a lawful subsidy as it meets a number of principles which apply in the current subsidy control regime. Details of the subsidy will need to be published on the Government's transparency database.
- 8.5 Mid Sussex District Council, Brighton & Hove City Council and CNI will enter into a Collaboration Agreement which will set out terms on which the project will be delivered.

Name of lawyer consulted: Eleanor Richards Date consulted: 09/03/2022

9. Equalities implications

- 9.1 Digital inclusion is an equalities consideration that is growing in importance. The Greater Brighton Digital Strategy sets a key design principle that all parts of our communities should be included and access the benefits of the digital future. Whilst the RIFR is initially focused on businesses rather than residents, it is a step towards the roll out of more ubiquitous full fibre. Once that full fibre is rolled out it should bring down the costs of higher speed connections to all citizens, and so help to reduce digital exclusion. The programme of work proposed with Wired Sussex will also address issue of representation in the digital sector.

- 9.2 Furthermore, being a community wealth building project, it ensures that smaller local digital SMEs and start ups are more able to benefit from the value created by the ring.

10. Sustainability implications

- 10.1 Improved fibre connectivity enables a number of applications that should help to reduce travel related carbon by enabling better use of teleconferencing, telehealth etc. Furthermore, fibre in city centres drives the uptake of Smart Cities solutions. This involves the collection, transmission and sharing of large amounts of data that can be used to improve the efficiency of how cities operate.

11. Other Implications

Social Value and procurement implications

- 11.1 The report sets out above how the RIFR project is fundamentally one about developing social value through Community Wealth Building.

Supporting Documentation

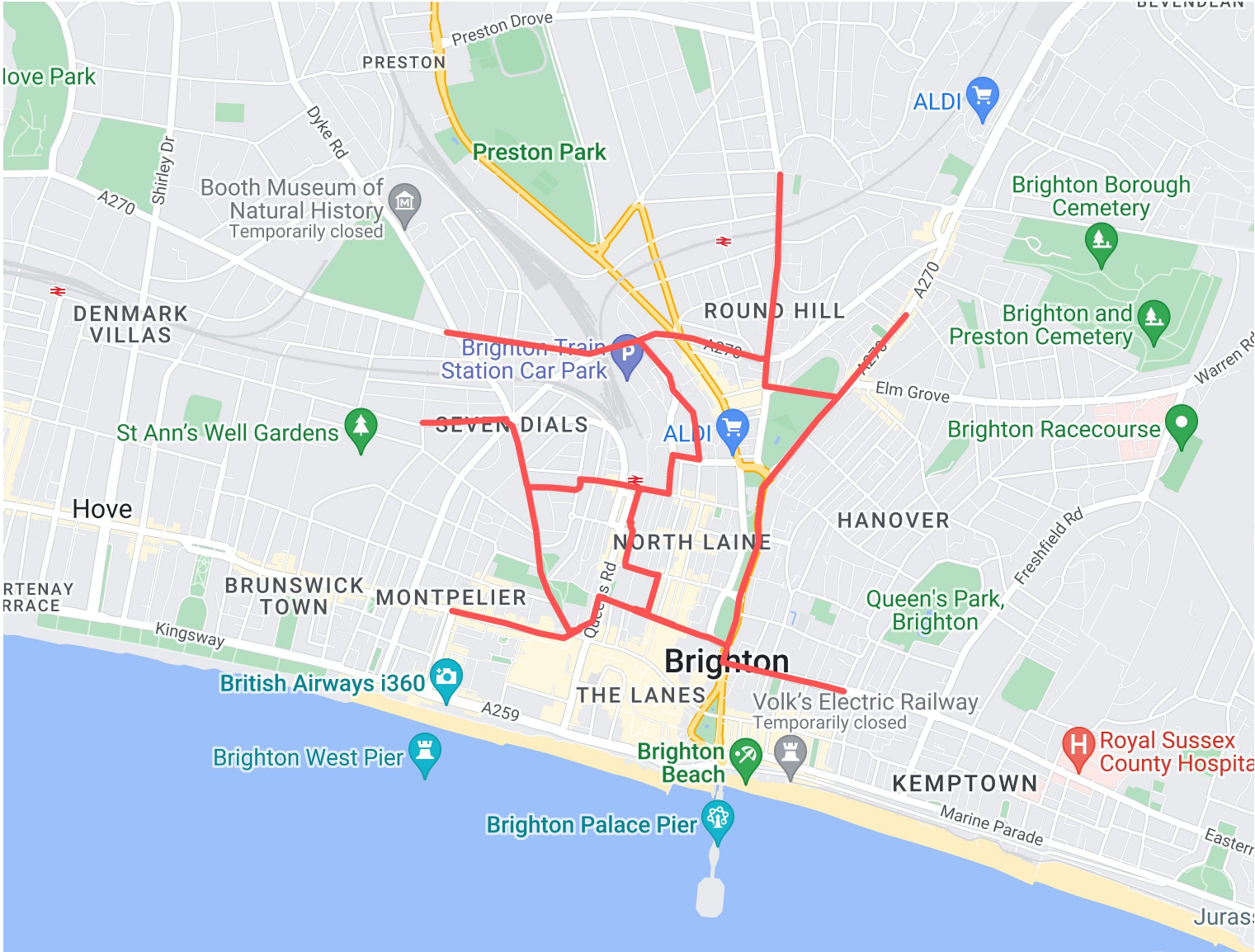
1. Appendices

1. Proposed map of RIFR Route (subject to condition of Openreach Infrastructure)
2. Wired Sussex Proposal: Strategic Activity to Build on the Benefits of RIFR

RIFR Proposed Route

RIFR PIA Subduct

 All items



Wired Sussex Proposal: Strategic Activity to Build on the Benefits of RIFR

Both Wired Sussex and Brighton & Hove City Council agree that the growing importance of our digital, media and tech sector both during and beyond the current pandemic suggests benefit would accrue to the city by enhancing the strategic activity between the local authority and Wired Sussex.

It is in our mutual interest to share and align opportunities and ambitions, support a growing and sustainable digital sector, and ensure that our citizens feel they have the chance to benefit from the employment and other opportunities that this sector can provide.

Together, we have these goals:

1. To enable Brighton & Hove's digital, media and tech sector to engage effectively and consistently with BHCC, so that there is mutual understanding, aligned goals and common ambitions. To achieve this, we will:

a) Set up regular 6-month business check-ins between Wired Sussex and BHCC, broadly modelled on Brighton Chamber's Construction Forum.

b) Coordinate knowledge sharing between the private and public sector on opportunities and challenges around EV infrastructure.

c) Deliver a programme of activity that helps generate value from BHCC's fibre ring project.

2. Enable those in Brighton & Hove who are currently under-represented in the city's digital sector to learn directly from those who work in the sector about the opportunities it provides and how they might benefit.

3. Enhance existing BHCC-funded initiatives that support the creative industries, especially as they look at responding to, and rebounding from, pandemic-related challenges.

For all these goals, Wired Sussex will work to compliment and enhancing existing BHCC initiatives and connections, rather than duplicating them.

Specific activity will include:

1. The Digital Forum: The Digital Forum will run every 6-months as an open, managed event at which useful and facilitated discussion within the regional digital sector and with the local authority can happen. The Digital Forum will launch with a larger scale event, which will include speakers from Wired Sussex, BHCC, the UK Tech Cluster Group and Tech Nation. Two additional forums will be delivered during 2022/23.

2. Destination EV: Destination EV will be a Wired Sussex-convened and managed working group. It will look at the technical, social and environmental challenges and opportunities around non-street / non-home electric vehicle charging deployment. It will share best practice and opportunities amongst a range of professionals interested in engaging with BHCC's developing EV strategy. Wired Sussex will organise and host a series of workshops that bring together BHCC, property developers, EV charging operators, academics, data scientists and others.

3. Supporting business access to BHCC-funded infrastructure: Wired Sussex will help businesses direct engagement in (and use of) the BHCC Research and Innovation Fibre Ring. Focussing on its

growing network of high-bandwidth users, Wired Sussex will work to ensure that they understand and benefit from the opportunities that the new 5G-compliant Innovation Ring will offer.

4. Ensuring all communities in Brighton understand the opportunities in the digital sector: The sector recognises its obligation to ensure that those from parts of our community that are currently under-represented in our digital workforce (for example, East Brighton) have access to the opportunities it provides. Wired Sussex will work with a set of mutually agreed organisations and institutions to facilitate information and activity about the local digital sector and how to build a career in it. The activity will be based around building ongoing and sustainable relationships between digital companies in the city and selected community organisations. To kickstart the programme, a number of Wired Sussex member companies have committed themselves and their staff to support the project.

5. Supporting the sustainability of our city's creative sector: Via access to its technology innovation centre, the FuseBox, Wired Sussex will provide advice and training to selected individuals or businesses taking part in BHCC's ABCD Creative Bounce Back programme. The focus will be on those participating in the Ignite programme (liaising with BHCC-appointed programme providers Always Possible) to help them learn about and experiment with the opportunities that immersive and other new technologies can provide.