

# Council

**Date:** 1 February 2024

**Time:** 4.30pm

**Venue:** Council Chamber, Hove Town Hall

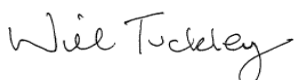
**Members:** **Councillors:** O'Quinn (Chair), Atkinson, Bagaeen, Davis, Evans, Fishleigh, Fowler, Grimshaw, Meadows, McNair, Robins, Sankey, Shanks, C Theobald, West, Wilkinson, Williams, Alexander, Allen, Asaduzzaman, Baghoth, Burden, Cattell, Czolak, Daniel, Earthey, Gajjar, Galvin, Goddard, Goldsmith, Helliwell, Hewitt, Hill, Hogan, Loughran, Lyons, McGregor, McLeay, Miller, Mistry, Muten, Nann, Oliveira, Pickett, Pumm, Robinson, Rowkins, Sheard, Simon, Stevens, Taylor, Thomson and Winder.

**Contact:** **Anthony Soyinka**  
Head of Democratic Services  
01273 291006  
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Chief Executive  
Hove Town Hall  
Norton Road  
Hove BN3 3BQ

Date of Publication - Wednesday, 24 January 2024

# AGENDA

Part One

Page

## 74 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 Monitoring Officer or Democratic Services Officer preferably before the meeting.

## 75 MINUTES

To approve as a correct record the minutes of the previous Council meeting(s), which will be circulated separately as part of an addendum for the meeting.

Contact Officer: Anthony Soyinka

Tel: 01273 291006

## 76 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

## 77 TO RECEIVE PETITIONS AND E-PETITIONS.

To receive any petitions to be presented to the Mayor by members of the public and/or Members as notified by the due date of 18 January 2024 (10 working days).

## 78 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on 26 January 2024 will be circulated separately as part of an addendum for the meeting.

## 79 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on 26 January 2024 will be circulated separately as part of an addendum for the meeting.

## PETITIONS FOR DEBATE

Petitions to be debated at Council. Reports of the Executive Director for Governance, People & Resources.

**80 SCHOOL AND COLLEGE BASED COUNSELLING ACROSS BRIGHTON AND HOVE 9 - 12**

**81 CALL OVER FOR REPORTS OF COMMITTEES.**

(a) Call over (items 84 - 85) will be read out at the meeting and Members invited to reserve the items for consideration.

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

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

**82 WRITTEN QUESTIONS FROM COUNCILLORS 13 - 18**

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

*Contact Officer: Anthony Soyinka*

*Tel: 01273 291006*

**6.30 - 7.00PM REFRESHMENT BREAK**

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

**83 ORAL QUESTIONS FROM COUNCILLORS 19 - 22**

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

*Contact Officer: Anthony Soyinka*

*Tel: 01273 291006*

**REPORTS FOR DECISION**

**84 BUDGET PROTOCOL 23 - 36**

*Contact Officer: Anthony Soyinka*

*Tel: 01273 291006*

*Ward Affected: All Wards*

**85 COUNCIL TAX PREMIUMS ON SECOND HOMES 37 - 54**

*Contact Officer: Annie Brown*

*Ward Affected: All Wards*

**REPORTS REFERRED FOR INFORMATION**

## 86 WEED MANAGEMENT

55 - 116

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Rachel Chasseaud

Tel: 01273 290753

Ward Affected: All Wards

## NOTICES OF MOTION

The following Notices of Motion have been submitted by Members for consideration:

### 87 SUPPORT FOR POLITICAL GROUPS

117 - 118

Proposed by Councillor Earthey on behalf of the Brighton & Hove Independents Group.

### 88 PROTECTING PROVISION FOR CHILDREN AND YOUNG PEOPLE

119 - 120

Proposed by Councillor Shanks on behalf of the Green Group.

### 89 AFFORDABLE HOUSING

121 - 122

Proposed by Councillor Loughran on behalf of the Labour Group.

### 90 IMPROVING TEXTILE RECYCLING

123 - 124

Proposed by Councillor Lyons on behalf of the Conservative Group.

### 91 CLOSE OF MEETING

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

*Note:*

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

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

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

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

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

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

*debated and voted on.*

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

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

## **FOR INFORMATION**

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.

### **Webcasting notice**

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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

### **Further information**

For further details and general enquiries about this meeting contact Anthony Soyinka, (01273 291006, email [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)







# Brighton & Hove City Council

## Council

## Agenda Item 80

**Subject:** Petition for Debate – School and College-Based Counselling across Brighton and Hove

**Date of meeting:** 1 February 2024

**Report of:** Executive Director for Governance, People & Resources

**Contact Officer:** Name: Anthony Soyinka  
Tel: 01273 291006  
Email: [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)

**Ward(s) affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 The e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 2189 signatures confirmed at the time of printing the report.

#### 2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Children Families and Schools Committee for consideration.

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

##### 3.1 The Petition:

Dear Councillors across the Labour, Green, Conservative, and Independent Groups,

We are grateful for the support many of you have already shown to our Alliance in terms of the Mental Health Emergency our city faces. Our collective membership of schools, colleges, universities, unions, faith institutions, and community organisations (representing over 55,000 people) appreciates your efforts.

Between 2020-2022, the Brighton & Hove Citizens' Commission on Mental Health heard from students, parents/carers, and teachers across the city whose testimonies highlighted how existing services often failed to meet the psychological needs of children and young people. Overall, more than 5,400 people took part in face-to-face and/or small group discussions.

In December 2022, after many conversations with the Labour and Green Groups, a motion was passed at Full Council, and Brighton and Hove City Council became the first Council to declare a Mental Health Emergency in England committing, amongst other things, to look at investing in school- and college-based counselling across the city.

Subsequently, at a Brighton & Hove Citizens Assembly in April 2023, the Labour and Green Groups publicly committed to fund the provision of school- and college-based counselling (and other relevant interventions) across the city if elected.

School- and college-based counselling is a proven intervention for children and young people experiencing psychological distress. The cost of delivering six counselling sessions is approximately £450. By contrast, the average cost of a referral to child and adolescent mental health services (CAMHS) is £3,000. School- and college-based counselling has been shown to minimise pressure on CAMHS services, as well as already-stretched SEND, Attendance, and Behaviour interventions. When school and college avoidance are at an all-time high in our city, we know (from what we've already seen happening in some schools and colleges) that counselling can considerably reduce pressure.

We know that counselling won't be the intervention that all young people will require. Some will need less support (already provided by Mental Health Support Teams). Some will need more support (usually provided by CAMHS). Some will need other interventions altogether.

We also note that what counselling looks like in Secondary Schools and Colleges will look different in Primary Schools where more play-based therapeutic approaches will be preferred. The Association for Counselling and Psychotherapy (BACP), with whom we are working, are happy to share their knowledge and expertise when it comes to tailoring counselling approaches (by adequately trained, qualified, and supervised counsellors).

We ask that Brighton and Hove Council shows its commitment to justice in moving in the right direction by investing a part of its annual budget for 2024-25 to cover the cost of counselling in a significant proportion (if not all) of our city's schools and colleges, remembering that, in the words of Cllr Sankey, 'prevention is always better than cure' and that any money spent will be an investment, rather than a cost.

The BACP have offered to help with research and best practice, as well as a free impact evaluation.

We note that the Labour party, the Green Party, and the Liberal Democrats, at national level, have committed to our national network of Alliances (Citizens UK) to ensure that this eventually becomes centrally funded. We therefore ask our Council to secure the statutory provision of school- and college-based counselling in every school and college from September 2024 and until a time when such provision is centrally-funded.

We ask all Councillors to be our allies. We ask you to be leaders that turn away the tide and, between Downs and Sea, the captains that enable our city's young generation to flourish.

#### **4. PROCEDURE:**

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the petition and confirm the number of signatures;
- (ii) The Mayor will then open the matter up for debate by councillors for period of 15 minutes and will first call on the relevant Committee Chair to respond to the petition and move a proposed response. The Mayor will then call on those councillors who have indicated a desire to speak in the matter, before calling on the relevant Committee Chair to respond to the debate;
- (iii) An amendment to the recommendation in paragraph 2.1 of the report or to add additional recommendations should be submitted by 10.00am on the day before the meeting; otherwise it will be subject to the Mayor's discretion as to being appropriate. Any such amendment will need to be formally moved and seconded at the meeting;
- (iv) After the 15 minutes set aside for the debate, the Mayor will then formally put:
  - (a) Any amendments in the order in which they are moved, and
  - (b) The substantive recommendation(s) as amended (if amended).



# Brighton & Hove City Council

**Council**

**Agenda Item 82**

**Subject:** Written questions from Councillors

**Date of meeting:** 1 February 2024

**Report of:** Executive Director for Governance, People & Resources

**Contact Officer:** Name: Anthony Soyinka  
Tel: 01273 291006  
Email: [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)

**Ward(s) affected:** All

**For general release**

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

**1. Councillor Theobald**

S106 money - In response to my written question at the 19 October 2023 Council Meeting, Cllr Williams kindly confirmed in the written answer, that since 2018 121 units have been provided which have been supported by section 106 commuted financial sums, totalling £4 million six hundred and sixty-seven pounds. I have been informed that the Council collected over 5 times this amount. Is this true? What is the total sum currently being held by the council from developers who have been unable to provide onsite affordable housing?

I am also advised that the Council has not invoiced all developers for the commuted sums that they owe, so that the total sum is even higher. Is this the case and why has this been allowed to happen?  
What is the total sum owed to the council by developers?

**Reply from Councillor Loughran, Chair of Planning**

**2. Councillor McNair**

Claims - How much money has the council paid out to residents in compensation in relation to potholes and flooding? In the period 01.01.23 - 31.12.23  
What percentage of claims are successful?  
How is the council planning to improve the ease with which residents can claim?

**Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee**

**3. Councillor Meadows**

Dog Poo bins - Recently, many dog poo bins went uncollected across Patcham & Hollingbury for many days and were overflowing. We have waited years for new bins. When will they be provided?

**Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee**

**4. Councillor McNair**

CCTV - CCTV at Stanmer Heights has recently been found to be out of focus and providing poor quality footage if any at all. Is all Council-owned CCTV in Patcham & Hollingbury now in good working order?

**Reply from Councillor Pumm, Chair of Equalities, Community Safety & Human Rights Committee**

**5. Councillor Meadows**

Flooding in Winfield Avenue, particularly at the junction with Ladies Mile Road, is worsening. What is the plan to reduce flooding in Winfield Avenue, and to reduce the effects on properties near the junction being flooded?

**Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee**

**6. Councillor Theobald**

Birch Grove Crescent - Residents report litter to Estates Management only to be told it is Cityclean's responsibility. Cityclean report it is Estates Management responsibility. Can residents be directed to the correct contact to expedite work.

Scaffolding has been there for over a year, but no work appears to have been carried out. If it hasn't been removed yet, when will it be?

Behind no 68 Birchgrove Crescent is a collection of abandoned children's bikes and scooters as well as at least three sheds which people are using to dump their unwanted items (furniture, tyres, toys beer cans etc). When will the sheds be renovated?

**Reply from Councillor Williams, Chair of Housing and New Homes Committee**

**7. Councillor Shanks**

What is the total predicted cost of closing St Peters and St Barts schools, including paying the deficit, staff redundancies, extra support for children transferring, cost of moth balling buildings?

**Reply from Councillor Helliwell / Taylor , Joint Chair(s) of Children Families & Schools**

**8. Councillor Shanks**

At what point in the budget process has consultation occurred with our city's valued community and voluntary groups on the impact of cuts to their grant funding and other council services, what opportunity was given for them to input into the shaping of the budget papers before the drafts went to committee, and can the council commit to ensuring a longer timeframe for discussion and consultation on the budget in the future, given the scale of cuts and the seriousness of their impact?

**Reply from Councillor Sankey, Leader of the Council**

**9. Councillor Pickett**

Preston Park velodrome is a well-used and much-loved part of Preston Park. It seems some locals are using the area to train their dogs because it is fenced in, while some families are choosing to take their children there rather than the nearby playground or open spaces in Preston Park. This has created problems for people using the velodrome for its primary purpose of cycling and cricket, with a number of accidents, collisions, and other unfortunate incidents, including one which left a cyclist in hospital. Could the council explore the potential for a) clearer signage urging families with young children to be mindful of cyclists and other velodrome users, b) a potential PSPO preventing dogs from being let off their lead within the velodrome, or c) another practical solution which would enable all users of velodrome to continue to enjoy the area without the added risk of collision and injury?

**Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee**

**10. Councillor Pickett**

Will this council be making representations in response to the open consultation from the Planning Inspectorate on the proposals for Gatwick Airport Northern Runway, in line with previous stated opposition to the plans? Given that the Leader of the Council has previously stated that 'any airport expansion must pass our tests on air quality, noise pollution and delivering economic benefits while enabling us to meet our obligations on climate change,' can we have more detail on what the criteria for the 'tests' referred to on air quality and noise pollution constitute in practice?

**Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism & Economic Development Committee**

**11. Councillor Hill**

Last June at the Culture, Heritage, Tourism, Sport and Economic Development Committee we were told that a draft version of the Council's

new 5 year Economic Strategy would be used to guide the implementation of the new Council budget. Will the draft of this plan be made publicly available? It is important that the public understands what the Economic Strategy of this Council is given the last one expired last year.

**Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism & Economic Development Committee**

**12. Councillor Hill**

A recent Local Government Association report raised the alarm over “unprecedented increases in demand” for sexual health services which is partly due to a steep rise in gonorrhoea and syphilis cases. Cases of HIV transmission also have been plateauing despite the government’s goal to end new transmissions by 2030. Cuts to sexual health services have been a key contributor to this, with some Local Authorities elsewhere no longer funding sexual health provision due to budget cuts. Will funding for sexual health services be protected in the upcoming budget in light of a rise in sexually transmitted diseases and a lack of progress in ending new HIV transmissions?

**Reply from Councillor De Oliveira, Chair of Health & Wellbeing Board**

**13. Councillor Hill**

How many vacancies exist in each directorate because of the Council’s recruitment freeze?

**Reply from Councillor Sankey , Leader of the Council**

**14. Councillor Hill**

Has Councillor Rowkins received a response about the amount of diesel used per annum in the Newhaven Energy Recovery Facility? I was told last October that he requested information pertaining to this.

**Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee**

**15. Councillor McLeay**

What is the average estimated cost per property needed to bring all council properties up to an EPC C and EPC B?

**Reply from Councillor Williams , Chair of Housing and New Homes Committee**

**16. Councillor McLeay**

November housing and new homes committee reported 88 council home having an EPC of band E or below. How many of these 88 council homes have an EPC of E, of F and of G?



**Reply from Councillor Williams , Chair of Housing and New Homes Committee**

**17. Councillor McLeay**

Quarter 2 2023/24 HRA rent collection returns showed that rent collection was falling and predicted that only 93.66% of the rent would be collected this year against a target of 95.36%. If this prediction proves correct, how much less rent will be collected compared to if the target of 95.36% collection rate were to be achieved?

**Reply from Councillor Williams , Chair of Housing and New Homes Committee**

**18. Councillor McLeay**

How much does a by-election cost the Council?

**Reply from Councillor Sankey , Leader of the Council**

**19. Councillor Earthey**

What is BHCC's latest position on the use of glyphosphate weedkiller in the city, and how does it reconcile the perceived benefits of using it against the real environmental damage that will be caused to city food chains and biodiversity?

**Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee**

**20. Councillor Earthey**

In view of Central Government's increase in the budget for repairing potholes, by when will BHCC be able to claim a share of these funds, and accelerate its pothole repair programme?

**Reply from Councillor Muten, Chair of Transport & Sustainability Committee**

**21. Councillor Earthey**

Can the Labour Administration confirm a recent BBC report that BHCC faces a Judicial Review over its decision to move from paper parking vouchers to Pay-by-Phone? If yes, how much council-taxpayers' money is going to be wasted defending this action, brought about by the Labour Administration's insufficient attention to detail?

**Reply from Councillor Muten, Chair of Transport & Sustainability Committee**

**22. Councillor Earthey**

Residents east of the Marina only have one direct bus per hour to the Royal Sussex County Hospital (14C). What pressure can the Labour Administration bring to bear on B&H Buses to improve this service?

**Reply from Councillor Muten, Chair of Transport & Sustainability Committee**

**23. Councillor Earthey**

BHCC parking fees imposed on visitors to the Royal Sussex County Hospital are outrageously high, and discriminate unfairly against visitors of more modest means. What steps is the Labour Administration going to take to reduce these charges?

**Reply from Councillor Muten, Chair of Transport & Sustainability Committee**

**24. Councillor Fishleigh**

**Subject: Valley Gardens 3**

Is it administratively possible to re-allocate to other capital projects the £5m loan and the £1.8m from BHCC funds assigned to Valley Gardens 3, and if not, why not?

**Reply from Councillor Muten, Chair of Transport & Sustainability Committee**

**25. Councillor Fishleigh**

**Subject: Universal Basic Income**

It was mentioned in passing in a previous full council that BHCC is exploring introducing a UBI trial. Please would you provide a few details.

**Reply from Councillor Sankey, Leader of the Council**

# Brighton & Hove City Council

## Council

## Agenda Item 83

**Subject: Oral questions from Councillors**

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

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

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

**Date of meeting: 1 February 2024**

**1 Councillor Davis**

Subject Matter: Local elections and accountability

Reply from Councillor Sankey, Leader of the Council

**2 Councillor McNair**

Subject Matter: Listening council

Reply from Councillor Sankey, Leader of the Council

**3 Councillor Fishleigh**

Subject Matter: Park & Ride

Reply from Councillor Muten, Chair of Transport and Sustainability Committee

**4 Councillor Assaduzzaman**

Subject Matter: Swimming Pool facilities

Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism, and Economic Development Committee

**5 Councillor Hill**

Subject Matter: Frogs, newts and toads

Reply from Councillor Rowkins, Chair of City Environment, South Downs and the Sea Committee

**6 Councillor Meadows**

Subject Matter: E-coli

## Brighton & Hove City Council

Reply from Councillor Rowkins, Chair of City Environment, South Downs and the Sea Committee

**7 Councillor Earthey**

Subject Matter: Budgetary challenges, spending plans on VG3 and hard-pressed front-line services

Reply from Councillor Taylor, Joint Deputy Leader of the Council

**8 Councillor Miller**

Subject Matter: Weeds

Reply from Councillor Rowkins, Chair of City Environment, South Downs and the Sea Committee

**9 Councillor West**

Subject Matter: Adult Social Care

Reply from Councillor Burden, Chair of Adult Social Care and Public Health Committee

**10 Councillor Theobald**

Subject Matter: S106

Reply from Councillor Loughran, Chair of Planning Committee

**11 Councillor McGregor**

Subject Matter: Educational outcomes

Reply from Councillor Taylor / Helliwell, Joint Chair(s) of Children, Families, and Schools Committee

**12 Councillor McLeay**

Subject Matter: Carbon Neutral 2030

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

**13 Councillor Lyons**

Subject Matter: Weeds

Reply from Councillor Rowkins, Chair of City Environment, South Downs and the Sea Committee

# Brighton & Hove City Council

**14 Councillor Shanks**

Subject Matter: Pensions Divestment

Reply from Councillor Taylor, Joint Deputy Leader of the Council

**15 Councillor Pickett**

Subject Matter: Resident Case Management requests

Reply from Councillor Sankey, Leader of the Council



# Brighton & Hove City Council

**Council**

**Agenda Item 84**

**Subject: Budget Setting Protocol**

**Date of meeting: 1 February 2024**

**Report of: Executive Director for Governance, People & Resources**

**Contact Officer: Name: Anthony Soyinka  
Tel: 01273 291006  
Email: [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)**

**Ward(s) affected: All**

**For general release**

## **1. Purpose of the report and policy context**

1.1 To agree the protocol for setting the council's budget and council tax including proceedings at the February Strategy, Finance & City Regeneration Committee and Budget Council in order to facilitate the decision-making process.

## **2. Recommendations**

2.1 That the budget protocol outlined in Appendix 1 be approved for use at the Strategy, Finance & City Regeneration Committee on 8 February 2024 and the Budget Council meeting on the 22 February 2024.

2.2 That the Legal Advice Note as set out at Appendix 2 is noted.

## **3. Context and background information**

3.1 Budget council is a special meeting of the Authority to set the Council Tax for each year and approve the General Fund and Housing Revenue Account budgets for the year ahead. In order to help councillors and members of the public with the process and running of the meeting, a protocol has been previously adopted requiring the suspension of Standing Orders in so far as it is required to adhere to the protocol.

3.2 The protocol is being put to the Council ahead of the budget meeting so that all Members can be fully aware of the procedure that will be followed should the protocol be approved. The protocol also proposes that there will be a limitation as to the number of amendments that directly impact the budget proposals ('budget amendments') and a defined timeline for their clearance prior to Budget Council to ensure safe and manageable decision-making.

3.3 Similarly, the budget proposals are first considered by Strategy, Finance & City Regeneration Committee for recommendation on to Budget Council. Under normal procedure rules amendments can be submitted up to 10:00am of the morning of the day before the meeting. However, in the case of amendments that impact the budget proposals, this is not appropriate as

such amendments would be highly likely to be disallowed due to the lack of time to undertake the necessary checks, including by the Chief Finance Officer and Monitoring Officer. The protocol therefore proposes that no 'Budget Amendments' shall be allowed for the February Strategy, Finance & City Regeneration Committee.

- 3.4 To further aid the smooth running of the budget and Council Tax setting process, a Legal Advice Note is normally provided to the Budget Council meeting setting out the legal, financial and practical consequences of a failure or delay in setting the Council Tax. A copy of the advice note is provided at Appendix 2.

#### **4. Analysis and consideration of alternative options**

- 4.1 Without the proposed protocol, the Budget Council meeting will need to follow the usual process for its meetings, and this would prove difficult and lead to lengthy adjournments and points of clarification. As such the use of the protocol is recommended as has been custom and practice in the authority.
- 4.2 Similarly, without the recommended protocol for the February Strategy, Finance & City Regeneration Committee, there is a potential for budget amendments to be submitted which could disrupt the budget process and distract officer capacity at the very point when the substantive budget proposals are being finalised.

#### **5. Community engagement and consultation**

- 5.1 The council has provided budget information and a short presentation on the website to inform members of the public how the budget is formulated and set. Further details of consultation and engagement undertaken will be provided in the General Fund and Housing Revenue Account budget reports to Strategy, Finance & City Regeneration Committee or Budget Council.

#### **6. Conclusion**

- 6.1 The budget protocol has been used successfully at previous budget meetings and is supported by the Leaders of the Groups.

#### **7. Financial implications**

- 7.1 There are no direct financial implications as the proposals are aimed at facilitating a smooth but robust procedure for facilitating the budget setting process through both the February Strategy, Finance & City Regeneration Committee and Budget Council.

Finance officer consulted: Nigel Manvel

Date consulted 26.01.22

#### **8. Legal implications**



- 8.1 The legal implications of not setting a budget are outlined in appendix 2 to the report and will need to be borne in mind at the Budget council meeting on the 22 February 2024.

Lawyer consulted: Abraham Ghebre-Ghiorghis Date consulted 24.01.24

## **9. Equalities implications**

- 9.1 The protocol has been drawn up to enable a full discussion of the budget and for all Members who wish to participate in the debate and budget setting process.
- 9.2 The budget reports that will be considered at the meetings will include equalities impact assessments as appropriate.

## **10. Sustainability implications**

- 10.1 The protocol is proposed primarily to ensure the smooth running of the Budget Council meeting and to enable the budget to be set rather than having to reconvene the meeting on another day which would then have an impact in terms of the resources required for a further meeting.

## **11. Crime & disorder implications:**

- 11.1 There are no crime & disorder implications associate with the report.

### **Public health implications:**

- 11.2 There are no public health implications associated with the report.

## **Supporting Documentation**

### **1. Appendices**

1. Budget protocol for 8 February 2024 Strategy, Finance & City Regeneration Committee and 22 February 2024 Budget Council meeting
2. Setting a lawful budget for 22 February 2024 Budget Council meeting



## Proposed Budget Protocol 2024/25

- 1.1 The proposed budget protocol for setting the 2024/25 Council Tax, General Fund and Housing Revenue Account Revenue and Capital Budget is as set out below.
- 1.2 For the February Strategy, Finance & City Regeneration Committee:
  - (i) Budget Amendments shall not be allowable at the February Strategy, Finance & City Regeneration Committee. For the avoidance of doubt this does not apply to reports referred to the SFCR Committee by Service Committees including any referred Fees & Charges reports, the HRA budget (recommended by Housing Committee), or any other decision referred or recommended to Strategy, Finance & City Regeneration Committee by another committee.
- 1.3 For Budget Council:
  - (i) Each recognised political Group shall be allowed a maximum of 4 Budget Amendments.
  - (ii) All proposed amendments must have been received by finance officers no later than 10 working days before Budget Council (i.e. by 12 noon on Thursday 8 February 2024).
  - (iii) All amendments will have had to have been assessed and evaluated by finance officers and the relevant Executive Director no later than 12 noon 5 working days before Budget Council. (i.e. by 12 noon Thursday 15 February 2024).
  - (iv) The Chief Executive, Chief Finance Officer and Monitoring Officer will have final sign-off and will not normally allow an amendment where a proposal is not considered to be robust or viable for one of the following reasons:
    - a. The proposal is legally unsafe and/or carries an exceptionally high risk of non-delivery;
    - b. There is insufficient evidence or information to assess the potential net saving;
    - c. The proposal is adding to, or bringing forward, an existing saving without further information as to how this can be achieved;
    - d. The alternative proposal requires one-off investment, additional organisation capacity, and/or loan financing that cannot be supported;
    - e. The alternative proposal is beyond the powers and duties of the local authority.
  - (v) The Mayor will refuse to accept any amendment that has not been “signed off” by the Chief Executive, Chief Finance Officer and Monitoring Officer.
  - (vi) All amendments will be treated in strictest confidence by finance officers and other such officers that the Chief Executive, Chief Finance Officer or Monitoring Officer need to consult in order to assess and evaluate an

amendment. They will not be shared until the designated time detailed in (viii) below.

- (vii) All amendments will be shared **at 12noon on Monday 19 February 2024** between the Group Leaders by the Monitoring Officer or their nominated officer (usually the Head of Democratic Services).
- (viii) A Whips meeting will be arranged following the sharing of amendments for the afternoon of **Monday 19 February 2024** with the Monitoring Officer and Head of Democratic Services so that any matters relating to the Budget Council meeting on the 22 February and the recently circulated amendments can be discussed.
- (ix) The Chief Executive shall have a “brokering” role if this would appear to facilitate agreement on particular amendments or proposals.
- (x) There will be a meeting of Group Leaders (attended by the Chief Executive, the Chief Finance Officer and other relevant officers) **at 3:00pm on Wednesday 21 February 2024** with a view to exploring the potential for any agreement on proposed amendments (i.e. the potential for amendments to be re-packaged as ‘composite’ or ‘All-Party’ amendments).
- (xi) Any variations to the amendments or any new amendments arising from the Group meetings shall be limited to grouping and repackaging of amendments or other changes providing that they do not, in the opinion of the Chief Finance Officer, involve significant costing or evaluation that cannot reasonably be done within the available timescale.
- (xii) In the event that Council fails to set the Council Tax on the 22 February 2024, a further meeting would need to be held prior to 10 March and a reserve date of **Tuesday 27 February 2024** is being held for this purpose.

# Legal Advice Note for All Councillors on the Setting of the Council Tax

## Legal, Financial and Practical Consequences of a failure or delay in setting the Council Tax

### 1 Summary

- 1.1 The local authority has a legal duty to set a lawful budget in time.
- 1.2 Members jointly and severally (collectively and individually) have a fiduciary duty to Council Tax payers.
- 1.3 This means they have a duty to facilitate, rather than obstruct, the setting of a lawful budget, a process that requires flexibility and compromise.
- 1.4 Failure to set a lawful budget in time can lead to a loss of revenue, significant additional administrative costs and reputational damage.
- 1.5 Failure to set a lawful budget may lead to intervention from the Secretary of State under section 15 of the Local Government Act 1999 (as previously seen in authorities in relation to a failure of governance.)
- 1.6 It may give rise to personal liability for individual Members for misfeasance in public office, negligence or breach of statutory duty.
- 1.7 This legal note explains the position in more detail and makes practical suggestions for all Members' consideration and guidance.

### 2 The Legal Duty

- 2.1 Section 30(6) of the Local Government Finance Act 1992 provides that the Council has to set its budget before 11 March in the financial year preceding the one in respect of which the budget is set. This means the Council has a duty to set the 2024/25 budget before 11 March 2024.
- 2.2 If the budget is set after that date, the Act says the failure to set a budget within the deadline does not, in itself, invalidate the budget. However, such delay may have significant financial, administrative and legal implications, including potential individual liability of any Member who contributed to the failure to set a budget.
- 2.3 Section 66 of the 1992 Act provides that failure to set a Council tax (or delay in setting a Council tax) shall not be challenged except by an application for judicial review. The Secretary of State and any other person with an interest or "standing" may apply for a judicial review.

### 3 Financial Implications of Delay

- 3.1 A delay in setting the Council Tax means a delay in collecting the tax due not only to the council, but also the precepting authorities such as the Police, Fire Service and others such as the parish council on whose behalf the council acts as a collection authority.

- 3.2 The council has a legal duty to provide a range of statutory services (such as children’s social care services, adult social care, etc.) and is not absolved from its duty because of the late setting of the tax. It also has to pay the monies due to the precepting authorities (such as Fire Service and the Police) whether or not it collects any Council Tax.
- 3.3 One significant point that Members need to be aware of is that a delay in setting the budget may affect the council’s ability to enter into new agreements with significant financial commitments until and unless the budget is agreed. Otherwise, these would be unfunded commitments and therefore potentially unlawful.
- 3.4 Even if the Council sets the budget by 10 March but later than the planned February Budget Council meeting, there is still likely to be some disruption to the administrative arrangements (such as printing, posting, delivery of bills) that will have cost implications.

#### **4 Duty to take the advice of the Section 151 Chief Financial Officer**

- 4.1 Sections 25 to 29 of the Local Government Act 2003 impose duties on the council in relation to how it sets and monitors its budget. These provisions require the council to make prudent allowance for the risk and uncertainties in its budget and regularly monitor its finances during the year. The legislation leaves discretion to the council about the allowances to be made and action to be taken.
- 4.2 Section 25 also requires the Council’s Section 151 Chief Financial Officer to make a report to full Council when it is considering its budget and council tax. The report must deal with the robustness of the estimates and the adequacy of the reserves allowed for in the budget proposals, so that members will have authoritative advice available to them when they make their decisions.
- 4.3 The section requires Members to have regard to the report in making their decisions. Any decision that ignores this advice, including the implications of delay, is potentially challengeable.

#### **5 Section 114 Report and the Prohibition Period**

- 5.1 Section 114 of the Local Government Finance Act 1988 puts an obligation on the Section 151 Officer (the Chief Finance Officer) to issue a report “if it appears to him or her that the expenditure (including proposed expenditure) is likely to exceed the resources (including borrowing) available to the council.” He would also be under a similar obligation if he became aware of a course of action which, if pursued, would be unlawful and likely to cause loss or deficiency on the part of the authority. The S151 Officer has to consult the Chief Executive and the Monitoring Officer before considering issuing a S114 report. If it is determined that a report should be issued, the Department of Levelling-Up, Housing & Communities must also be consulted before issuing the report.
- 5.2 If such a report were issued, a copy of it must be sent to the council’s external auditor and every Member of the Council. Full Council must consider the report within 21 days at a meeting where it must decide whether it agrees or disagrees with the views contained in the report and what action (if any) it

proposes to take. Between the issuing of the report and the day after the meeting (“the probation period”) the council is precluded from entering into new agreements involving the incurring of expenditure except in certain limited circumstances where expenditure can be authorised by the Chief Finance Officer. The legislation also provides that during the prohibition period “the course of conduct which led to the report being made shall not be pursued.” Failure to take appropriate action in response to such a report may lead to the intervention of the council’s auditor.

## **6 Monitoring Officer Report**

- 6.1 Section 5 of the Local Government & Housing Act 1989 imposes on the Monitoring Officer an obligation similar to that of the S151 Officer with the same consequences if it appears to him/her that what the Council has done or is proposing to do is likely to contravene a rule of law or any code of practice made or approved by or under any enactment or maladministration. The Monitoring Officer is also under a duty to warn Members of the consequences under the Code of Conduct for Members.
- 6.2 The Section 114 and Section 5 reports may be joint or separate and, if separate, they may be issued concurrently or at different times.

## **7 Code of Conduct Consequences**

- 7.1 The Localism Act 2011 imposes a duty on Members to abide by the Code of Conduct for Members. In interpreting the Code, regard must be had to the General Principles of Public Life, including the requirement that they should make decisions in accordance with the law.
- 7.2 Members have an active duty to ensure that the Council sets a lawful budget. Voting against proposals repeatedly, knowing that the result means no lawful budget will be set, is incompatible with Members’ obligations under the Code as it is bound to bring the council into disrepute.

## **8 Personal Liability of Members**

- 8.1 Notwithstanding the abolition of surcharges, if a Member’s wilful misconduct is found to have caused loss to the council, the Member may be liable to make good such loss under the principle approved by the House of Lords in *Porter v Magill.1 (2002)*.
- 8.2 Depending on the exact role played by a Member, and the seriousness of the loss incurred, a Member could, in principle, be guilty of the tort and crime of misfeasance in public office. The indemnity cover that Members are provided with by the Council does not include actions that constitute an offence or are reckless.
- 8.3 It is also possible (in theory) for a Member to be liable in negligence and or breach of statutory duty.
- 8.4 It must be pointed out that one would probably need to prove that what the Member/s were doing was deliberate or reckless and involved persistent failure to facilitate the setting of a lawful budget before it attracts liability of the sort referred to in the preceding paragraphs. The longer the setting of a

budget is delayed, and the more repeatedly the Member/s “blocks” the setting of a lawful budget, the more likely for the liability to arise.

## **9 Intervention by the Secretary of State**

- 9.1 The Local Government Act 1999 imposes a duty on the council “...to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”
- 9.2 Section 15 of the Act gives the Secretary of State the power to intervene and take a range of measures. The powers of the Secretary of State are very extensive and include: (a) Directing the council to take any action which he/she considers necessary or expedient to secure its compliance with the requirements of this Part (for example, setting a budget by a specified date); (b) The Secretary of State, or a person nominated by him/her, exercising the council’s functions (such as setting the Council tax) for a period specified in the direction or for so long as the Secretary of State considers appropriate, and (c) Requiring the council to comply with any instructions of the Secretary of State or their nominee in relation to the exercise of that function and to provide such assistance as the Secretary of State or their nominee may require for the purpose of exercising the function.
- 9.3 If the Secretary of State decides to intervene on the issue of setting the Council Tax, he/she need not set the full budget and could, for example, direct the Council to set a budget at a specified Council Tax level by a set date, leaving the council to work out the detailed savings for each service.
- 9.4 The Secretary of State is expected to exercise the powers after consulting the local authority and it usually follows a report from external auditors, by an inspector appointed by the Secretary of State, by Ofsted or similar body, although this is not a requirement in cases of urgency. The measure is stated to be one of last resort and is, itself, challengeable by way of judicial review. The National Audit Office and External Auditors use certain guidance in deciding whether to refer a local authority to the Secretary of State to use his powers under section 15. These include cases where there are:
- Serious service failures in an authority that could result in danger or harm to the public;
  - Persistent failures by an authority to address recommendations made by inspectors or auditors;
  - Serious failures in a number of services in an authority, which reveal fundamental weaknesses in an authority’s corporate capacity to manage services and make improvements;
  - Serious failures in corporate governance arrangements or capacity whether or not there is serious service failure; and
  - Other circumstances that demonstrate a serious or persistent failure to comply with the requirements of Part 1 of the Local Government Act 1999, which includes the requirement that authorities make arrangements to secure continuous improvement in the exercise of their functions.



- 9.5 The Secretary of State has exercised the powers under section 15 by intervening in a number of authorities including Hackney LBC, Doncaster Council, Tower Hamlets LBC, Northamptonshire CC, Thurrock LBC and Liverpool City Council for failure to comply with the best value duty. These same powers would be available to the Secretary of State if he/she is of the view that there is failure on the part of the Council to set a budget expeditiously resulting in or risking financial loss or failure in services.
- 9.6 It is unlikely that the Secretary of State would intervene and set a budget for the council immediately after the 11 March deadline passes. There is also no certainty that he/she would necessarily do so until matters reach a much more serious point. This is because:
- (a) Section 30 (6) of the Local Government Finance Act 1992 provides that that failure to set a Council tax by the deadline shall not invalidate the Council Tax;
  - (b) Section 66 of the Act provides that any failure to set the Council Tax shall not be questioned otherwise than by way of an application for judicial review;
  - (c) The exercise of the Section 15 powers require a much more serious, systematic and persistent failure of governance. The current financial and other governance and service delivery position of the council is far from approaching the failings identified in those authorities where Section 15 powers have been exercised. The council has not been issued with any Public Interest reports and the latest Annual Report by the External Auditor (2021/22) has not identified any weaknesses in governance.
- 9.7 Given the complexity of setting a budget (the Secretary of State will have to do the same calculations and assessments the council has) it is not a straightforward process and it is questionable if the Secretary of State or a person nominated by them could do it quicker. He/she is more likely to give directions for the council to set its budget by a particular date and take particular steps and within specified parameters rather than setting it themselves.

## **10 Reputational damage**

- 10.1 Whatever its political make up or whatever the local challenges, the council has had a strong financial and corporate governance reputation. Failure to set a Council Tax and any intervention by the Secretary of State whether formal, informal or even references to failure to set the tax will have significant adverse impact on the council's reputation locally and nationally. This is not simply a theoretical concept, it has real practical impact in terms of investor confidence, peoples' preparedness to work with the council and even on Council Tax collection rates as residents may see the council as wasteful, procrastinating and/or inefficient. Reputation and credibility is hard to earn but, once lost, can be difficult to regain.

## **11 Practical Advice to Members**

- 11.1 The council as a corporate body, and Members (both individually and collectively), have a fiduciary duty to Council Tax payers to avoid doing

anything that would result in loss of revenue or failure to deliver services. In addition to Members' legal obligations, they also have the moral and democratic obligation to set the budget on behalf of the people who elected them.

- 11.2 There is always a tension between Members' desire to vote for what they believe to be the right decision on the one hand and the legal obligation to set a lawful budget on time and avoid any loss to the council on the other. Each budget setting round has its own dynamics and permutations, and it is difficult to generalise as to what a Member should do. At the risk of oversimplification, a suggested practical approach would be:
- (a) Members should always strive to facilitate, rather than frustrate, the setting of a lawful budget;
  - (b) When the council is under No Overall Control, all recognized Groups and each Member should, where possible, try to reach compromise and agreement beforehand so as to deliver a lawful budget with majority support on time. If there is failure to reach agreement, then, until it becomes clear that the Council may not be able to agree a budget, Members are free to vote as they see fit;
  - (c) If it becomes clear (for example as a result of an initial vote) that there is no majority support for any budget but there is a realistic prospect of such an agreement if Members are given additional time for negotiation, then Members should consider a short adjournment, or adjournment to another day, whichever is more appropriate. This would be informed by the advice from the Chief Executive after checking with Group Leaders, particularly in a No Overall Control period, and the advice from the S151 Chief Finance Officer and the Monitoring Officer.
  - (d) If Members do not consider that an adjournment would resolve the impasse or there has been an adjournment and no agreement reached that could deliver a majority, then officers' advice would be:
    - i. To identify composite amendments (amendments that have cross party-support) and for all Members to vote for these amendments;
    - ii. When it comes to the substantive vote, for Members who support the Strategy, Finance & City Regeneration Committee proposals (with any composite amendment/s) to vote for the proposal;
    - iii. For Members who do not support the proposal, but are unable to secure a majority for an alternative/amendment budget, to support the substantive budget as amended, or, at least, abstain;
    - iv. In the event of Strategy, Finance & City Regeneration Committee failing to agree on a recommendation to Budget Council, the reference in the preceding sub-paragraphs to "Strategy, Finance & City Regeneration proposals" shall read as referring to the recommendations of the Chief Finance Officer as presented in the report to the Strategy, Finance & City Regeneration Committee and Budget Council.

This would ensure that the Council sets a lawful budget and avoids the damaging legal and practical consequences discussed above as well as keeping the setting of taxes locally and preserve the council's governing reputation.

- 11.3 The above advice is based on the fact that, unlike other times when a proposal that fails to gain the support of a majority of Members simply falls and the status quo prevails, the status quo is not a legal option when it comes to the budget. The nearest legal option the Council has to a status quo will normally be the Strategy, Finance & City Regeneration Committee proposals.

## **12 Conclusion**

- 12.1 The Council has a duty to set a lawful budget by 10 March.
- 12.2 Each Member has an obligation to facilitate, rather than frustrate, the setting of a lawful budget in time.
- 12.3 Failure to discharge that duty may leave Members at risk of breaking the Code of Conduct for Members and possibly expose them to legal liability.
- 12.4 It is also possible that, if there is a prolonged delay, the Secretary of State may exercise his/her powers under Section 15 of the Local Government Act 1999 to step in and make the decision or ask another person to do so, which would damage the council's governing reputation.
- 12.5 If, after all reasonable attempts are made, it is not possible to find a majority support for any budget (i.e. unable to 'get the budget through') then the most appropriate thing to do, in officers' view, would be for Members who support the Strategy, Finance & City Regeneration Committee recommendations to vote for the recommendations and those who do not support the Strategy, Finance & City Regeneration Committee proposals (with composite amendments) to vote for the budget, or at the very least abstain, unless they are in a position to put forward alternative proposals that have majority support.



# Brighton & Hove City Council

**Council**

**Agenda Item 85**

**Subject:** Council Tax premiums on second homes

**Date of meeting:** 1 February 2024

**Report of:** Executive Director Governance People & Resources

**Contact Officer:** Anthony Soyinka  
Email: anthony.soyinka@brighton-hove.gov.uk

**Ward(s) affected:** All

**1. Action required of Council:**

To receive the report and Minute extract from the Strategy, Finance & Regeneration Committee held on 25 January 2024 and agree the recommendations.

**2. Recommendations**

**That Council:**

- 2.1 Adopts the recommendation of Strategy, Finance & City Regeneration Committee at para 2.2 in the report formally approves the recommendation that a new 100% Council Tax premium be applied to empty furnished properties (second homes) from 1 April 2025.



# Brighton & Hove City Council

## Strategy, Finance & City Regeneration Committee

## Agenda Item 92

**Subject:** Council Tax Premiums on Second homes and Long-term Empty Properties

**Date of meeting:** Strategy, Finance & Regeneration Committee: 25<sup>th</sup> January 2024  
Full Council: 1<sup>st</sup> February 2024

**Report of:** Chief Finance Officer

**Contact Officer:** Name: Graham Bourne  
Email: [Graham.Bourne@brighton-hove.gov.uk](mailto:Graham.Bourne@brighton-hove.gov.uk)

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 The Levelling-up & Regeneration Bill achieved Royal assent on 26<sup>th</sup> October 2023.
- 1.2 The Levelling-up & Regeneration Act ('the Act') is wide ranging, including devolution provisions across England, and enhancements to Local Authorities' abilities to move forward regeneration schemes.
- 1.3 The Act also allows councils to:
  - i) Levy a Council Tax premium on second homes of up to 100% subject to formal full Council approval one year in advance of introducing the levy, and;
  - ii) Levy a Council Tax premium on empty properties at an earlier point (reducing from two years to one year) from 1 April 2024.
- 1.4 Under Section 11C (3) of the Act, any decision to impose a new class of premium must be taken at least 12 months before the financial year in which it would apply. Billing Authorities intending to adopt a premium on second homes are therefore required to make that decision before 31 March 2024, in order for the premium to come into effect on 1 April 2025.
- 1.5 Approval, in principle, was obtained at full Council on 23 February 2023<sup>1</sup> to consideration of introducing a 100% premium on second homes, subject to an officer report being provided to Policy & Resources Committee (now SFCR committee) as soon as practicably possible following Royal Assent of the relevant legislation. This reports meets this requirement and seeks

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<sup>1</sup> Council Meeting 23 February 2023, Item 122, General Fund Revenue Budget, Capital & Treasury Management Strategy 2023/24, Recommendation 3.1 viii). ([Subject: \(brighton-hove.gov.uk\)](http://brighton-hove.gov.uk))

formal committee approval of the intended policy to apply increased council tax premiums on second homes.

- 1.6 In summary, for this council to introduce a second homes premium, a new class of premium, full Council must formally approve this proposal before 31 March 2024 for it to be in place from 1 April 2025.
- 1.7 It is therefore proposed that SFCR Committee recommend to full Council that it approves the proposal to levy the second homes premium at the maximum level permitted from the earliest point in time namely 1 April 2025.
- 1.8 This committee is asked at the same time to approve the application of the empty properties levy once a property has been empty for one year (as opposed to two years) from 1 April 2024 onward, in line with powers made available under the new Act.

## **2. Recommendations**

### **Strategy, Finance & City Regeneration Committee:**

- 2.1 That the Strategy, Finance & City Regeneration Committee approves the proposal to apply the current 100% premium applicable to long-term empty and unfurnished properties after one year instead of two years from 1 April 2024 as permitted by the Levelling Up & Regeneration Act 2023.
- 2.2 That the Strategy, Finance & City Regeneration Committee recommends to full Council that it formally approves the recommendation that a new 100% Council Tax premium be applied to empty furnished properties (second homes) from 1 April 2025.

### **Full Council:**

- 2.3 That full Council adopts the recommendation of Strategy, Finance & City Regeneration Committee at para 2.2 above and formally approves the recommendation that a new 100% Council Tax premium be applied to empty furnished properties (second homes) from 1 April 2025.

## **3. Context and background information**

### **Premiums on second Homes and Long-Term Empty Properties**

- 3.1 Note that Long-Term Empty properties are unoccupied, unfurnished properties. Second Homes are generally furnished second homes (e.g. an example may be someone who works and lives in geographically different places and has a home in each).
- 3.2 In May 2022 Government published the Levelling Up and Regeneration Bill, which includes proposals to further discourage the holding of empty properties via the application of council tax premiums, as well as measures that recognise the impact that high levels of second homes can have in some areas.



- 3.3 Historically, up until 2015 second homes effectively benefited from a reduced council tax charge. However, at that point the Council resolved to remove the discretionary discount and a full charge was applied. The enactment of the Levelling Up and Regeneration bill has provided billing authorities with the powers to apply a premium to second homes for the first time.
- 3.4 Additionally, the Levelling Up and Regeneration Act allows the City Council to reduce the minimum period for the implementation of a council tax premium for long-term empty unfurnished properties from two years to one year. In effect, after one year of a property being classified as empty, the council tax charge can increase from 100% to 200%.
- 3.5 There are exemptions to the premiums being applied that account for exceptional circumstances, for example, annexes forming part of, or being treated as part of, a main dwelling.

#### 4. Analysis and consideration of alternative options

- 4.1 Applying a premium to second homes and empty properties allows councils to raise additional revenue and to acknowledge the impact that second and empty homes can have on communities and housing supply. In the case of empty properties, this may incentivise property owners to bring properties back into use.
- 4.2 Initial analysis indicates that the application of a 100% premium on second homes could increase the level of collectable council tax by approximately £2.9 million from 2025/26 onward based on the current number of second homes and assuming there is no behavioural change. The table below shows the full council tax including precepts from Police and Fire authorities:

<b>Council Tax Band</b>	<b>Number of second homes</b>	<b>Current 100% charge £m</b>	<b>Second home premium applied</b>
A	273	0.405	0.810
B	293	0.508	1.016
C	273	0.541	1.082
D	247	0.550	1.100
E	184	0.501	1.002
F	57	0.183	0.366
G	50	0.186	0.372
H	8	0.036	0.072
<b>Total</b>	<b>1,385</b>	<b>2.910</b>	<b>5.820</b>

- 4.3 Where previously there has been no incentive for property owners to differentiate between second homes and primary homes, the introduction of the additional premium will lead to the provision of more accurate information and, inevitably, an increase in avoidance behaviours. This is anticipated to result in some reduction of the numbers of properties categorised as second homes.

- 4.4 Similarly, there may be positive and negative behaviours as a result of the changes to the long-term empty property premium. Positive in terms of accelerating actions to bring homes back into use and negative in terms of increasing avoidance behaviour. Based on current data, the application of the long-term empty premium after one year instead of two, could increase Council Tax revenues by circa £0.913m from 2024/25 onward. The council's share equates to £0.766m. Taking account a prudent estimate for behavioural changes, a net increase in council tax of £0.500m will be incorporated into the council tax base for 2024/25.

<b>Council Tax Band</b>	<b>Potential number of empty properties that will become subject to premium on 01/04/24</b>	<b>Current 100% Charge £ m</b>	<b>With premium applied £ m</b>
A	107	0.159	0.318
B	112	0.194	0.388
C	121	0.240	0.480
D	52	0.116	0.232
E	47	0.128	0.256
F	12	0.039	0.078
G	10	0.037	0.074
H	0	0	0
<b>Total</b>	<b>461</b>	<b>0.913</b>	<b>1.826</b>

## **5. Community engagement and consultation**

- 5.1 The Government consulted with local authorities on circumstances where properties could be exempted from the empty homes or second home premiums between the 6<sup>th</sup> July and 31<sup>st</sup> August 2023, before finalising the Act referred to here.
- 5.2 The Act does not require councils to consult formally with residents, homeowners or council Taxpayers before using the powers which form the basis of the proposals made here.

## **6. Conclusion**

- 6.1 The Act offers councils the option, as Council tax billing authorities, to charge a premium on second homes and to reduce the time period before applying a premium to long-term empty properties. It is recommended that both of the proposals are applied to the maximum extent possible, as soon as possible, to further incentivise owners to bring properties back into use and to provide much needed revenue to secure the provision of essential local services to residents.

## **7. Financial implications**

- 7.1 The implementation of the empty property premium after 1 year is estimated to generate £0.500m additional revenue for this council, after a prudential

adjustment for behavioural changes, and this is included in the taxbase report elsewhere on this agenda and will support the 2024/25 budget.

- 7.2 The Council Tax premium for second homes is estimated to generate £2.910m from 2025/26 of which this council's share would be £2.443m. However, this does not take into account any behavioral changes which will become apparent during 2024/25 as this change becomes more widely known. As a working assumption an estimated increase in council tax income of £1.600m will be included in the Medium-term Financial Plan for 2025/26 and will be subject to review when setting the tax base in January 2025.

Finance officer consulted: James Hengeveld Date consulted:04/01/2024.

## **8. Legal implications**

The Levelling Up & Regeneration Act 2023 amends the Local Government Finance Act 1992 in the terms described in this Report, namely by allowing billing authorities the discretion for the purposes of levying Council Tax to a) treat as long-term empty dwellings properties which are empty for a minimum period of one year (as opposed to two) and/or b) to apply a new levy of up to 100% additional Council Tax in relation to dwellings occupied only periodically. If they choose to exercise either discretionary power, then billing authorities are required to have regard to any guidance issued by the Secretary of State. Regulations may furthermore be made limiting the application of this provision relating to periodically occupied properties, or 'second homes'.

- 9.1 The Act specifies the process be followed where billing authorities decide to make a determination in relation to b) (the new levy). This process requires a decision to be made by full Council by the end of this current financial year where there is an intention to levy the increased charge from 1st April 2025. It further includes the requirement that notice be published in one or more newspaper.

Lawyer consulted: Victoria Simpson Date consulted: 4.1.24

## **9. Equalities implications**

- 9.2 No significant local data is held in relation to the characteristics of second home owners, however, national data provided by government in respect of 'An English Housing Survey 2021 to 2022: second homes - fact sheet' is included at Appendix 1 and an Equality Impact Assessment is provided at Appendix 2.

## **10. Sustainability implications**

- 10.1 None Identified in this report.

## **Social Value and procurement implications**

- 11.1 The premiums are designed to incentivise owners to bring properties back into use earlier than might otherwise be the case. This could improve the supply of housing in the city, bringing a range of social value benefits associated with any measure that may relieve pressure on housing demand, which remains very high in the city.

### **Supporting Documentation**

1. English Housing Survey 2021 to 2022: second homes- fact sheet undertaken by the Government. [English Housing Survey 2021 to 2022: second homes - fact sheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107112/English_Housing_Survey_2021_to_2022_second_homes_fact_sheet.pdf)
2. Equality Impact Assessment (EIA)

## Equality Impact Assessment – Council Tax Premia on Empty Properties

### 1. Assessment details

<b>Name of activity or proposal being assessed:</b>	<b>Assessment of Council Tax Second Home and Empty Property premiums</b>
<b>Directorate:</b>	Governance, People & Resources (GPR)
<b>Service:</b>	Welfare, Revenues and Business Support
<b>Team:</b>	Revenues (Council Tax)
<b>Is this a new or existing activity?</b>	<p>This is both a change and a new activity –</p> <p>A change in existing activity for empty properties – currently a premium is applied 2 years after a property becomes empty, this is changing to 1 year with effect from 1<sup>st</sup> April 2024.</p> <p>New- Second homes do not currently attract a premium, if approved at committee and full council before 31<sup>st</sup> March 2024 a 100% premium will be added to their Council Tax account after 12 months, so with effect from 1<sup>st</sup> April 2025.</p>
<b>Are there related EIAs that could help inform this EIA? Yes or No (If Yes, please use this to inform this assessment)</b>	Yes, there was a related EIA produced in 2012.

### 2. Contributors to the assessment (Name and Job title)

<b>Responsible Lead Officer:</b>	<b>Annie Brown</b>
<b>Accountable Manager:</b>	Graham Bourne
<b>Additional stakeholders collaborating or contributing to this assessment:</b>	

### 3. About the activity

Briefly describe the purpose of the activity being assessed:

Implementation of new National & Billing authority legislation to introduce Council Tax Premiums on second homes and properties that remain unoccupied and unfurnished for periods exceeding 1 year, as detailed in the Government's levelling Up and Regeneration Bill (the bill).

What are the desired outcomes of the activity?

The proposals will generate additional Council Tax revenue, facilitating the delivery of essential front-line services within Brighton and Hove. The key rationale for the recommendation is to:

- . Incentivise the occupation of empty properties.
- . Discourage, or generate additional income from, second home ownership in order to ensure the supply of homes to meet local housing needs.

Which key groups of people do you think are likely to be affected by the activity?

Service users and the wider community
---------------------------------------

#### 4. Consultation and engagement

What consultations or engagement activities have already happened that you can use to inform this assessment?

- For example, relevant stakeholders, groups, people from within the council and externally consulted and engaged on this assessment. **If no consultation** has been done or it is not enough or in process – state this and describe your plans to address any gaps.

5.1	The Act does not require formal consultation with residents or Taxpayers. The Government consulted with local authorities on circumstances where properties could be exempted from the empty homes or second home premiums between the 6 <sup>th</sup> July and 31 <sup>st</sup> August 2023.
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#### 5. Current data and impact monitoring

Do you currently collect and analyse the following data to enable monitoring of the impact of this activity? Consider all possible intersections.

The Council Tax does not collect any of this demographic data

<b>Age</b>	For council tax purposes we ask for the names of all residents over 18 in each property.
<b>Disability and inclusive adjustments, coverage under equality act and not</b>	NO
<b>Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers)</b>	NO
<b>Religion, Belief, Spirituality, Faith, or Atheism</b>	NO
<b>Gender Identity and Sex (including non-binary and Intersex people)</b>	NO
<b>Gender Reassignment</b>	NO
<b>Sexual Orientation</b>	NO
<b>Marriage and Civil Partnership</b>	NO
<b>Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)</b>	NO
<b>Armed Forces Personnel, their families, and Veterans</b>	NO
<b>Expatriates, Migrants, Asylum Seekers, and Refugees</b>	NO
<b>Carers</b>	NO
<b>Looked after children, Care Leavers, Care and fostering experienced people</b>	NO
<b>Domestic and/or Sexual Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)</b>	NO

<b>Socio-economic Disadvantage</b>	NO
<b>Homelessness and associated risk and vulnerability</b>	NO
<b>Human Rights</b>	NO
<b>Another relevant group (please specify here and add additional rows as needed)</b>	NO

**Additional relevant groups that may be widely disadvantaged and have intersecting experiences that create exclusion and systemic barriers may include:**

- Ex-offenders and people with unrelated convictions
- Lone parents
- People experiencing homelessness
- People facing literacy and numeracy barriers
- People on a low income and people living in the most deprived areas
- People who have experienced female genital mutilation (FGM)
- People who have experienced human trafficking or modern slavery
- People with experience of or living with addiction and/ or a substance use disorder (SUD)
- Sex workers

If you answered “NO” to any of the above, how will you gather this data to enable improved monitoring of impact for this activity?

No local data is held by the Council Tax team on the protected characteristics of owners of Second homes, or who own empty properties. General data held for England has been reviewed. [English Housing Survey 2021 to 2022: second homes - fact sheet - GOV.UK \(www.gov.uk\)](#)  
This shows that couples without children make up the highest percentage of those with second homes. No impact on protected groups have been identified from the data we hold.

What are the arrangements you and your service have for monitoring, and reviewing the impact of this activity?

Monitoring through Customer contact and regular reviewing. Date to be set (following full council decision)

## 6. Impacts

### 5.1 Age

<b>Does your analysis indicate a disproportionate impact relating to any particular Age group? For example: those under 16, young adults, with other intersections.</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.2 Disability:**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Disability</a>, considering our <a href="#">anticipatory duty</a>?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

What [inclusive adjustments](#) are you making for diverse disabled people impacted? For example: D/deaf, deafened, hard of hearing, blind, neurodivergent people, those with non-visible disabilities, and with access requirements that may not identify as disabled or meet the legal definition of disability, and have various intersections (Black and disabled, LGBTQIA+ and disabled).

**5.3 Ethnicity, ‘Race’, ethnic heritage (including Gypsy, Roma, Travellers):**

<b>Does your analysis indicate a disproportionate impact relating to ethnicity?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.4 Religion, Belief, Spirituality, Faith, or Atheism:**

<b>Does your analysis indicate a disproportionate impact relating to Religion, Belief, Spirituality, Faith, or Atheism?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.5 Gender Identity and Sex:**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Gender Identity</a> and <a href="#">Sex</a> (including non-binary and intersex people)?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**



Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.6 Gender Reassignment:**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Gender Reassignment</a>?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.7 Sexual Orientation:**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Sexual Orientation</a>?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.8 Marriage and Civil Partnership:**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Marriage and Civil Partnership</a>?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.9 Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum):**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)</a>?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

#### 5.10 Armed Forces Personnel, their families, and Veterans:

**Does your analysis indicate a disproportionate impact relating to Armed Forces Members and Veterans?**

We do not hold this data

#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

#### 5.11 Expatriates, Migrants, Asylum Seekers, and Refugees:

**Does your analysis indicate a disproportionate impact relating to Expatriates, Migrants, Asylum seekers, Refugees, those New to the UK, and UK visa or assigned legal status? (Especially considering for age, ethnicity, language, and various intersections)**

We do not hold this data

#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

#### 5.12 [Carers](#):

**Does your analysis indicate a disproportionate impact relating to [Carers](#) (Especially considering for age, ethnicity, language, and various intersections).**

We do not hold this data

#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

#### 5.13 Looked after children, Care Leavers, Care and fostering experienced people:

**Does your analysis indicate a disproportionate impact relating to Looked after children, Care Leavers, Care and fostering experienced children and adults (Especially considering for age, ethnicity, language, and various intersections).**

We do not hold this data

<b>Also consider our <a href="#">Corporate Parenting Responsibility</a> in connection to your activity.</b>	
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.14 Homelessness:**

<b>Does your analysis indicate a disproportionate impact relating to people experiencing homelessness, and associated risk and vulnerability? (Especially considering for age, veteran, ethnicity, language, and various intersections)</b>	Yes - Positive
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Potential Positive impact - The premiums are designed to incentivize owners to bring properties back into use earlier than might otherwise be the case. This could improve the supply of housing in the city, bringing a range of social value benefits associated with any measure that may relieve pressure on housing demand, which remains very high in the city.

**5.15 Domestic and/or Sexual Abuse and Violence Survivors, people in vulnerable situations:**

<b>Does your analysis indicate a disproportionate impact relating to Domestic Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.16 Socio-economic Disadvantage:**

<b>Does your analysis indicate a disproportionate impact relating to Socio-economic Disadvantage? (Especially considering for age, disability, D/deaf/ blind, ethnicity, expatriate background, and various intersections)</b>	Yes - Positive
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Potential positive impact - Increasing housing supply locally, and bringing empty properties back into the currently short supply of local private rental sector, has the potential to benefit a broad spectrum of groups who have protected characteristics, or who have been particularly impacted by the shortage of affordable homes in the city, including but not limited to:

- Those of working age and on relatively low incomes who are adversely impacted by the ‘rent gap’.
- Those with specific mobility issues who may struggle to find accommodation, which is both affordable, and suitable, according to their needs.
- Those who require alternative accommodation because they have been subject to domestic violence, abuse or harassment.
- Local residents who have refugee status

**5.17 Human Rights:**

<b>Will your activity have a disproportionate impact relating to Human Rights?</b>	We do not hold this data
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**5.17 Cumulative, multiple intersectional, and complex impacts (including on additional relevant groups):**

**What cumulative or complex impacts might the activity have on people who are members of multiple Minoritised groups?**

- For example: people belonging to the Gypsy, Roma, and/or Traveller community who are also disabled, LGBTQIA+, older disabled trans and non-binary people, older Black and Racially Minoritised disabled people of faith, young autistic people.
- Also consider wider disadvantaged and intersecting experiences that create exclusion and systemic barriers:
  - People experiencing homelessness
  - People on a low income and people living in the most deprived areas
  - People facing literacy and numeracy barriers
  - Lone parents
  - People with experience of or living with addiction and/ or a substance use disorder (SUD)
  - Sex workers
  - Ex-offenders and people with unrelated convictions
  - People who have experienced female genital mutilation (FGM)
  - People who have experienced human trafficking or modern slavery

Potential positive impact on homelessness in Brighton & Hove, by bringing properties back into use.

## 7. Action planning

Which action plans have the actions identified in the previous section been transferred to?

The following actions through improved monitoring –

Fair and inclusive Action Plan - will be able to monitor if there is a decrease in second Homes and or empty properties in Brighton or Hove, which will result in more available housing.

Through customer feedback/complaints.

Identify with empty property team how to monitor vulnerability issues in customers with Long-term Empty Properties.

Consider how we help in individual circumstances where protected characteristics are factors.

What SMART actions will be taken to address the disproportionate and cumulative impacts you have identified?

1. SMART Action 1 & 2

- Regularly monitor the number of Second Homes and empty properties in the Brighton & Hove City area.
- Monitor customer feedback and complaints regarding the application of premiums.

2. SMART Action 3 & 4

- Liaise with the empty property team and monitor vulnerability issues in customers with Long-term empty properties.
- Consider how we help in individual circumstances where protected characteristics are factors.

## 8. Outcome of your assessment

What decision have you reached upon completing this Equality Impact Assessment? (Mark 'X' for any ONE option below)

<b>Stop or pause</b> the activity due to unmitigable disproportionate impacts because the evidence shows bias towards one or more groups.	
<b>Adapt or change</b> the activity to eliminate or mitigate disproportionate impacts and/or bias.	
<b>Proceed</b> with the activity as currently planned – no disproportionate impacts have been identified, or impacts will be mitigated by specified SMART actions.	<b>X</b>
<b>Proceed with caution</b> – disproportionate impacts have been identified but having considered all available options there are no other or proportionate ways to achieve the aim of the activity (for example, in extreme cases or where positive action is taken). Therefore, you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	

If your decision is to “Proceed with caution”, please provide a reasoning for this:

**Summarise your overall equality impact assessment recommendations to include in any committee papers to help guide and support decision-making:**

There may be positive and negative behaviours as a result of the changes to the empty property premia. Positive in terms of accelerating actions to bring homes back into use and negative in terms of avoidance behaviours.

There is a realisation that some properties affected are not deliberately kept empty, but that the owners cannot sell or let them for various reasons which are often beyond their control.

Introducing the additional charges could lead to an increase in financial burden in some cases.

Cases where there is an exceptional financial burden will be reviewed on an individual basis, through an established internal panel assessment.

Grand total of all domestic properties in the Valuation list for Brighton & Hove as at 7 January 2024 is 134,925.

Potential amount of empty properties attracting the premium on 1 April 2024 (that would have been empty for at least a year, based on current data ) is 461.

## 9. Publication

All Equality Impact Assessments will be published. If you are recommending, and choosing not to publish your EIA, please provide a reason:

N/A

## 10. Directorate and Service Approval

Signatory:	Name and Job Title:	Date: DD-MMM-YY
Responsible Lead Officer:	Annie Brown	08-01-2024
Accountable Manager:	Graham Bourne	08-01-2024

# Brighton & Hove City Council

**Council**

**Agenda Item 86**

**Subject: Weed Management**

**Date of meeting: 1 February 2024**

**Report of: Executive Director Governance People & Resources**

**Contact Officer: Anthony Soyinka  
Email: anthony.soyinka@brighton-hove.gov.uk**

**Ward(s) affected: All**

**1. Action required of Council:**

To receive and note the report referred for information from the City Environment, South Downs & The Sea Committee meeting on 23 January 2024.





# Brighton and Hove City Council

## City Environment, South Downs & The Sea Committee

## Agenda Item 41

**Subject:** Weed Management

**Date of meeting:** 23 January 2024

**Report of:** Executive Director: Economy, Environment and Culture

**Contact Officer:** Name: Melissa Francis  
Tel: 01273 290697  
Email: [melissa.francis@brighton-hove.gov.uk](mailto:melissa.francis@brighton-hove.gov.uk)

Name: Lynsay Cook  
Tel: 07592 103604  
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**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 The purpose of this report is to provide an update and ask Committee to consider a change in policy regarding the management of weeds in the city. The report and its appendices provide information on how the council has managed weeds on hard surfaces from 2020 to 2023 (Appendix 1) and the weed management methods tested, what has been adopted and what has been disregarded (Appendix 2).
- 1.2 The report presents options to Committee on how to manage weeds on hard surfaces from 2024. Three recommendations are presented to Committee in section 2 below. More information on these is contained in the main body of the report and in appendices 3 to 7.

### **2. Recommendations**

- 2.1 That Committee note the contents of this report and its appendices.
- 2.2 That Committee agrees to continue with the current policy not to use glyphosate in the city's parks and open spaces, as described more fully in paragraph 3.15. The exception to this is when it is used to manage invasive species.

That Committee agrees either:

- 2.3 To continue with the current policy on weed management and instruct the council's City Environmental Management Services to continue to use manual techniques to manage and remove weeds from across the city, as described more fully in paragraphs 3.17 to 3.19. This is until a cost-effective and viable non-glyphosate option is available.

Or

- 2.4 Subject to approval at Budget Council, to amend the current policy to support the use of glyphosate to manage weeds on all hard surfaces and instruct the council's City Environmental Management Services to engage with contractors to use a controlled-droplet application to manage and remove weeds from across the city in 2024, as described more fully in paragraphs 3.21 to 3.24 and 3.28 to 3.29. Further to this, Committee agrees to delegate authority to the Executive Director – Economy, Environment & Culture, in consultation with the Committee Chair, to determine the most effective approach for weed management in future years based on the outcomes achieved in 2024.

Or

- 2.5 Subject to approval from Budget Council, to amend the current policy to support the use of glyphosate to manage weeds on all hard surfaces and instruct the council's City Environmental Management Services to engage with contractors to use traditional glyphosate to manage and remove weeds from across the city in 2024, as described more fully in paragraphs 3.25 to 3.29. This will be subject to a review in winter 2024 to see if there is an option to move to a controlled-droplet application for 2025. Further to this, Committee agrees to delegate authority to the Executive Director – Economy, Environment & Culture, in consultation with the Committee Chair, to determine the most effective approach for weed management in future years based on the outcomes achieved in 2024.
- 2.6 That Committee notes that recommendations 2.4 and 2.5 require Budget Council approval on 22 February 2024, before decisions can be implemented.

### **3. Context and background information**

- 3.1 On 26 November 2019, the Environment, Transport & Sustainability Committee:
- Agreed to end the use of glyphosate by Brighton and Hove City Council's City Environmental Management services with immediate effect, other than in exceptional cases to kill invasive plant species, such as Japanese Knotweed or to kill tree stumps.
  - Agreed that City Environmental Management would not engage with contractors to use glyphosate on any land managed by these departments.
  - Noted that the removal of weeds in parks and on hard surfaces would be undertaken manually as an alternative approach to using pesticides.
- 3.2 Committee was advised it would not be possible to remove all weeds from highways and pavements manually and there would be more visible weeds for longer periods of time. Committee was also advised of the likelihood of damage to the highway infrastructure over time because of weed root

impact. Appendix 1 sets out how the council has managed weeds on hard surfaces from 2020 to 2023.

- 3.3 There are significant biodiversity and sustainability benefits to ending the use of glyphosate, including increasing habitats for insects and other pollinators, and reducing the risk of chemicals entering the water system. The adverse impacts of glyphosate are greater when using a traditional glyphosate application, compared to a controlled-droplet application.
- 3.4 However, it is recognised that the current approach to weed management is leading to major issues for the city and this is why a report is being presented to Committee seeking a decision on how to manage weeds from 2024. The current budget of £0.189m covers six full-time staff to tackle weeds. During 2023, 701 roads were manually weeded once, out of 2048 roads across the city. This represents 34% of the city but does not take into account the volume of weeds on each road or the different lengths of road.
- 3.5 After five years of not using glyphosate and relying on manual weed removal, it is not possible to remove the majority of weeds from the highway in a timely manner. This is because manual methods predominately result in foliage being removed and not root systems.
- 3.6 This has become a cause of concern for residents who have complained about the look of the city. Some residents with mobility issues have raised concerns stating they are not able to leave home for fear of tripping. The council's biodiversity duties need to be balanced against the equality duties and the duty to keep the city's highways clear and free of obstructions.
- 3.7 There is a backlog of highway maintenance required due to damage caused by weeds and it is not possible to manage the volume of remedial work. It has also increased the cost of repairing the highway. This is covered in some detail in Appendix 3.
- 3.8 There has also been a proliferation of basal tree sprouts. Glyphosate applications previously suppressed this growth. Contractors remove basal tree sprouts on behalf of the council; however, this is an additional unbudgeted cost. The work is not completed at a pace that keeps the tree sprouts under control and, as a budget is not available for this work, it is not possible to remove them any quicker.
- 3.9 Since the council stopped using glyphosate, City Environmental Management has continued to research, test and trial cost-effective alternative methods of weed removal, without the use of glyphosate. Appendix 2 details the weed management methods tested, what has been adopted and what was disregarded. Any successful trials of machinery have been adopted. Some trialled methods may have been effective in a small area but are not viable and/or cost-effective to be used on large areas of public highway.

- 3.10 City Environmental Management has not been able to find another local authority that has managed its weeds on the public highway without the use of glyphosate for as long as Brighton and Hove City Council.

### **Glyphosate**

- 3.11 Glyphosate is the active substance in many herbicides (weed killers) and is widely used around the world. It is a non-selective, systemic herbicide and was first used in the UK in 1976. Glyphosate is effective in controlling most weed species, including perennials and grasses in many situations, including amenity, forestry, aquatic and industrial situations. Since it is approved for use in many countries, it has been subjected to extensive testing and regulatory assessment in the EU, USA and elsewhere and by the World Health Organisation.
- 3.12 Section 11 of the report sets out the biodiversity and sustainability implications of using glyphosate.
- 3.13 There is conflicting evidence on the public health implications of the use of glyphosate. This is detailed in section 13.
- 3.14 If the decision is to reintroduce the use of glyphosate as the council's policy for weed management, officers will continue to seek alternative, cost-effective equipment and technologies that can be used to effectively remove weeds over the city's extensive highways.
- 3.15 This report is recommending the continuation of the current policy not to use glyphosate in the city's parks and open spaces where leisure activities and dog walking are undertaken and where there are playgrounds. The exception to this is when it is used to manage invasive species. This will protect a substantial habitat for wildlife and pollinator insects. It will also mean more weeds will be visible in the city's parks.

### **Options for weed management moving forward**

- 3.16 As indicated in the recommendations in Section 2, there are three options for weed management moving forward: manual removal, a controlled-droplet application and a traditional glyphosate application. Appendix 3 sets out the benefits and disbenefits of each option. This should be read in conjunction with:
- Appendix 4: Equality Impact Assessment
  - Appendix 5: sustainability implications – controlled-droplet application and traditional glyphosate application
  - Appendix 6: sustainability implications – manual removal

### **Manual removal of weeds**

- 3.17 If Committee agrees to recommendation 2.3, the approach to weed removal will be the same as the approach in 2023 and with the limited resources available. This will be the traffic light system to identify hot spot 'red zones' based on access, trip hazards and damage to highway infrastructure.

Highway Inspectors will continue to notify the Street Cleansing Team of issues, in addition to feedback from street cleansing staff, Councillors, and members of the public. Upon being notified of an issue, Street Cleansing Supervisors will make a site visit to assess the area. If the weeds are categorised as 'red,' the weeds will be removed. There could be other weeds present but not causing a hazard, which will not be removed.

- 3.18 Weed removal operatives will continue to use tools, including strimmers, hoes, shovels and weed rippers. Barrow staff will also undertake weeding as part of their role.
- 3.19 City Environmental Management will continue to look at opportunities to use the Tidy Up Team and Community Payback to help manage weeds across the city.
- 3.20 To fully weed hard surfaces in streets annually, additional budget would be required. Based on the proportion of roads cleared in 2023 (34%), additional resources of at least approximately £0.369m would be the minimum required to clear weeds once per year only. Visiting only once is unlikely to be sufficient to manage and remove weeds effectively. This figure does not take into account the volume of weeds on each road or the different lengths. It also does not take into account the additional capital cost of the vehicles and equipment required to support the additional resource. This approach will continue to remain ineffective in managing weeds as manual techniques predominantly remove the foliage and not the root system. Therefore, it is highly likely that weeds will continue to grow back and there will be further damage to highway infrastructure.

#### Controlled-droplet application and less glyphosate application

- 3.21 Controlled-droplet applications are available for weed management and use less glyphosate than the traditional approach. The glyphosate is mixed with an oil which allows the droplets to adhere to the plant. The application is applied in large droplets released under gravity (unlike the traditional method of glyphosate application, which is a pressurised mist). This reduces drift and the likelihood of the application adhering to non-target items. It does not produce breathable droplets. Torbay Council and Walsall Council use a droplet-controlled application to manage weeds.
- 3.22 Based on the soft market research completed to inform this report, three applications are recommended for Brighton and Hove. However, because it is untried and untested on a large scale and because weeds have not been treated for five years, more or fewer applications may be required. It is likely the first application will be in April/May, with the city taking six-to-eight weeks to complete. It is not possible to say when the second application will take place as this will depend on the impact of the first application and weather conditions. It is likely to be May/June once the first application has been completed. The third application will be in September/October, but this will be dependent on the weather. The application will not be blanket across the city; it will only be applied where weeds are visible.

- 3.23 The estimated cost of the three applications is £0.266m. This does not include the cost of the equipment required, which is estimated at £0.035m. Therefore, the total cost for this application in 2024 is estimated to be at least £0.301m. These are high-level costs and through the soft market testing, contractors commented that because this is untried and untested on this scale and because weeds have not been treated for five years, costs could be higher than this. If the costs increase substantially, the approach will be reviewed.
- 3.24 This approach will be subject to a review in winter 2024 to consider its effectiveness.

#### Traditional glyphosate application

- 3.25 Based on the soft market research completed to inform this report, three applications of traditional glyphosate are recommended. It is likely the first application will be in April/May, with the city taking six-to-eight weeks to complete. It is not possible to say when the second application will take place as this will depend on the impact of the first application and be weather dependent. It is likely to be May/June once the first application has been completed. The third application will be in September/October, but this will be dependent on the weather. The application will not be blanket across the city; it will only be applied where weeds are visible.
- 3.26 The estimated cost of three applications is £0.110m. These are high-level costs and through the soft market testing, contractors commented that because weeds have not been treated for five years, costs could be higher than this.
- 3.27 This approach will be subject to a review in winter 2024 to see if there is an option to move to a controlled-droplet application for 2025. There may be a financial implication that would require a committee decision.
- 3.28 For both controlled-droplet and traditional glyphosate applications, the treatment will be subject to the weather and can only be completed in dry conditions and when rain is not forecast for six to eight hours.
- 3.29 Both controlled-droplet and traditional glyphosate applications will be applied in line with the [Control of Pesticides Act 1986](#) and any new legislation introduced during the contract duration. Risk Assessment Method Statements (RAMS) will be prepared by the contractor and agreed with the council, which will set out mitigations to reduce the risk posed to residents and biodiversity. Control of Substances Hazardous to Health (COSHH) assessments will also be completed. Pesticide application will only be carried out by trained, qualified operatives who hold the relevant NPTC PA1 and PA6 certification. Those undertaking the weed application will be expected to wear full and appropriate Personal Protective Equipment (PPE).

#### **4. Analysis and consideration of alternative options**

- 4.1 The main body of the report and the appendices set out the information on the options available for Committee to consider in order to make a decision.

## **5. Conclusion**

- 5.1 This report presents the options available to Committee to manage weeds in Brighton and Hove. Based on experiences to date, a manual approach to weed removal is not sufficient to keep weeds under control across the whole city. This has impacted on the council's ability to keep the highways clear and free of obstructions. It affects the council's ability to meet its equalities duties.
- 5.2 Alternatives to manual weed management are controlled-droplet and traditional glyphosate applications. As stated in the report and appendices, the controlled-droplet application is untried and untested on this scale, particularly as the weeds have not been treated for five years. It is more costly than the traditional application. The traditional application is proven to work and continues to be used by many local authorities across the country.
- 5.3 Following Committee's decision, City Environmental Management will continue to review new equipment and technologies available to remove weeds without the use of glyphosate.
- 5.4 It is recommended that the council continues with the current policy not to use glyphosate in the city's parks and open spaces where leisure activities and dog walking are undertaken and where there are playgrounds. The exception to this is when it is used to manage invasive species. This will protect a substantial habitat for wildlife and pollinator insects. It will also mean more weeds will be visible in the city's parks.

## **6. Community engagement and consultation**

- 6.1 No direct community engagement or consultation has taken place in relation to the report's recommendations.
- 6.2 A Weed Working Group was set up and met in October 2023 to carry out a 'vertical slice' consultation, with stakeholders from every aspect and at relevant level to form part of the working group. The stakeholders included councillors, officers from Cityclean, City Parks, Highways and Biodiversity, plus Pesticide Action Network UK and a local resident. The range of perspectives and experiences from this meeting was extremely useful. The outcome of this Working Group is this report to Committee to make a decision on future weed management.
- 6.3 Since 2019, the council has received:
- Six compliments to the Customer Feedback Team about the new approach to weed management, including:
    - "I love seeing more wildflowers and long grasses in my neighbourhood".
    - "there are many of us who love seeing such an abundance of plant life thriving in our city".

- Five Stage 1 complaints, specifically mentioning the decision not to use pesticides, and suggesting the manual approach to weed removal is not effective.
  - 51 Stage 1 complaints about the state of pavements / highways and overgrown weeds, suggesting the council is not doing enough to manage weeds.
  - One Stage 1 complaint about weed removal as it was “providing miniature nature reserves”.
- 6.4 A [2023 survey by the National Highways and Transport Network](#) stated that public satisfaction with *weed killing on pavements* was 28% in Brighton and Hove. This was a 3% reduction on the previous year and 11% less than the average score of 39%. For *weed killing on roads*, the satisfaction was 35%, which was 4% less than last year and 9% less than the average of 44%.
- 6.5 In addition, two insurance claims, relating to slips, trips or falls due to weeds, have been made to the council since 2019 to the time of writing. Of these two claims, one was settled, and the claimant was awarded £210. For the other, council liability was denied.

## **7. Financial implications**

- 7.1 There are no direct financial implications arising from recommendation 2.1, 2.2, 2.3 or 2.6.
- 7.2 The options of recommendation 2.4 and 2.5 have different financial implications and may contain additional risks as set out in the report.
- 7.3 Agreeing option 2.3 will continue to use the limited resources available and manual techniques to manage and remove some weeds from across the city. Staffing costs and equipment for continued manual techniques will be contained within existing Street Cleansing budgets. Any significant variation to budgets will be reported as part of the council’s monthly budget monitoring process.
- 7.4 Agreeing option 2.4 of use of a controlled-droplet application is estimated to cost at least an additional £0.266m per annum for three applications and capital costs of equipment of £0.035m as outlined in paragraph 3.23. These are high level costs and could be significantly higher as weeds have not been treated for five years. There is currently no budget available for these additional costs. Service pressures for £0.266m ongoing expenditure and £0.035m one off capital have been requested as service pressures for 2024/25 budget setting. The 2024/25 budget will be agreed at Budget Council on 22nd February 2024. Should recommendation 2.4 be agreed, and service pressure funding not awarded, Street Cleaning budgets would have an estimated £0.266m revenue overspend at the start of the new financial year or there may be a need to revisit the decision made by Committee. Any significant variation to budget will be reported as part of the council’s monthly Targeted Budget Monitoring process.



- 7.5 Agreeing option 2.5 of use of traditional glyphosate is estimated to cost an additional £0.110m during 2024/25. Recommendation 2.5 also sets out this will be subject to a review in Winter 2024 to see if there is an option to move to controlled-droplet application for 2025. As highlighted in paragraph 7.4 there is no budget available for the estimated £0.110m in 2024/25 or the ongoing costs of controlled droplet application if this is the preferred option from 2025/26. £0.266m recurring revenue service pressure for 2024/25 budget setting has been requested as part of future weed management options. The 2024/25 budget will be agreed at Budget Council on 22nd February 2024. Should recommendation 2.5 be agreed and service pressure funding not awarded, Street Cleaning budgets would have an estimated £0.110m revenue overspend at the start of the new financial year or they may be a need to revisit the decision made by Committee. Any significant variation to budget will be reported as part of the council's monthly Targeted Budget Monitoring process.

Name of finance officer consulted: John Lack Date consulted: 10/01/2024

## **8. Legal implications**

- 8.1 The Council is required to comply with the Public Contract Regulations 2015 in relation to the procurement and award of contracts above the relevant financial threshold for services, supplies and works.
- 8.2 The Council's Contract Standing Orders (CSOs) will also apply to the procurement of good and services.
- 8.3 As noted in the body of the Report, where a service Committee seeks to make a decision committing the Council to expenditure in relation to which there is no/ insufficient budgetary provision, then the decision can only be made subject to such provision being made by the relevant body. In this case, if this Committee decides to approve either recommendation 2.4 or 2.5 then the authority to incur the relevant expenditure will be sought from budget Council in February 2024.

Name of lawyer consulted: Eleanor Richards and Victoria Simpson  
Date consulted: 10/01/2024

## **9. Equalities implications**

- 9.1 An Equality Impact Assessment is contained in Appendix 4.
- 9.2 The council has a duty to keep the city's highways clear and free of obstructions. As stated in the EIA, "this EIA has been prepared to help inform the decision making of the CESS Committee in relation to weed management. The EIA has identified some disproportionate negative impacts and some possible positive impacts that should be read in conjunction with Weed Management Report presented to CESS Committee on 23 January 2024. If the decision is to use herbicide / glyphosate, then the limitations of manual weed removal may be mitigated and all areas could widely be weed-free potentially leading to less slips, trips, and falls or other

risks and hazards for those who may be elderly, disabled, wheelchair and pushchair users or be impacted in another way due to the presence of weeds on pavements and other areas.”

## **10. Procurement implications**

10.1 If recommendation 2.4 or 2.5 is agreed, the procurement process will comply with Contract Standing Orders and the council’s procurement policies.

10.2 Soft market research was completed to inform this report and to understand better which recommendation would be suited to Brighton and Hove.

Notable points of this research are:

- The reduction in chemical use in the controlled-droplet products is offset by the cost, compared to traditional glyphosate.
- The general impression from contractors is that controlled-droplet applications have been developed for, and are typically utilised, in small areas e.g. shrub borders and car parks. They are effective and have their place, but it is not considered an economically viable substitute for conventional methods over large areas.
- Because Brighton and Hove has not received chemical weed treatment for five years, it is likely the perennial weeds have become established and may be difficult to treat, in particular bramble, ivy and buddleia. The opinion is that controlled-droplet applications would be the least effective for controlling this type of plant.
- The topology and diverse environment of Brighton and Hove may require a mixed application approach, including a combination of handheld and vehicle-based droplet control systems and other techniques, including conventional methods.
- Contractors recommended an outcome-based specification to allow contractors to offer the best possible, lowest glyphosate option, rather than being too prescriptive. This will help continue the council’s commitment to keeping glyphosate usage low and support the biodiversity and sustainability objectives of the council.

## **11. Sustainability implications**

11.1 There is evidence that glyphosate has an adverse impact on biodiversity and sustainability as it affects nature conservation, including habitats for insects and other pollinators and presents a risk of chemicals entering the water system. As an example, [research published in Science in June 2022](#) highlighted the impact glyphosate has on bumblebees.

11.2 Conversely, the [Health & Safety Executive](#) says “the responsible use of pesticides in amenity areas as part of an integrated programme of control can help deliver substantial benefits for society. These include: management of conservation areas, invasive species and flood risks; access to high quality sporting facilities; and safe public spaces (for example, by preventing weed growth on hard surfaces creating trip hazards), industrial sites and transport infrastructure”.

- 11.3 Appendices 5 and 6 set out the sustainability considerations of the options presented using the guidance to support officers when assessing projects for their sustainability and climate impacts.
- 11.4 Appendix 5 indicates that using a controlled-droplet or traditional glyphosate application will have some positive and some negative impacts. Primarily, the negative impacts relate to the *biodiversity and nature conservation* theme as this approach does not support the council's objectives relating to the climate and biodiversity emergency. Positive impacts are identified in relation to the *health, safety, wellbeing and local communities* theme by reducing noise in communities and having less of an impact on manual workers. However, there are some negative impacts in relation to this theme too, due to the potential risk to public health which is detailed further in section 13.
- 11.5 Appendix 6 indicates that continuing with manual techniques will have some positive and some negative impacts. Primarily, the positive impacts relate to the *biodiversity and nature conservation* theme, with this approach supporting the council's objectives relating to the climate and biodiversity emergency and being the lead partner in The Living Coast UNESCO Biosphere. The negative impacts primarily relate to *health, safety, wellbeing and local communities* theme, with this approach creating noise for residents and impacting on staff wellbeing due to the intense, manual nature of the work. It also means not all weeds can be removed, leading to obstructions on the highway.
- 11.6 The Pesticide Action Network (PAN) UK has published information on the [effects of glyphosate on the environment](#).
- 11.7 In October 2022, the council sought the Environment Agency and Southern Water's views on the impact / risks of using herbicides / glyphosate on highways and in parks. Particular questions were asked on whether herbicides / glyphosate would permeate through the aquifer and contaminate drinking water and the sea or would this only occur if using the chemical near to open water. Their feedback is contained in Appendix 7.

## **12. Corporate implications**

- 12.1 The Council Plan has several commitments which may be impacted by the decision on weed management, including:
- Ensure our streets, public spaces and facilities are well-maintained, clean and attractive.
  - Ensure that all decisions made by the council take into account the climate and biodiversity crises.
  - Provide a safer, more accessible and attractive environment that enables people to walk, wheel and cycle more.
  - Conserve and manage habitats and spaces where plants and animals can thrive, and biodiversity is restored.
  - Increase biodiversity, tackle water pollution and work towards carbon neutrality through the implementation of the City Downland Estate Plan.

### 13. Public health implications

- 13.1 In July 2023, an [European Food Safety Authority assessment](#) of the impact of glyphosate on the health of humans, animals and the environment did not identify critical areas of concern. Some data gaps were reported in the conclusions as issues that could not be finalised, or outstanding issues for the European Commission and Member States to consider in the next stage of the renewal approval process.
- 13.2 On 16 November 2023, European Member states did not reach the required qualified majority to renew or reject the approval of glyphosate during a vote at the Appeal Committee. In the absence of the required majority in either direction, the Commission was obliged to adopt a decision before the previous approval expired on 15 December 2023. The Commission, based on comprehensive safety assessment carried out by the European Food Safety Authority and the European Chemicals Agency, [proceeded to renew the approval of glyphosate for a period of 10 years](#), subject to certain new conditions and restrictions.
- 13.3 A [report from the International Agency for Research on Cancer in March 2015](#) found that the herbicide glyphosate was classified as “probably carcinogenic to humans (Group 2A)<sup>1</sup>”. The report also stated “there was limited evidence of carcinogenicity in humans for non-Hodgkin lymphoma”. The evidence was based on, mostly agricultural exposures, in the USA, Canada and Sweden. The report goes on to say “the general population is exposed primarily through residence near sprayed areas, home use and diet, and the level that has been observed is generally low”.
- 13.4 In February 2020, the [United States Environmental Protection Agency](#) (EPA) “found that there are no risks of concern to human health when glyphosate is used in accordance with its current label... that glyphosate is unlikely to be a human carcinogen. The interim decision also identified potential ecological risks to non-targeted organisms, primarily non-target plants through spray drift”.
- 13.5 The [Health & Safety Executive](#) provides guidance on the use of glyphosate in public spaces: “legally enforceable conditions of use are imposed on the way products can be applied, to ensure the public are not exposed to levels of pesticides that would harm health or have unacceptable effects on the environment. It is important that users (or those who cause or permit others to use pesticides) not only comply with the authorised conditions of use but also use products in a responsible and sustainable fashion”. If Committee agrees to recommendation 2.4 or 2.5, appropriate monitoring arrangements will be put in place with the contractor. This will include, for example,

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<sup>1</sup> “Group 2A means that the agent is probably carcinogenic to humans. This category is used when there is limited evidence of carcinogenicity in humans and sufficient evidence of carcinogenicity in experimental animals. Limited evidence means that a positive association has been observed between exposure to the agent and cancer but that other explanations for the observations (called chance, bias, or confounding) could not be ruled out. This category is also used when there is limited evidence of carcinogenicity in humans and strong data on how the agent causes cancer.”

ensuring the contractor complies with the [Control of Pesticides Act 1986](#) and any new legislation introduced during the contract duration.

## Supporting Documentation

### Appendices

- Appendix 1: weed management on hard surfaces 2020 to 2023
- Appendix 2: weed management methods
- Appendix 3: benefits and disbenefits
- Appendix 4: Equality Impact Assessment – weed management
- Appendix 5: sustainability implications – controlled-droplet application and traditional glyphosate application
- Appendix 6: sustainability implications – manual removal
- Appendix 7: feedback from the Environment Agency and Southern Water on the use of glyphosate

### Background documents

1. [City Environment Improvement Programme Update Report](#) to City Environment, South Downs & The Sea Committee on 19 September 2023 (item 18)
2. [City Environment Improvement Programme Update Report](#) to Environment, Transport & Sustainability Committee on 14 March 2023 (item 88)
3. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 15 November 2022 (item 46)
4. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 22 June 2022 (item 8)
5. [Managing weeds and verges](#) presented to Environment, Transport & Sustainability Committee on 15 March 2022 (item 97)
6. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 21 September 2021 (item 41)
7. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 16 March 2021 (item 80)
8. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 29 September 2020 (item 29)
9. [Pesticide reduction and weed management](#) presented to Environment, Transport & Sustainability Committee on 16 March 2021 (item 81)
10. [Pesticide Reduction Plan](#) presented to Environment, Transport & Sustainability Committee on 26 November 2019 (item 48)
11. Glyphosate impairs collective thermoregulation in bumblebees at <https://www.science.org/doi/10.1126/science.abf7482>
12. Issues associated with the use of the herbicide (weedkiller) glyphosate: Frequently Asked Questions About Glyphosate available at <https://www.hse.gov.uk/pesticides/using-pesticides/general/glyphosate-faqs.htm>
13. IARC Monographs Volume 112: evaluation of five organophosphate insecticides and herbicides available at <https://www.iarc.who.int/wp-content/uploads/2018/07/MonographVolume112-1.pdf>

14. Glyphosate: no critical areas of concern; data gaps identified available at <https://www.efsa.europa.eu/en/news/glyphosate-no-critical-areas-concern-data-gaps-identified>
15. Glyphosate (US EPA) available at <https://www.epa.gov/ingredients-used-pesticide-products/glyphosate#:~:text=Glyphosate%20is%20a%20widely%20used,in%20the%20U.S.%20since%201974.>
16. Glyphosate available at <https://www.pan-uk.org/glyphosate/>
17. No qualified majority reached by Member States to renew or reject the approval of glyphosate available at [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_23\\_5792](https://ec.europa.eu/commission/presscorner/detail/en/statement_23_5792)

## **Appendix 1: weed management on hard surfaces 2020 to 2023**

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### **2020**

From March 2020, the country was in lockdown due to the Covid 19 pandemic. Lower footfall on hard surfaces, due to lockdown, impacted weed growth. Lockdown also had a significant impact on resources to undertake weeding as a high percentage of staff followed government advice and self-isolated. Those staff still working were deployed to urgent frontline duties. Recruitment agencies struggled to provide additional resource because people were receiving pay whilst on furlough and were not seeking alternative employment.

During 2020, hoes were mainly used to manually remove the weeds. Weed rippers were also utilised.

### **2021**

The council included six additional operative vacancies as part of seasonal recruitment to work on weed management. Once again, the recruitment was severely impacted due to a national shortage of manual workers and the continuing furlough scheme, along with the difficulties people faced coming out of the benefit system to take on temporary work.

To ensure the weed removal did take place, contractors were used for three weeks to target areas of the city. This was funded from the underspend arising from not being able to recruit operatives.

During 2021, weeds were mainly removed using hoes and weed rippers. A specialist low vibration weed strimmer was trialled which was introduced the following season.

### **2022**

Additional recurring funding of £0.070m for six additional seasonal staff for weed removal was added to the budget. This increased the number of seasonal staff to remove weeds to twelve, however Cityclean were only able to secure, on average, two to three agency staff per week.

An additional £0.172m in a budget amendment for more street cleaners was also added. The funding was used to recruit one Street Cleansing Driver and four Street Cleansing Operatives. Whilst these staff are not dedicated to weed removal, they do support this work as they undertake weeding in their patch.

For the 2022 weeding season, a different approach to recruitment was undertaken. Recruitment events were held to attract applicants who may struggle to complete an online application. Cityclean also worked with the Adult Education Manager to recruit seasonal staff through a pre-employment course called 'Get started at Cityclean'. Despite these additional measures, Cityclean was not able to fill all seasonal vacancies. Several recruitment campaigns were run from January to July.

Recruitment agencies were not able to regularly supply staff. This did not just affect Brighton & Hove City Council, but other industries.

Community Payback were also approached to provide resources but unfortunately, they were not able to supply anyone.

Contractors were engaged between June and mid-August to support weed removal. During this period, they completed 40 days weed removal at a cost of £0.042m.

During 2022, twelve trimmers were purchased. Delays in the supply chain resulted in these arriving in July. An extendable arm, that is attached to a sweeper and removes weeds, was also purchased.

In addition to the above, operatives continued to use hoes, shovels and weed rippers.

## 2023

Due to the extreme difficulty recruiting seasonal staff, a decision was made to recruit six permanent Street Cleansing Operatives instead of twelve seasonal staff. Three staff were allocated to the east of the city, and three staff to the west of the city to focus on weed removal all year round. Staff were recruited by February and undertook preparatory deep cleaning work over the winter to reduce the occurrence of weeds in the spring/summer.

A traffic light system was introduced to identify hot spot 'red zones' across the city based on access, trip hazards and damage to highway infrastructure. Highway Inspectors notified the Street Cleansing Team of issues, in addition to feedback from street cleansing staff, Councillors, and members of the public. Once notified of an issue, Street Cleansing Supervisors made a site visit to assess the area. If the weeds were categorised as 'red,' the weeds were removed. There could have been other weeds present, but not causing a hazard and these were not removed.

An additional mechanical weed ripper was purchased, which has increased the time staff can weed due to fewer vibrations.

Where parking suspensions took place, Cityclean were notified and crews attended the area using sweepers and weed rippers to remove weeds without the risk of damaging vehicles.

The Tidy Up Team undertook some weed removal using volunteers, and The Big Clean Up event was run in August. Community Payback carried out weeding, edging, hedge cutting, litter picking, painting and other improvements.

## Managing weeds

In central areas of the city, weeds are predominantly managed in two ways: high footfall (which reduces the occurrence of weeds) and barrow operatives who remove weeds as part of their daily routes. Barrow operatives use hoes, brushes and strimmers to remove weeds, alongside their other duties including litter, flyposting and sticker removal. Streets in central areas are tended to by more barrow operatives than the east and west of the city.

In the east and west of the city, barrow operatives also manage weeds as part of their daily duties. The staff follow a schedule which is weekly in higher footfall areas, such as near shops, or fortnightly in the quieter areas.

They are supplemented by a team of three (one in east and one in west) who use a vehicle to transport additional equipment for weed management, such as weed rippers. They are a dedicated weed removal teams and also use hoes, brushes and strimmers, alongside the weed ripper machine.

The weed removal teams follow a schedule of work. Once an area has been weeded, the crew are unlikely to return until the following season, even when there are requests to do so. This is because they do not have capacity to return to areas already weeded because there is not capacity to do so. This team also responds to 'red zone' hazards.

Barrow operatives are advised not to exceed two hours weeding on any given day due to difficult manual work and the risk of musculoskeletal injuries. There are also measures in place to manage the use of machinery by the weed removal teams to prevent injuries.



## Appendix 2: weed management methods

1. Weed management arrangements in place				
Method	Description	Benefits	Risks / dis-benefits	Officer feedback
Manual weeding	Using manual techniques such as hoeing, brushing, ripping, mowing and pulling	<ul style="list-style-type: none"> <li>• Pesticide-free and avoid potential risks associated with pesticide use</li> <li>• Encourages biodiversity and sustainability</li> <li>• Mitigates potential public health risks</li> </ul>	<ul style="list-style-type: none"> <li>• Labour intensive and time consuming</li> <li>• Requires a large amount of labour to be truly effective</li> <li>• Hard physical work for staff; considerable wellbeing issues for staff; risk of vibration injuries that have to be carefully managed</li> <li>• Trees susceptible to damage</li> <li>• Above surface growth treated and not root system therefore short term</li> <li>• Weeds will remain as its not possible to visit and manage all areas</li> <li>• Risk of damage to vehicles e.g. weed rippers can cause small stones to be projected that can damage cars</li> </ul>	<ul style="list-style-type: none"> <li>• Current method has limited effect due to lack of root removal and area to be covered</li> <li>• Significant impact on staff</li> <li>• Beneficial for biodiversity</li> </ul>
Hoes	Using hoe between pavement cracks and elsewhere to remove weeds	<ul style="list-style-type: none"> <li>• Pesticide-free</li> <li>• Encourages biodiversity and sustainability</li> <li>• Successful at cutting weeds</li> </ul>	<ul style="list-style-type: none"> <li>• Does not always remove the roots</li> <li>• Very slow process</li> <li>• Requires manual removal of residue</li> </ul>	<ul style="list-style-type: none"> <li>• Physically demanding; repetitive strain means that an Operative can only do for three hours a day, between breaks</li> </ul>
Mechanical sweeper	Mechanical sweeper for pavements to remove weeds. Weeding arm has a brush to remove weeds.	<ul style="list-style-type: none"> <li>• Pesticide-free</li> <li>• Encourages biodiversity and sustainability</li> <li>• Covers a long distance on long and wide pavements</li> </ul>	<ul style="list-style-type: none"> <li>• Does not remove roots</li> <li>• Limited where this can be used due to size of vehicle. Obstructions such as street furniture, narrow pavements, road signs, overhanging trees, shop</li> </ul>	<ul style="list-style-type: none"> <li>• Sweeper cannot do high speed rotation as this could project stones</li> <li>• Uneven surfaces means that the sweeper cannot get into all corners and cracks</li> </ul>

## 1. Weed management arrangements in place

Method	Description	Benefits	Risks / dis-benefits	Officer feedback
		<ul style="list-style-type: none"> <li>Residue is collected by the sweeper within the suction box</li> </ul>	<ul style="list-style-type: none"> <li>signs mean the sweeper cannot access everywhere</li> <li>Brush requires changing once a week</li> </ul>	
Weed ripper (two types in use)	Weed ripper with a metal brush attached at the front	<ul style="list-style-type: none"> <li>Pesticide-free</li> <li>Encourages biodiversity and sustainability</li> </ul>	<ul style="list-style-type: none"> <li>Does not always remove roots</li> <li>Slow process</li> <li>Physically demanding; risk of vibration injuries that have to be carefully managed</li> <li>One van is needed to transport with tail lift/ramp to load one weed ripper</li> <li>Doesn't sweep or pick up residue, also requires manual labour for sweeping/picking up loose weeds and silt</li> <li>Requires transportation of five litres of petrol at a time due to fumes, which requires daily trip to petrol station</li> </ul>	<ul style="list-style-type: none"> <li>Risks relating to hand arm vibration means control measures are required with two operatives adopting task rotation; one uses the equipment for 30 minutes, the other sweeps and then after 30 minutes they rotate tasks ensuring there is a break from using vibratory machinery</li> <li>Each operative can use the equipment for a total of 120 minutes per shift, therefore not very efficient</li> </ul>
Strimmer with wire brush	Strimmer with weed ripping brushes that are interchangeable	<ul style="list-style-type: none"> <li>Pesticide-free</li> <li>Encourages biodiversity and sustainability</li> <li>Successful at cutting weeds</li> <li>Lower vibration than some strimmers but all strimmers and rippers are high vibration</li> </ul>	<ul style="list-style-type: none"> <li>Does not remove roots</li> <li>Slow process</li> <li>Doesn't sweep or pick up residue</li> <li>Physically demanding; risk of vibration injuries that have to be carefully managed</li> <li>Requires transportation of five litres of petrol at a time due to fumes, which requires daily trip to petrol station</li> <li>Van with tail-lift is needed to transport weed ripper</li> </ul>	<ul style="list-style-type: none"> <li>This has helped speed up operations but can only be used for limited periods by each operative every day</li> <li>Each operative can use the equipment for 20 minutes at a time. Operatives are working in pairs: one uses the equipment for 20 minutes, whilst the other sweeps the residue, then they swap, therefore not very efficient</li> </ul>

## 2. Weed management methods considered and rejected

Method	Description	Benefits	Risks / dis-benefits	Officer feedback
Acetic acid (vinegar)	Vehicle and knapsack used to treat weeds	<ul style="list-style-type: none"> <li>• Pesticide-free</li> <li>• No licence required for application</li> <li>• Could be applied by hand / knapsack application</li> </ul>	<ul style="list-style-type: none"> <li>• Has been trialled, but feedback from PAN UK is it has not been effective</li> <li>• Strong smell, can give operator headache</li> <li>• Above surface growth only and not root system</li> <li>• Expensive</li> </ul>	<ul style="list-style-type: none"> <li>• Did not pursue as not considered a viable option</li> <li>• Pesticide Action Network (PAN) UK continue to say that <i>'this method is not very effective on larger areas of hard surface. As for being environmentally friendly that is probably open to interpretation. Better than glyphosate and other herbicides but it still kills vegetation and possibly has an impact on soil. But as a natural substance it is much more understood and less harmful than synthetic pesticides. But the real question is efficacy – so probably not a great choice for commercial use.'</i></li> </ul>
Benzalkonium Chloride (for killing moss)	Alternative pesticide badged as being biodegradable and less harmful to the environment	<ul style="list-style-type: none"> <li>• Claims to be more environmentally friendly and biodegradable</li> </ul>	<ul style="list-style-type: none"> <li>• Harmful in contact with skin and if swallowed</li> <li>• Causes burns</li> <li>• Very toxic to aquatic organisms</li> </ul>	<ul style="list-style-type: none"> <li>• Not recommended due to toxicity and lack of suitability</li> </ul>
Crystal salt and vinegar	Manually apply salt and vinegar to the weeds prior to removal after rain	<ul style="list-style-type: none"> <li>• Natural substance – no licence required</li> </ul>	<ul style="list-style-type: none"> <li>• Does not remove roots</li> <li>• Trialled by Palmeira Square community; feedback was that it killed the leaves and not the roots and the weeds grew back</li> <li>• Large amounts of salt needed to be used</li> <li>• Negative impact on pets, snails and slugs</li> <li>• Strong smell, can give operator headache</li> <li>• Issue with storage</li> <li>• Would have to be applied by hand to very large areas</li> </ul>	<ul style="list-style-type: none"> <li>• Trialled in summer 2021, separately and together</li> <li>• Not recommended due to lack of effectiveness, for method of application, labour requirements, risk to biodiversity and smell</li> </ul>

## 2. Weed management methods considered and rejected

Method	Description	Benefits	Risks / dis-benefits	Officer feedback
Electric voltage shock	An electric charge is applied to each weed individually	<ul style="list-style-type: none"> <li>• Pesticide-free</li> <li>• Kills small weeds and roots</li> </ul>	<ul style="list-style-type: none"> <li>• Does not remove large roots</li> <li>• Time consuming as must operate per weed</li> <li>• Danger to animals and users</li> <li>• Requires road and pavement to be closed during operation</li> <li>• Requires generator within a van</li> <li>• Not suitable in wet / damp conditions</li> <li>• Requires two to three staff to be deployed</li> </ul>	<ul style="list-style-type: none"> <li>• Found to be unsafe and impractical</li> <li>• Not recommend as not practical or efficient and not to the standard required</li> <li>• Public safety concerns</li> </ul>
Flame throwing	Flamers are portable gas torches that produce intense heat that quickly boils the water in plant cells, causing them to burst. This approach has been around for a while.	<ul style="list-style-type: none"> <li>• Pesticide-free</li> <li>• Throwers relatively cheap to purchase</li> <li>• Suitable for weeds on hard surfaces</li> </ul>	<ul style="list-style-type: none"> <li>• Not very effective on perennial weeds</li> <li>• Brings health and safety risks (banned in the domestic market)</li> <li>• Not particularly effective</li> </ul>	<ul style="list-style-type: none"> <li>• Did not pursue as not considered a viable option</li> <li>• Concerns about insurance and health and safety</li> </ul>
Hot foam	Combines heat with biodegradable foam made from natural plant oils and sugars. The heat is used to kill the weed while the foam acts as a thermal blanket keeping the heat applied for long enough to kill the root.	<ul style="list-style-type: none"> <li>• Pesticide-free</li> <li>• Foam is safe and non-toxic</li> <li>• Can be used in all weather</li> <li>• Claims to kill 95% of targeted weeds</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively new technology</li> <li>• Expensive</li> <li>• Additional cost of olive oil rather than palm oil</li> <li>• Host vehicle could impede traffic flow on many narrow city streets</li> <li>• Parked vehicles could prevent access to pavements</li> <li>• Requires several intensive treatments to remove roots</li> </ul>	<ul style="list-style-type: none"> <li>• Trialled in September 2019</li> <li>• Lewes District Council carried out a six-month trial of using hot foam to remove weeds around playgrounds. They have now stopped using this due to the high cost and lack of effectiveness</li> <li>• Would probably still need operatives with wand / Knapsack, or manual weeding, to reach some areas</li> <li>• Not suitable for large hard surface areas and not very effective</li> </ul>
Hot water	Boiling water is applied onto hard surfaces and a blast of thermal energy kills the weed and the root system	<ul style="list-style-type: none"> <li>• Pesticide free</li> <li>• Kills small weeds</li> <li>• Steam is safe and non-toxic</li> </ul>	<ul style="list-style-type: none"> <li>• The previous trial demonstrated that it does not remove large weeds or weed roots. The newer system may address this</li> </ul>	<ul style="list-style-type: none"> <li>• Trialled in 2020</li> <li>• Two weeks later, new weeds had started to grow</li> <li>• The machine was cumbersome and loud and releasing excessive steam,</li> </ul>

## 2. Weed management methods considered and rejected

Method	Description	Benefits	Risks / dis-benefits	Officer feedback
		<ul style="list-style-type: none"> <li>The new system is all electric and purports to be quiet</li> </ul>	<ul style="list-style-type: none"> <li>Uses large amounts of water that has to be transported</li> </ul>	<p>which was not good in areas of high footfall</p> <ul style="list-style-type: none"> <li>Water needs transporting too so will need a trailer</li> <li>Could not use on pavements next to parked vehicles due to risks of boiling water – new system may address this</li> </ul>
Hot water product	The sudden surge of hot water damages the plant tissue.	<ul style="list-style-type: none"> <li>Pesticide free</li> <li>Kills small weeds</li> <li>Steam is safe and non-toxic</li> <li>Very quiet; noise is like a garden hose</li> <li>When unplugged the water is stored hot for up to 10 hours</li> <li>The water is not at pressure, so there is no spray</li> </ul>	<ul style="list-style-type: none"> <li>Uses large amounts of water that has to be transported</li> <li>Water has to be heated before being transported (between 6 – 9 hours)</li> <li>The 600 litre version is 460kg empty, so requires a larger vehicle to move it around, such as a van or vehicle with a trailer</li> <li>The 300 litre version is 310 kg empty. It can be fitted in some utility vehicles or on the back of a compact tractor or a pickup truck</li> </ul>	<ul style="list-style-type: none"> <li>New system designed in Finland</li> <li>Been on the market in Finland for about four years (note that they have a much shorter growing season than the UK)</li> <li>Not being trialled/used by any UK companies/LAs as of May 2023</li> </ul>
Infra-red	The system consists of a shrouded spraying head mounted on the front of a purpose-built vehicle. Within the shrouded head are sensor units and spray nozzles. The sensor units detect the presence of weeds and triggers the appropriate spray nozzles to accurately apply the correct amount of herbicide just to those	<ul style="list-style-type: none"> <li>Claim is up to 80% reduction in glyphosate</li> <li>Vehicle can mount pavement</li> <li>No blanket spraying</li> <li>Targets weeds only</li> </ul>	<ul style="list-style-type: none"> <li>Still contains glyphosate</li> <li>Host vehicle could impede traffic flow on many narrow city streets/pavements</li> <li>Parked vehicles could prevent access to pavements</li> <li>Not so effective on smaller weeds</li> </ul>	<ul style="list-style-type: none"> <li>Large vehicle on pavement but impressive if can target weeds</li> <li>Would probably still need operatives with wand / Knapsack, or manual weeding, to reach some areas</li> </ul>

## 2. Weed management methods considered and rejected

Method	Description	Benefits	Risks / dis-benefits	Officer feedback
	weeds and their immediate surroundings.			
[Different type of] weed electrical ripper machine	Electric rather than diesel weed ripper – still removing surface weeds rather than roots	<ul style="list-style-type: none"> <li>• Pesticide free</li> <li>• Reduced use of diesel</li> </ul>	<ul style="list-style-type: none"> <li>• Does not remove roots</li> <li>• Requires several batteries per day as charge is one hour when battery is new</li> <li>• Trialled various sizes and different manufacturers</li> <li>• Doesn't sweep or pick up residue</li> <li>• Requires two operatives on rotating tasks due to Hand Arm Vibration</li> </ul>	<ul style="list-style-type: none"> <li>• Trialled in January 2022</li> <li>• Not recommend as not practical or efficient and not the standard required</li> </ul>
[Different type of] weed ripper	Weed ripper with brushes that removes surface weeds	<ul style="list-style-type: none"> <li>• Pesticide free</li> <li>• Limited</li> </ul>	<ul style="list-style-type: none"> <li>• Does not remove roots</li> <li>• Requires several batteries per day as charge is one hour when battery is new.</li> <li>• Trialled two different sizes</li> <li>• Doesn't sweep or pick up residue</li> <li>• Requires two operatives on rotating tasks due to HAV</li> </ul>	<ul style="list-style-type: none"> <li>• Trialled on 22 September 2021 and 23rd November 2021</li> </ul>
Electric barrow sweeper	Sweeper with Weed ripper functionality	<ul style="list-style-type: none"> <li>• Removes small weeds</li> <li>• Lightweight</li> <li>• Can access all pavements</li> <li>• Only requires one person to operate</li> </ul>	<ul style="list-style-type: none"> <li>• Does not remove roots</li> <li>• Very low pressure; more designed for sweeping litter</li> <li>• Manually operated</li> <li>• Requires a charging point so has limited geographical area where it can be operated in, otherwise requires a trailer to transport</li> <li>• Filter tends to block frequently due to weeds</li> </ul>	<ul style="list-style-type: none"> <li>• Trialled on 29 June 2022</li> <li>• Not recommend as not practical or efficient and does not reach the standard required.</li> </ul>

### Appendix 3: benefits and disbenefits of each option

Manual removal of weeds	Benefits	Disbenefits
Biodiversity and sustainability	Continuing to use manual techniques for weed management will mean the council continues its ban on glyphosate, except for in exceptional circumstances. This means the council can continue to deliver on its commitment to address the climate and biodiversity emergencies declared in 2018. Manual techniques will also support the delivery of The Living Coast UNESCO Biosphere objective on biodiversity conservation and Strategic Risk 36 which is to address climate and ecological change.	As evidenced by the experiences since 2020, a manual approach to weed removal means it is not possible to remove all weeds from across the city. Weeds in channels can inhibit surface water flowing in the channels and gullies. The weeds also trap rubbish and other detritus. These blocked gullies can then lead to surface water flooding.  Furthermore, the limitation of manual removal leads to more damage to the highway infrastructure. This means tarmac and paving slabs need to be repaired / replaced more frequently. There is a carbon cost to this.
Cost	There is no increase in cost for continuing with the manual removal of weeds. The same approach including tools and staff will be used as in 2023 to manage weeds across the city. This is budgeted for.	The higher sickness rate due to musculoskeletal injuries / issues may mean agency staff are required to undertake weed management. This will increase the cost of manual weed removal.
Efficiency / effectiveness		The Street Cleansing Service is demand led. Depending on need, staff can be deployed from weeding or their barrow route to deal with other tasks such as large events or clearing up around communal refuse or recycling bins. This means that even with a full resource and planned works, not all weed removal may take place.  There is high turnover of staff within the Street Cleansing Service which means the service is always carrying a level of vacancy. This is particularly the case for weed removal as it is intensive manual labour and staff find it is not the job for them, sometimes after one day. As evidenced in Appendix 1, there have been historic issues with recruiting enough staff to

Manual removal of weeds	Benefits	Disbenefits
		<p>undertake weed removal. This all impacts on the effectiveness of the manual approach to weed removal.</p> <p>It is not possible for operatives to weed all day. For example, mechanical weed rippers can generally only be used for 20 to 40 minutes before a break is required. Although staff are rotated, this means the efficiency of weed removal is affected.</p> <p>Having not used pesticide for five years, weeds in many parts of the city are well established, meaning they are bigger and more difficult to remove. There is not sufficient resource to be able to remove these effectively which means they are either strimmed or hoed. Strimming and hoeing the weeds does not remove roots; this means the weeds grow back quickly. Areas weeded at the beginning of the season need weeding again before the end of the season and there is not enough resource to undertake a second round of weed removal.</p>
Equalities		<p>As evidenced, a manual approach to weed removal means it is not possible to remove all weeds from across the city. This presents a risk that the council is not meeting its equalities duties by not keeping the city's highways clear and free of obstructions. Further information on the impact on some protected characteristics is available in Appendix 4.</p>
Highways		<p>Highways Inspectors have reported that weeds are now damaging the highway infrastructure. The highway carriageway currently has an immediate maintenance backlog of £57 million that is estimated to increase to £212 million by 2043 at the current rate of investment. The growth of weeds is currently not factored into these figures, but continuing with manual weed removal is likely to see this figure grow substantially. A typical replacement of a footway in asphalt is £11,000 for 100m<sup>2</sup>, and this equates to approximately three footway renewals per year from the existing footway safety budget. If the condition of footways continues to degrade due</p>



Manual removal of weeds	Benefits	Disbenefits
		<p>to damage caused by weeds, it will mean there will be an increased budget gap and pressure for the council.</p> <p>Weeds can also damage the carriageway surface which allows water ingress. Freezing, then thawing, causes the highway to form defects or premature deterioration of the surface.</p>
Public health	<p>There is conflicting evidence on the public health implications of the use of glyphosate. As detailed in the main report, a <a href="#">report from the International Agency for Research on Cancer in March 2015</a> found that the herbicide glyphosate was classified as “probably carcinogenic to humans”. Using manual techniques to remove weeds will mean this risk is mitigated.</p>	
Staff		<p>The manual removal of weeds is hard on the body. More staff are informing management of musculoskeletal complaints due to weeding. In the last 12 months, 56 street cleansing staff (out of 155) have received treatment from the on-site physiotherapist, citing ‘weeding’ as the cause or contributing factor to their injury or condition.</p> <p>The tools used to remove weeds manually present risks relating to whole body vibration and hand arm vibration. Appropriate training, breaks and PPE is provided but use of tools can impact on staff wellbeing and sickness levels.</p>

Controlled-droplet spray	Benefits	Disbenefits
Biodiversity and sustainability	<p>Using a controlled-droplet application is a better option than using traditional glyphosate.</p>	<p>Using a controlled-droplet approach will mean the council is not taking all the action it can to address the climate and biodiversity emergencies declared in 2018. It will not support the delivery of The Living Coast UNESCO Biosphere objective</p>

Controlled-droplet spray	Benefits	Disbenefits
	Controlled-droplet applications use less glyphosate than the traditional approach.	on biodiversity conservation or Strategic Risk 36 which is to address climate and ecological change. See Appendices 5 and 6 for more information on the sustainability implications. However, this option is a better option than using traditional glyphosate. This is because the application is applied in large droplets released under gravity (unlike the traditional method of glyphosate application, which is a pressurised mist). This reduces drift and the likelihood of the application adhering to non-target items.
Cost		Based on the soft market testing completed to inform this report, a controlled-droplet approach to weed management is not the most cost-effective way to manage weeds across the city. The estimated costs are more expensive than traditional glyphosate: £0.266m compared to £0.110m.  Funding for this treatment is subject to Budget Council approval in February 2024.
Efficiency / effectiveness	<p>Using a controlled-droplet application is likely to tackle most weeds and use less glyphosate.</p> <p>Controlled-droplet weed management may tackle the established roots. This may mean the weeds may not grow back once they have been treated.</p> <p>Using a controlled-droplet application will mean barrow operatives will have more time for other duties, such as litter picking.</p> <p>The use of contractors will mean the planned weed management work will take place (weather dependent) rather than having to respond to other needs within a demand led service.</p>	<p>Having not used pesticide for five years, weeds in many parts of the city are well established, meaning they are bigger and more difficult to remove. This means the controlled-droplet applications may not be as effective at removing these weeds compared to traditional glyphosate.</p> <p>Controlled-droplet applications are untried and untested way to manage weeds on hard surfaces on a large scale and because of this, more applications may be required, which will increase the cost.</p>
Equalities	The use of a controlled-droplet application is likely to mean the council is better placed to meet its equalities duties by keeping	Having not used pesticide for five years, weeds in many parts of the city are well established, meaning they are bigger and

Controlled-droplet spray	Benefits	Disbenefits
	<p>the highway free of obstructions. Further information on the impact on some protected characteristics is available in Appendix 4.</p>	<p>more difficult to remove. This means the controlled-droplet applications may not be as effective at removing these weeds compared to traditional glyphosate and may mean the council is not able to meet its equalities duties and keep the highway free of obstructions.</p>
Highways	<p>Using a controlled-droplet application is likely to mean there is reduced damage to the highway infrastructure, with weeds and their roots treated before they start to cause damage. This may lead to reduced cost of replacing / repairing the highway caused by weed damage.</p> <p>There is likely to be fewer trip hazards on the highway.</p> <p>There is likely to be less opportunity for water ingress meaning fewer instances of premature deterioration of the surface during freeze/thaw conditions.</p>	<p>Having not used pesticide for five years, weeds in many parts of the city are well established, meaning they are bigger and more difficult to remove. This means the controlled-droplet applications may not be as effective at removing these weeds compared to traditional glyphosate and may mean that repairs to the highway continue to be required due to damage caused by weeds.</p>
Impact on staff	<p>Using contractors to manage weeds means there will be a reduced need for manual labour and therefore the number of musculoskeletal injuries will reduce across the workforce. It will also reduce the risk of whole body vibration and hand arm vibration injuries.</p>	
Public health	<p>There is conflicting evidence on the public health implications of the use of glyphosate. A July 2023 assessment by the <a href="#">European Food Safety Authority</a> of the impact of glyphosate on the health of humans, animals and the environment did not identify critical areas of concern. On 16 November 2023, the European Commission renewed the approval for the use of glyphosate for a further 10 years.</p>	<p>There is conflicting evidence on the public health implications of the use of glyphosate. As detailed in the main report, a <a href="#">report from the International Agency for Research on Cancer in March 2015</a> found that the herbicide glyphosate was classified as “probably carcinogenic to humans”. However, using a controlled-droplet application is a better option than using traditional glyphosate. This is because the application is applied in large droplets released under gravity (unlike the traditional method of glyphosate application, which is a pressurised mist) and does not produce breathable droplets.</p>

Traditional glyphosate	Benefits	Disbenefits
Biodiversity and sustainability		Using traditional glyphosate will mean the council is not taking all the action it can to address the climate and biodiversity emergencies declared in 2018. It will not support the delivery of The Living Coast UNESCO Biosphere objective on biodiversity conservation or Strategic Risk 36 which is to address climate and ecological change. See Appendices 5 and 6 for more information on the sustainability implications.
Cost		Based on the soft market testing completed to inform this report, traditional glyphosate is the most cost-effective way to manage weeds across the city. The estimated costs are £0.110m (compared to £0.266m for a controlled-droplet approach).  Funding for this treatment is subject to Budget Council approval in February 2024.
Efficiency / effectiveness	<p>Traditional glyphosate is a tried and tested way to manage weeds, with many local authorities using glyphosate for weed removal, as well as homeowners in their own gardens. It is proven to work effectively and efficiently to tackle weeds on hard surfaces on a large scale.</p> <p>Traditional glyphosate will tackle the established roots. This means the weeds are unlikely to grow back once they have been treated, keeping the city's highways will remain free of weeds.</p> <p>Using a traditional glyphosate application will mean barrow operatives will have more time for other duties, such as litter picking.</p> <p>The use of contractors will mean the planned weed management work will take place (weather dependent) rather</p>	

Traditional glyphosate	Benefits	Disbenefits
	than having to respond to other needs within a demand led service.	
Equalities	The use of traditional glyphosate to manage weeds will mean the council is better placed to meet its equalities duties. Further information on the impact on some protected characteristics is available in Appendix 4.	
Highways	<p>Using a traditional glyphosate application will mean there is reduced damage to the highway infrastructure, with weeds and their roots treated before they start to cause damage. This will lead to reduced cost of replacing / repairing the highway caused by weed damage.</p> <p>There will also be fewer trip hazards on the highway.</p> <p>There will be less opportunity for water ingress meaning fewer instances of premature deterioration of the surface during freeze/thaw conditions.</p>	
Impact on staff	Using contractors to manage weeds means there will be a reduced need for manual labour and therefore the number of musculoskeletal injuries will reduce across the workforce. It will also reduce the risk of whole body vibration and hand arm vibration injuries.	
Public health	There is conflicting evidence on the public health implications of the use of glyphosate. As detailed in the main report, a July 2023 assessment by the <a href="#">European Food Safety Authority</a> of the impact of glyphosate on the health of humans, animals and the environment did not identify critical areas of concern. On 16 November 2023, the European Commission renewed the approval for the use of glyphosate for a further 10 years.	There is conflicting evidence on the public health implications of the use of glyphosate. As detailed in the main report, a <a href="#">report from the International Agency for Research on Cancer in March 2015</a> found that the herbicide glyphosate was classified as “probably carcinogenic to humans”.



## Appendix 4: Equality Impact Assessment – weed management

### General Equality Impact Assessment (EIA) Form

#### Support:

An [EIA toolkit](#), [workshop content](#), and guidance for completing an [Equality Impact Assessment \(EIA\) form](#) are available on the [EIA page](#) of the [EDI Internal Hub](#). Please read these before completing this form.

For enquiries and further support if the toolkit and guidance do not answer your questions, contact your Equality, Diversity, and Inclusion (EDI) Business Partner as follows:

- Economy, Environment and Culture (EEC) – [Chris Brown](#),
- Families, Children, and Learning (FCL) – [Jamarl Billy](#),
- Governance, People, and Resources (GPR) – [Eric Page](#).
- Health and Adult Social Care (HASC) – [Zofia Danin](#),
- Housing, Neighbourhoods, and Communities (HNC) – [Jamarl Billy](#)

#### Processing Time:

- EIAs can take up to 10 business days to approve after a completed EIA of a good standard is submitted to the EDI Business Partner. This is not considering unknown and unplanned impacts of capacity, resource constraints, and work pressures on the EDI team at the time your EIA is submitted.
- If your request is urgent, we can explore support exceptionally on request.
- We encourage improved planning and thinking around EIAs to avoid urgent turnarounds as these make EIAs riskier, limiting, and blind spots may remain unaddressed for the ‘activity’ you are assessing.

#### Process:

- Once fully completed, submit your EIA to your EDI Business Partner, copying in your Head of Service, Business Improvement Manager (if one exists in your directorate), Equalities inbox, and any other relevant service colleagues to enable EIA communication, tracking and saving.
- When your EIA is reviewed, discussed, and then approved, the EDI Business Partner will assign a reference to it and send the approved EIA form back to you with the EDI Manager or Head of Communities, Equality, and Third Sector (CETS) Service’s approval as appropriate.
- Only approved EIAs are to be attached to Committee reports. Unapproved EIAs are invalid.

#### 1. Assessment details

Throughout this form, ‘activity’ is used to refer to many different types of proposals being assessed.

Read the [EIA toolkit](#) for more information.

<b>Name of activity or proposal being assessed:</b>	Weed Management
<b>Directorate:</b>	Economy, Environment & Culture

<b>Service:</b>	City Environment
<b>Team:</b>	City Clean
<b>Is this a new or existing activity?</b>	N/A – This is the first EIA completed for weed management
<b>Are there related EIAs that could help inform this EIA? Yes or No (If Yes, please use this to inform this assessment)</b>	No

## 2. Contributors to the assessment (Name and Job title)

<b>Responsible Lead Officer:</b>	Lynsay Cook, Head of Strategy & Service Improvement
<b>Accountable Manager:</b>	Melissa Francis, Head of Cityclean Operations
<b>Additional stakeholders collaborating or contributing to this assessment:</b>	City Environment officers Equalities, Diversity & Inclusion Team

## 3. About the activity

Briefly describe the purpose of the activity being assessed:

In November 2019, the [Environment, Transport & Sustainability Committee](#) agreed that City Environmental Management services end the use of glyphosate with immediate effect other than in exceptional cases to kill invasive plant species, such as Japanese Knotweed or to kill tree stumps. Committee was advised it would not be possible to remove all weeds from highways and pavements manually and there would be more visible weeds for longer periods of time.

Since 2019, Cityclean has been using manual methods of weed removal while looking at other alternative weed control techniques. Feedback suggests that the manual approach is not sufficient for managing weeds across the city. Therefore, a Weed Management Report is to be presented to City Environment, South Downs & The Sea (CESS) Committee in January 2024. Committee is being asked to agree either:

To continue with the current policy on weed management and instruct the council's City Environmental Management Services to continue to use manual techniques to manage and remove weeds from across the city, as described more fully in paragraphs 3.17 to 3.19 of the main report. This is until a cost-effective and viable non-glyphosate option is available.

Or  
Subject to approval at Budget Council, to amend the current policy to support the use of glyphosate to manage weeds on all hard surfaces and instruct the council's City Environmental Management Services to engage with contractors to use a controlled-droplet application to manage and remove weeds from across the city in 2024/25, as described more fully in paragraphs 3.21 to 3.24 and 3.28 to 3.29 of the main report. Further to this, Committee agrees to delegate authority to the Executive Director – Economy, Environment & Culture, in consultation with the Committee Chair, to determine the most effective approach for weed management in future years based on the outcomes achieved in 2024/25.

Or  
Subject to approval from Budget Council, to amend the current policy to support the use of glyphosate to manage weeds on all hard surfaces and instruct the council's City Environmental Management Services to engage with contractors to use traditional glyphosate to manage and remove weeds from across the city in 2024, as described more fully in paragraphs 3.25 to 3.29 of the main report. This will be subject to a review in winter 2024 to see if there is an option to move to a controlled-droplet application for 2025. Further to this, Committee agrees to delegate authority to the Executive Director – Economy,



Environment & Culture, in consultation with the Committee Chair, to determine the most effective approach for weed management in future years based on the outcomes achieved in 2024.

This EIA should be read in conjunction with the Weed Management Report and appendices being presented to Committee.

Glyphosate is the active substance in many herbicides (weed killers) and is widely used around the world. It is a non-selective, systemic herbicide and was first used in the UK in 1976. Glyphosate is effective in controlling most weed species, including perennials and grasses in many situations, including amenity, forestry, aquatic and industrial situations. Since it is approved for use in many countries, it has been subjected to extensive testing and regulatory assessment in the EU, USA and elsewhere and by the World Health Organisation.

As indicated in the main report, there are differing views on whether glyphosate is safe to use given the reported impact on human beings and wildlife.

What are the desired outcomes of the activity?

This EIA has been prepared to help inform the decision making of the CESS Committee in relation to weed management. The EIA should be read in conjunction with Weed Management Report presented to CESS Committee on 23 January 2023.

The council must meet its statutory duty to maintain a safe and usable highway network. The council also has commitments following the declaration of climate and biodiversity emergencies in 2018.

Which key groups of people do you think are likely to be affected by the activity?

All residents and visitors to the city.

#### 4. Consultation and engagement

What consultations or engagement activities have already happened that you can use to inform this assessment?

- For example, relevant stakeholders, groups, people from within the council and externally consulted and engaged on this assessment. **If no consultation** has been done or it is not enough or in process – state this and describe your plans to address any gaps.

A Weed Working Group was set up and met in October 2023 to carry out a 'vertical slice' consultation, with stakeholders from every aspect and at relevant level to form part of the working group.

The stakeholders included councillors, officers from Cityclean, City Parks, Highways and Biodiversity, plus Pesticide Action Network UK and a local resident.

The range of perspectives and experiences from this meeting was extremely useful. The outcome of this Working Group is the Weed Management Report to Committee to make a decision on future weed management.

#### 5. Current data and impact monitoring

Do you currently collect and analyse the following data to enable monitoring of the impact of this activity? Consider all possible intersections.

(Delete and indicate as applicable from the options Yes, No, Not Applicable)

<b>Age</b>	No
<b>Disability and inclusive adjustments, coverage under equality act and not</b>	No
<b>Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers)</b>	No
<b>Religion, Belief, Spirituality, Faith, or Atheism</b>	No
<b>Gender Identity and Sex (including non-binary and Intersex people)</b>	No
<b>Gender Reassignment</b>	No
<b>Sexual Orientation</b>	No
<b>Marriage and Civil Partnership</b>	No
<b>Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)</b>	No
<b>Armed Forces Personnel, their families, and Veterans</b>	No
<b>Expatriates, Migrants, Asylum Seekers, and Refugees</b>	No
<b>Carers</b>	No
<b>Looked after children, Care Leavers, Care and fostering experienced people</b>	No
<b>Domestic and/or Sexual Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)</b>	No
<b>Socio-economic Disadvantage</b>	No
<b>Homelessness and associated risk and vulnerability</b>	No
<b>Human Rights</b>	No
<b>Another relevant group (please specify here and add additional rows as needed)</b>	No

**Additional relevant groups that may be widely disadvantaged and have intersecting experiences that create exclusion and systemic barriers may include:**

- Ex-offenders and people with unrelated convictions
- Lone parents
- People experiencing homelessness
- People facing literacy and numeracy barriers
- People on a low income and people living in the most deprived areas
- People who have experienced female genital mutilation (FGM)
- People who have experienced human trafficking or modern slavery
- People with experience of or living with addiction and/ or a substance use disorder (SUD)
- Sex workers

If you answered "NO" to any of the above, how will you gather this data to enable improved monitoring of impact for this activity?

Some data is gathered through formal complaints and compliments from residents and visitors. City Environmental Management does not have data split by protected characteristics to assess intersectional, cumulative, or direct impacts other than through analysing of complaints and compliments

feedback content from residents. This is shared below. It is recognised this a data gap and the council and service need to explore improved data gathering that enables more informed impact analysis and decision-making.

Since 2019, the council has received:

- Six compliments to the Customer Feedback Team about the new, manual approach to weed management, including:
  - “I love seeing more wildflowers and long grasses in my neighbourhood”.
  - “there are many of us who love seeing such an abundance of plant life thriving in our city”.
- Five Stage 1 complaints about the decision not to use pesticides, and suggesting the manual approach to weed removal is not effective.
- 51 Stage 1 complaints about the state of pavements / highways and overgrown weeds, suggesting the council is not doing enough to manage weeds.
- One Stage 1 complaint about removing weeds from a resident’s street as they were “providing miniature nature reserves”.

Of the Stage 1 complaints received:

- Five were concerned about weeds causing trip hazards for the elderly.
- Two were concerned about weeds and the impact on disabled people.
- One commented on the issues caused by weeds for wheelchair users and those with walkers and other mobility aids.
- One commented that their elderly mother had tripped and had to visit hospital due to weeds.
- One parent commented that they sometimes had to go into the road with their pushchair, with another commenting they struggle to get their pushchair “through the gap”.
- One commented on the issues caused by the weeds for those with wheelchairs and pushchairs.

One of the options presented in the report to CESS Committee is to use glyphosate to manage the weeds on the city’s highways and pavements. If this method is approved, it can be argued that highways and pavements will be less hazardous for certain groups of people in terms of slips, trips, and falls. If the council continues to manage weeds manually, not all weeds will be removed, and some areas will be more hazardous.

Two insurance claims, relating to slips, trips, or falls due to weeds, have been made to the council since 2019 to the time of writing. Of these two claims, one was settled, and the claimant was awarded £210. For the other, council liability was denied.

What are the arrangements you and your service have for monitoring, and reviewing the impact of this activity?

City Environment will continue to review the feedback it receives in relation to weed management, following a decision being made by CESS Committee.

If Committee agrees to the use of herbicide / glyphosate, appropriate monitoring arrangements will be put in place with the contractor. This will include, for example, ensuring the contractor complies with the [Control of Pesticides Act 1986](#) and any new legislation introduced during the contract duration. Furthermore, daily updates will be provided by the contractor, including the work completed and what is planned. City Environment will undertake inspections of the work completed by the contractor on a regular basis.

The council and service need to improve data gathering and analysis through equality and intersectional lenses as a service to improve future insights and decision-making, addressing any assumptions and gaps in data today due to lack of protected characteristics and extended equalities data gathering.

## 6. Impacts

### Advisory Note:

- **Impact:**
  - Assessing disproportionate impact means understanding potential negative impact (that may cause direct or indirect discrimination), and then assessing the relevance (that is: the potential effect of your activity on people with protected characteristics) and proportionality (that is: how strong the effect is).
  - These impacts should be identified in the EIA and then re-visited regularly as you review the EIA every 12 to 18 months as applicable to the duration of your activity.
- **SMART Actions mean:** Actions that are (SMART = Specific, Measurable, Achievable, Realistic, T = Time-bound)
- **Cumulative Assessment:** If there is impact on all groups equally, complete **only** the cumulative assessment section.
- **Data analysis and Insights:**
  - In each protected characteristic or group, in answer to the question ‘If “YES”, what are the positive and negative disproportionate impacts?’, describe what you have learnt from your data analysis about disproportionate impacts, stating relevant insights and data sources.
  - Find and use contextual and wide ranges of data analysis (including community feedback) to describe what the disproportionate positive and negative impacts are on different, and intersecting populations impacted by your activity, especially considering for [Health inequalities](#), review guidance and inter-related impacts, and the impact of various identities.
  - For example: If you are doing road works or closures in a particular street or ward – look at a variety of data and do so from various protected characteristic lenses. Understand and analyse what that means for your project and its impact on different types of people, residents, family types and so on. State your understanding of impact in both effect of impact and strength of that effect on those impacted.
- **Data Sources:**
  - **Consider a wide range (including but not limited to):**
    - [Census](#) and [local intelligence data](#)
    - Service specific data
    - Community consultations
    - Insights from customer feedback including complaints and survey results
    - Lived experiences and qualitative data
    - [Joint Strategic Needs Assessment \(JSNA\) data](#)
    - [Health Inequalities data](#)
    - Good practice research
    - National data and reports relevant to the service
    - Workforce, leaver, and recruitment data, surveys, insights
    - Feedback from internal ‘staff as residents’ consultations
    - Insights, gaps, and data analyses on intersectionality, accessibility, sustainability requirements, and impacts.
    - Insights, gaps, and data analyses on ‘who’ the most intersectionally marginalised and excluded under-represented people and communities are in the context of this EIA.
- Learn more about the [Equality Act 2010](#) and about our [Public Sector Equality Duty](#).

### 5.1 Age

**Does your analysis indicate a disproportionate impact relating to any particular Age group? For example: those under 16, young adults, with other intersections.**

Yes

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**Negative:**

Of the complaints received since 2019, five were specifically concerned about weeds causing trip hazards for the elderly. A further complaint commented that their elderly mother had tripped and had to visit hospital due to weeds. This suggests that the current approach to weed removal could have a negative disproportionate impact on a particular Age group, with large and unmanaged weeds causing trip hazards and obstructions for the elderly.

**5.2 Disability:**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Disability</a>, considering our <a href="#">anticipatory duty</a>?</b>	Yes
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**Negative:**

Of the complaints received since 2019, two were specifically concerned about weeds causing trip hazards for disabled people. A further complaint commented on the issues caused by weeds for wheelchair users and those with walkers and other mobility aids. Another commented on the issues caused by the weeds for those with wheelchairs [and pushchairs]. This suggests that the current approach to weed removal could have a negative disproportionate impact on disabled people, with large and unmanaged weeds causing trip hazards and obstructions for those who are blind, partially sighted, have mobility issues or for those using wheelchairs or mobility scooters.

What [inclusive adjustments](#) are you making for diverse disabled people impacted? For example: D/deaf, deafened, hard of hearing, blind, neurodivergent people, those with non-visible disabilities, and with access requirements that may not identify as disabled or meet the legal definition of disability, and have various intersections (Black and disabled, LGBTQIA+ and disabled).

As 5.2 above.

**5.3 Ethnicity, ‘Race’, ethnic heritage (including Gypsy, Roma, Travellers):**

<b>Does your analysis indicate a disproportionate impact relating to ethnicity?</b>	No
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.4 Religion, Belief, Spirituality, Faith, or Atheism:

Does your analysis indicate a disproportionate impact relating to Religion, Belief, Spirituality, Faith, or Atheism?	No
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.5 Gender Identity and Sex:

Does your analysis indicate a disproportionate impact relating to <a href="#">Gender Identity</a> and <a href="#">Sex</a> (including non-binary and intersex people)?	No
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.6 Gender Reassignment:

Does your analysis indicate a disproportionate impact relating to <a href="#">Gender Reassignment</a> ?	No
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.7 Sexual Orientation:

Does your analysis indicate a disproportionate impact relating to <a href="#">Sexual Orientation</a> ?	No
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

### 5.8 Marriage and Civil Partnership:

<b>Does your analysis indicate a disproportionate impact relating to Marriage and Civil Partnership?</b>	No
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A
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### 5.9 Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum):

<b>Does your analysis indicate a disproportionate impact relating to Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)?</b>	Yes
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

<p><b>Negative:</b></p> <p>Of the complaints received since 2019, one parent commented that they sometimes had to go into the road with their pushchair, with another commenting they struggle to get their pushchair “through the gap”. A further complainant commented on the issues caused by the weeds for those with [wheelchairs] and pushchairs. This suggests that the current approach to weed removal could have a negative disproportionate impact on parents and carers of small children, with large and unmanaged weeds causing obstructions for those using pushchairs and prams.</p>
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### 5.10 Armed Forces Personnel, their families, and Veterans:

<b>Does your analysis indicate a disproportionate impact relating to Armed Forces Members and Veterans?</b>	No
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A
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### 5.11 Expatriates, Migrants, Asylum Seekers, and Refugees:

<b>Does your analysis indicate a disproportionate impact relating to Expatriates, Migrants, Asylum seekers, Refugees, those New to the UK, and UK visa or assigned legal status? (Especially considering for age, ethnicity, language, and various intersections)</b>	No
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

**5.12 [Carers](#):**

<b>Does your analysis indicate a disproportionate impact relating to <a href="#">Carers</a> (Especially considering for age, ethnicity, language, and various intersections).</b>	Yes
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**Negative:**

Of the complaints received since 2019, two complainants referred to the issues caused by weeds for wheelchair users which, in turn, could cause issues for anyone pushing the wheelchair. This suggests that the current approach to weed removal could have a negative disproportionate impact on carers, with large and unmanaged weeds causing obstructions for those supporting wheelchair users.

**5.13 Looked after children, Care Leavers, Care and fostering experienced people:**

<b>Does your analysis indicate a disproportionate impact relating to Looked after children, Care Leavers, Care and fostering experienced children and adults (Especially considering for age, ethnicity, language, and various intersections). Also consider our <a href="#">Corporate Parenting Responsibility</a> in connection to your activity.</b>	No
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

**5.14 Homelessness:**

<b>Does your analysis indicate a disproportionate impact relating to people experiencing homelessness, and associated risk and vulnerability? (Especially considering for age, veteran, ethnicity, language, and various intersections)</b>	No
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**If “YES”, what are the positive and negative disproportionate impacts?**



Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.15 Domestic and/or Sexual Abuse and Violence Survivors, people in vulnerable situations:

**Does your analysis indicate a disproportionate impact relating to Domestic Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)?**

No

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.16 Socio-economic Disadvantage:

**Does your analysis indicate a disproportionate impact relating to Socio-economic Disadvantage? (Especially considering for age, disability, D/deaf/ blind, ethnicity, expatriate background, and various intersections)**

No

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.17 Human Rights:

**Will your activity have a disproportionate impact relating to Human Rights?**

No

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

N/A

#### 5.17 Cumulative, multiple [intersectional](#), and complex impacts (including on additional relevant groups):

**What cumulative or complex impacts might the activity have on people who are members of multiple Minoritised groups?**

- For example: people belonging to the Gypsy, Roma, and/or Traveller community who are also disabled, LGBTQIA+, older disabled trans and non-binary people, older Black and Racially Minoritised disabled people of faith, young autistic people.
- Also consider wider disadvantaged and intersecting experiences that create exclusion and systemic barriers:
  - People experiencing homelessness
  - People on a low income and people living in the most deprived areas
  - People facing literacy and numeracy barriers
  - Lone parents
  - People with experience of or living with addiction and/ or a substance use disorder (SUD)
  - Sex workers
  - Ex-offenders and people with unrelated convictions
  - People who have experienced female genital mutilation (FGM)
  - People who have experienced human trafficking or modern slavery

There may be complex impacts for residents who are disabled and older, or disabled parents/carers or those who have other intersections contributing towards mobility issues.

## 7. Action planning

### What SMART actions will be taken to address the disproportionate and cumulative impacts you have identified?

- Summarise relevant SMART actions from your data insights and disproportionate impacts below for this assessment, listing appropriate activities per action as bullets. (This will help your Business Manager or Fair and Inclusive Action Plan (FIAP) Service representative to add these to the Directorate FIAP, discuss success measures and timelines with you, and monitor this EIA's progress as part of quarterly and regular internal and external auditing and monitoring)

1. SMART Action 1: Continue to review the feedback received in relation to weed management

2. SMART Action 2: Explore how intersectional equalities data gathering and analysis and, in turn, decision making can be improved with regards to weed management

### Which action plans with the identified actions be transferred to?

- For example: FIAP (Fair and Inclusive Action Plan) – mandatory noting of the EIA on the Directorate EIA Tracker to enable monitoring of all equalities related actions identified in this EIA. This is done as part of FIAP performance reporting and auditing. Speak to your Directorate's Business Improvement Manager (if one exists for your Directorate) or to the Head of Service/ lead who enters actions and performance updates on FIAP and seek support from your Directorate's EDI Business Partner.

This action has been added to the City Environmental Management Improvement Programme.

Note: if a contractor is to be used for weed management, biodiversity and sustainability mitigations will be managed through contract management.

## 8. Outcome of your assessment

What decision have you reached upon completing this Equality Impact Assessment? (Mark 'X' for any ONE option below)

<b>Stop or pause</b> the activity due to unmitigable disproportionate impacts because the evidence shows bias towards one or more groups.	
<b>Adapt or change</b> the activity to eliminate or mitigate disproportionate impacts and/or bias.	
<b>Proceed</b> with the activity as currently planned – no disproportionate impacts have been identified, or impacts will be mitigated by specified SMART actions.	
<b>Proceed with caution</b> – disproportionate impacts have been identified but having considered all available options there are no other or proportionate ways to achieve the aim of the activity (for example, in extreme cases or where positive action is taken). Therefore, you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	<b>X</b>

If your decision is to “Proceed with caution”, please provide a reasoning for this:

This EIA has been prepared to help inform the decision making of the CESS Committee in relation to weed management. The EIA has identified some disproportionate negative impacts and some possible positive impacts that should be read in conjunction with Weed Management Report presented to CESS Committee on 23 January 2023.

**Summarise your overall equality impact assessment recommendations to include in any committee papers to help guide and support councillor decision-making:**

This EIA has been prepared to help inform the decision making of the CESS Committee in relation to weed management. The EIA has identified some disproportionate negative impacts and some possible positive impacts that should be read in conjunction with Weed Management Report presented to CESS Committee on 23 January 2024.

If the decision is to use herbicide / glyphosate, then the limitations of manual weed removal may be mitigated and all areas could widely be weed-free potentially leading to less slips, trips, and falls or other risks and hazards for those who may be elderly, disabled, wheelchair and pushchair users or be impacted in another way due to the presence of weeds on pavements and other areas.

## 9. Publication

All Equality Impact Assessments will be published. If you are recommending, and choosing not to publish your EIA, please provide a reason:

N/A

## 10. Directorate and Service Approval

Signatory:	Name and Job Title:	Date: DD-MMM-YY
<b>Responsible Lead Officer:</b>	Lynsay Cook, Head Strategy & Service Improvement at City Environment	03-Jan-24
<b>Accountable Manager:</b>	Melissa Francis, Head of Cityclean Operations	03-Jan-24

Notes, relevant information, and requests (if any) from Responsible Lead Officer and Accountable Manager submitting this assessment:

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## EDI Review, Actions, and Approval:

### Equality Impact Assessment checklist and sign-off

EDI Business Partner to cross-check and indicate which aims of the equality duty, public sector duty and our civic responsibilities the EIA activity meets (enter Y/N/comments for all applicable options):

Y	Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the <a href="#">Equality Act</a> . (i.e., the activity removes or minimises disadvantages suffered by different people due to their protected characteristics under the Act and beyond)
Y	Advance equality of access, opportunity, and representation of voice between those who share a protected characteristic and those who do not. (i.e., the activity takes steps to meet the needs of different people from protected groups under the <a href="#">Equality Act</a> (and beyond) where these are different from the needs of other people)
Y	Creating community cohesion - Foster good relations between people who share a protected characteristic and those who do not. (i.e., the activity encourages different people from protected groups under the <a href="#">Equality Act</a> (and beyond) to participate in public life or in other activities where their participation is disproportionately low)
Y – impact identified, recommendation made	Sustainability checklist elements and supporting pragmatic achievement of Carbon Neutral goals. Refer to <a href="#">the sustainability checklist</a> .
Y	Addressing and providing inclusive and reasonable adjustments, and/ or meeting our anticipatory duties as a public sector provider, employer, and local authority.
Y	Addressing and removing <a href="#">health inequalities</a> . Meeting the <a href="#">BHCC Joint Health and Wellbeing Strategy</a> .
N/A	Consider if any <a href="#">corporate parental responsibilities</a> are impacted, for example for care experienced people.
N/A	Creating <a href="#">social value</a> and <a href="#">community wealth</a> .
N/A – Should source from sustainable and eco-friendly suppliers	Creates and proactively considers for more inclusive and diverse suppliers, commissioned providers, procured service providers and/ or another procurement and commissioning outcome. Refer to our <a href="#">social value framework guidance</a> and <a href="#">guidance around procurement and commissioning</a> .
Y – but with data and engagement improvements identified	Meeting our core priority actions, strategic themes of engagement, data, policy, and procedure and workstream activities in the <a href="#">Fair &amp; Inclusive Action Plan (FIAP)</a> , <a href="#">Our council plan</a> , <a href="#">Our strategic approach</a> , <a href="#">Workforce Equality reports</a> , <a href="#">Performance Management Framework</a> , and Council-wide <a href="#">Equality Strategies</a> such as Anti-Racism, Accessible City, Gender and more. Also refer to the <a href="#">EDI Internal Hub</a> .
Y – potentially	Creates efficiencies, savings, improves public spending, and has other positive budgetary outcomes or impacts in the public interest and/ or for our people.
Y – for some	Improves our people and/ or user experience, creating equity of access, opportunity, experiential, and wellbeing outcomes.

EIA Reference number assigned: **EEC62-03-Jan-24 -Weed-Management**

For example, HNC##-25-Dec-23-Home-Energy-Saving-Landlord-Scheme

Once the EDI Business Partner has checked the above have been considered for by those submitting the EIA for approval, they will get the EIA signed off and send to the requester copying the Head of Service, Business Improvement Manager, [Equalities inbox](#), any other service colleagues as appropriate to enable EIA tracking and saving.

<b>Signatory:</b>	<b>Name:</b>	<b>Date: DD-MMM-YY</b>
<b>EDI Business Partner:</b>	Chris Brown	03-Jan-24
<b>EDI Manager:</b>	Sabah Holmes	03-Jan-24
<b>Head of Communities, Equality, and Third Sector (CETS) Service:</b> <i>(For Budget EIAs/ in absence of EDI Manager/ as final approver)</i>	N/A	

**Notes and recommendations from EDI Business Partner reviewing this assessment:**

Approved

**Notes and recommendations (if any) from EDI Manager reviewing this assessment:**

Approved

**Notes and recommendations (if any) from Head of CETS Service reviewing this assessment:**

N/A



**Appendix 5: sustainability implications – controlled-droplet application and traditional glyphosate application**

This guidance is to support project managers when assessing their projects for sustainability and climate impact and to ensure projects are supporting the wider goals of the city’s Carbon Neutral 2030 commitment.

<p><b>Proposal/advice title: weed management in Brighton &amp; Hove</b>  <b>Using either:</b></p> <ul style="list-style-type: none"> <li>• <b>a controlled-droplet application and less glyphosate than traditional glyphosate to manage and remove weeds from across the city</b></li> <li>• <b>traditional glyphosate to manage and remove weeds from across the city</b></li> </ul>	<p><b>Directorate: Economy, Environment &amp; Culture</b></p>	<p><b>Date: January 2024</b></p>
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Sustainability theme	Consideration	Relevant Yes/No?	If ‘Yes’, is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
Energy	<ul style="list-style-type: none"> <li>✓ Use renewable sources of energy (renewables that are alternatives to combustion), including <a href="#">clean energy providers</a></li> <li>✓ Consider potential for generating renewable energy</li> <li>✓ Minimise energy consumption</li> </ul>	Unknown	Unknown	It is unknown what the power source is for the equipment used until the procurement process is completed.	The invitation to tender could give extra weighting to contractors that use renewable sources of energy to power their equipment.
Sustainable travel and transport	<ul style="list-style-type: none"> <li>✓ Travel is kept to a minimum but where necessary active and sustainable travel is prioritised for people and deliveries/freight, meaning walking and cycling, public transport, car sharing, electric or low emission vehicles including e-cargo bikes and sustainable logistics solutions</li> </ul>	Unknown	Unknown	It is unknown how the contractors will move around the city until the procurement process is completed.	The invitation to tender could give extra weighting to contractors that use sustainable travel to complete the work.

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
	<ul style="list-style-type: none"> <li>✓ Consider use of shared mobility scheme options, like BTN BikeShare, car clubs, vehicle leasing</li> <li>✓ Consider practices that eliminate or minimise the need to travel, like homeworking and local co-working hubs, remote access to services, like education, health</li> <li>✓ Any new Controlled Parking Zone should consider the provision for electric vehicle charging infrastructure</li> </ul>				
Sustainable procurement	<p>The council requires its suppliers to conduct their operations in a sustainable manner, in line with our own priorities and commitments. These can be found in our <a href="#">Sustainable Procurement Policy</a>. To ensure that our suppliers share our commitment to reducing the impact of the products and services they provide you can:</p> <ul style="list-style-type: none"> <li>✓ read the council's <a href="#">Sustainable Procurement Policy</a></li> <li>✓ have a look at the <a href="#">council's Social Value Framework on p13 to 15</a> which lists Environmental Sustainability examples in the last column</li> <li>✓ detail any sustainability requirements you want the winning bidder to follow and/ or deliver as part of the contract in your specification</li> <li>✓ include a sustainability quality question in your tender</li> </ul>	Yes	Positive and negative	<p>Positive</p> <p>The approach to procurement will follow the council's policies.</p> <p>Negative</p> <p>The item being procured will not follow the Sustainable Procurement Policy. This is picked up in more detail below, in terms of the product being procured and its impact.</p>	<p>The invitation to tender could include a social value element and bidders will be asked to provide their ideas on how they can achieve this. This could, for example, include activities to offset the biodiversity impacts of the item being procured.</p>



Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
	<ul style="list-style-type: none"> <li>✓ consider adding a Key Performance Indicator (KPI) that is linked to reducing environmental impact</li> <li>✓ if you're buying food for the council or procuring a catering contract, read the <a href="#">council's Buying Standards for Catering Contracts</a>; and include these requirements in your specification</li> </ul> <p>For further help and advice, please contact the <a href="#">BHCC Procurement Team</a></p>				
Circular waste management practices and procurement	<ul style="list-style-type: none"> <li>✓ Consumption and use of virgin materials is eliminated or kept to an absolute minimum</li> <li>✓ Consider leasing of equipment, materials, resources and property rather than purchasing or building new</li> <li>✓ Use of 100% reused / repurposed materials</li> <li>✓ Packaging and wasted materials are eliminated, kept to a minimum and made from renewable materials</li> <li>✓ Ensure food waste is minimised or re-distributed to benefit local communities</li> </ul>	Yes	Positive	Use of contractors for weed management and their equipment, means it could be reused on other contracts.	
Sustainable economy	<ul style="list-style-type: none"> <li>✓ Support local economy and local employment</li> <li>✓ Consider impact to local businesses and high streets</li> <li>✓ Consider opportunities for quality green skills development and training</li> <li>✓ Consider circular principles that are outlined in the BHCC Circular Economy Route Map</li> </ul>	Yes	Positive	The soft market testing indicates that there are local companies that can provide this service and therefore there will be local employment opportunities.	

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
Health, safety, wellbeing and local communities	<ul style="list-style-type: none"> <li>✓ Promote healthy, safe and secure environments in which to live and work</li> <li>✓ Consider impact of noise, stress and air quality to local residents, building occupants and communities</li> </ul>	Yes	Positive and negative	<p>Positive</p> <p>More of the highway / pavement will be free of weeds, making it more accessible for people to move around, including those in wheelchairs, with mobility issues or pushing prams.</p> <p>Manual removal of weeds is hard on the body. Removing weeds using a weed management application will mean that this risk is negated.</p> <p>Negative</p> <p>Section 13 of the main report sets out some of the public health implications in relation to the use of glyphosate. The evidence suggests there may be a health risk.</p> <p>The adverse impacts of glyphosate are greater when using a traditional glyphosate application, compared to a controlled-droplet application.</p>	<p>The contract management arrangements will ensure the contractor complies with the <a href="#">Control of Pesticides Act 1986</a>, the HSE guidance and any new legislation introduced during the contract duration.</p> <p>Those undertaking weed treatment will be wearing full and appropriate Personal Protective Equipment (PPE).</p> <p>Risk Assessment Method Statements will be prepared by the contractor and agreed by the council, which will set out mitigations to reduce any risk posed to residents.</p>
Sustainable water	<ul style="list-style-type: none"> <li>✓ Minimise water consumption and ensure water efficiency measures are in place</li> <li>✓ Consider water harvesting and reuse</li> <li>✓ Consider impact to water pollution from chemicals use, particularly in relation to vehicle use, cleaning and maintenance</li> <li>✓ Consider use of sustainable urban drainage for minimising impact of water</li> </ul>	Yes	Negative	<p>If a weed treatment is used, there is a risk that this enters the water table.</p> <p>The adverse impacts of glyphosate are greater when using a traditional glyphosate application, compared to a controlled-droplet application.</p>	<p>The contract management arrangements will ensure the contractor complies with the <a href="#">Control of Pesticides Act 1986</a>, the HSE guidance and any new legislation introduced</p>

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
	<p>pollution and surface water flooding, in particular, permeable surfaces</p> <ul style="list-style-type: none"> <li>✓ Use drought tolerant, native planting schemes to minimise irrigation requirements</li> </ul>				<p>during the contract duration.</p>
<p>Biodiversity and nature conservation</p>	<ul style="list-style-type: none"> <li>✓ Seek to protect, enhance and create natural habitats to support local species and wildlife</li> <li>✓ Ensure pesticides and herbicides are not used unless in exceptional circumstances</li> <li>✓ Consider ecosystem service impacts and appropriate mitigation</li> <li>✓ Consider use of nature-based solutions</li> <li>✓ Support the ambitions and aspirations of <a href="#">The Living Coast Biosphere</a></li> <li>✓ Consider how local communities can be engaged and benefit from improvements to their natural environment</li> </ul>	<p>Yes</p>	<p>Negative</p>	<p>If a weed treatment is used, there is a risk to biodiversity and nature conservation.</p> <p>Brighton &amp; Hove City Council declared a climate and biodiversity emergency in 2018. To address this, the council committed to enhancing and improving access to the most important natural habitats, including chalk grassland, woodland and hedgerows within the city. The reintroduction of glyphosate for weed removal will impact on the council's ability to address the climate and biodiversity emergency.</p> <p>One of the Strategic Risks (SR36) is <i>not taking all actions required to address climate and ecological change and transitioning our city to carbon neutral by 2030</i>. This was reported as red to <a href="#">Audit &amp; Standards Committee in January 2023</a>.</p> <p>The council is a lead partner in The Living Coast UNESCO Biosphere. One of the key objectives is the <i>conservation of biodiversity</i>. The</p>	<p>The contract management arrangements will ensure the contractor complies with the <a href="#">Control of Pesticides Act 1986</a>, the HSE guidance and any new legislation introduced during the contract duration.</p> <p>The report is recommending the continuation of the current policy not to use glyphosate in the city's parks and open spaces where leisure activities and dog walking are undertaken and where there are playgrounds. The exception to this is when it is used to manage invasive species. This will protect a substantial habitat for wildlife and pollinator insects.</p>

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
				<p>reintroduction of glyphosate for weed removal will impact on the conservation of biodiversity.</p> <p>The 2012 Brighton &amp; Hove Local Biodiversity Action Plan identifies species and habitats of importance and notes pesticide / herbicide / chemical impacts and threats on habitats and species of local importance. The reintroduction of glyphosate for weed removal will impact on the delivery of this Action Plan.</p> <p><a href="#">Supplementary Planning Document 11</a>, in its <i>notes on habitat creation and enhancement</i>, says “chemical applications should be avoided”.</p> <p>The adverse impacts of glyphosate are greater when using a traditional glyphosate application, compared to a controlled-droplet application.</p>	

## Appendix 6: sustainability implications – manual removal

This guidance is to support project managers when assessing their projects for sustainability and climate impact and to ensure projects are supporting the wider goals of the city’s Carbon Neutral 2030 commitment.

<b>Proposal/advice title: weed management in Brighton &amp; Hove Continuing to use manual techniques to manage and remove weeds from across the city in 2024.</b>	<b>Directorate: Economy, Environment &amp; Culture</b>	<b>Date: January 2024</b>
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Sustainability theme	Consideration	Relevant Yes/No?	If ‘Yes’, is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
Energy	<ul style="list-style-type: none"> <li>✓ Use renewable sources of energy (renewables that are alternatives to combustion), including <a href="#">clean energy providers</a></li> <li>✓ Consider potential for generating renewable energy</li> <li>✓ Minimise energy consumption</li> </ul>	Yes	Positive and negative	<p>Positive</p> <p>Brushing and hoeing does not require any power.</p> <p>Negative</p> <p>The weed ripper is powered by petrol. Strimmers require electricity.</p>	City Environmental Management Services will continue to test and review weed removal machinery.
Sustainable travel and transport	<ul style="list-style-type: none"> <li>✓ Travel is kept to a minimum but where necessary active and sustainable travel is prioritised for people and deliveries/freight, meaning walking and cycling, public transport, car sharing, electric or low emission vehicles including e-cargo bikes and sustainable logistics solutions</li> <li>✓ Consider use of shared mobility scheme options, like BTN BikeShare, car clubs, vehicle leasing</li> <li>✓ Consider practices that eliminate or minimise the need to travel, like</li> </ul>	Yes	Positive and negative	<p>Some of the manual equipment requires transportation by vehicle.</p> <p>Positive</p> <p>A diesel or electric vehicle can transport strimmers, depending on availability.</p> <p>Negative</p> <p>A diesel vehicle is required to transport the weed ripper.</p>	A Fleet Replacement Programme is in place to work towards the decarbonisation of council fleet.

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
	<p>homeworking and local co-working hubs, remote access to services, like education, health</p> <ul style="list-style-type: none"> <li>✓ Any new Controlled Parking Zone should consider the provision for electric vehicle charging infrastructure</li> </ul>				
Sustainable procurement	<p>The council requires its suppliers to conduct their operations in a sustainable manner, in line with our own priorities and commitments. These can be found in our <a href="#">Sustainable Procurement Policy</a>. To ensure that our suppliers share our commitment to reducing the impact of the products and services they provide you can:</p> <ul style="list-style-type: none"> <li>✓ read the council's <a href="#">Sustainable Procurement Policy</a></li> <li>✓ have a look at the <a href="#">council's Social Value Framework on p13 to 15</a> which lists Environmental Sustainability examples in the last column</li> <li>✓ detail any sustainability requirements you want the winning bidder to follow and/ or deliver as part of the contract in your specification</li> <li>✓ include a sustainability quality question in your tender</li> <li>✓ consider adding a Key Performance Indicator (KPI) that is linked to reducing environmental impact</li> <li>✓ if you're buying food for the council or procuring a catering contract, read the <a href="#">council's Buying Standards for Catering</a></li> </ul>	No	N/A	N/A	N/A

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
	<p><a href="#">Contracts</a>; and include these requirements in your specification</p> <p>For further help and advice, please contact the <a href="#">BHCC Procurement Team</a></p>				
Circular waste management practices and procurement	<ul style="list-style-type: none"> <li>✓ Consumption and use of virgin materials is eliminated or kept to an absolute minimum</li> <li>✓ Consider leasing of equipment, materials, resources and property rather than purchasing or building new</li> <li>✓ Use of 100% reused / repurposed materials</li> <li>✓ Packaging and wasted materials are eliminated, kept to a minimum and made from renewable materials</li> <li>✓ Ensure food waste is minimised or re-distributed to benefit local communities</li> </ul>	No	N/A	N/A	N/A
Sustainable economy	<ul style="list-style-type: none"> <li>✓ Support local economy and local employment</li> <li>✓ Consider impact to local businesses and high streets</li> <li>✓ Consider opportunities for quality green skills development and training</li> <li>✓ Consider circular principles that are outlined in the BHCC Circular Economy Route Map</li> </ul>	No	N/A	N/A	N/A
Health, safety, wellbeing and local communities	<ul style="list-style-type: none"> <li>✓ Promote healthy, safe and secure environments in which to live and work</li> <li>✓ Consider impact of noise, stress and air quality to local residents, building occupants and communities</li> </ul>	Yes	Positive and negative	Positive Some highways will be free of weeds, making it accessible for people to move around, including	Those undertaking weed treatment will be wearing full and appropriate Personal Protective Equipment (PPE).

Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
				<p>those in wheelchairs, with mobility issues or pushing prams.</p> <p>Negative</p> <p>Using manual techniques to remove weeds means it is not possible to keep all of the highway free from weeds, potentially resulting in accessibility issues in some areas.</p> <p>Manual removal of weeds is noisy when scrapping pavements with hoes. Strimmers and weed rippers make a lot of noise.</p> <p>Manual removal of weeds is hard on the body and there is an increase in staff reporting musculoskeletal problems.</p>	<p>Risk Assessment Method Statements have been prepared by the council to ensure operatives minimise the risks caused by manual weed removal.</p>
Sustainable water	<ul style="list-style-type: none"> <li>✓ Minimise water consumption and ensure water efficiency measures are in place</li> <li>✓ Consider water harvesting and reuse</li> <li>✓ Consider impact to water pollution from chemicals use, particularly in relation to vehicle use, cleaning and maintenance</li> <li>✓ Consider use of sustainable urban drainage for minimising impact of water pollution and surface water flooding, in particular, permeable surfaces</li> <li>✓ Use drought tolerant, native planting schemes to minimise irrigation requirements</li> </ul>	No	N/A	N/A	N/A



Sustainability theme	Consideration	Relevant Yes/No?	If 'Yes', is impact positive or negative?	Briefly describe	If negative, briefly describe mitigation measures
Biodiversity and nature conservation	<ul style="list-style-type: none"> <li>✓ Seek to protect, enhance and create natural habitats to support local species and wildlife</li> <li>✓ Ensure pesticides and herbicides are not used unless in exceptional circumstances</li> <li>✓ Consider ecosystem service impacts and appropriate mitigation</li> <li>✓ Consider use of nature-based solutions</li> <li>✓ Support the ambitions and aspirations of <a href="#">The Living Coast Biosphere</a></li> <li>✓ Consider how local communities can be engaged and benefit from improvements to their natural environment</li> </ul>	Yes	Positive	<p>It is not possible to remove all weeds using manual methods. This means some weeds remain whilst others grow back providing a habitat for nature supporting council's ability to address the climate and biodiversity emergency.</p> <p>The council is a lead partner in The Living Coast UNESCO Biosphere. One of the key objectives is the <i>conservation of biodiversity</i>. The manual removal of weeds supports this.</p> <p><a href="#">Supplementary Planning Document 11</a>, in its <i>notes on habitat creation and enhancement</i>, says "chemical applications should be avoided". The manual removal of weeds supports this.</p>	



## **Appendix 7: feedback from the Environment Agency and Southern Water on the use of glyphosate**

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In October 2022, the council sought the Environment Agency and Southern Water's views on the impact / risks of using herbicides / glyphosate on highways and in parks. Particular questions were asked on whether herbicides / glyphosate would permeate through the aquifer and contaminate drinking water and the sea or would this only occur if using the chemical near to open water.

City Environment contacted the Environment Agency and Southern Water again in December 2023 to confirm that their position remained the same.

Their responses are detailed below:

### **Environment Agency**

#### October 2022

*"Glyphosate is monitored as part of the Environment Agency's Groundwater Quality Monitoring Network. While not routinely detected in groundwater, the data is limited, primarily because it is only monitored for annually at most, meaning peaks caused by applications to ground or heavy rainfall events can be missed. With the exception of two samples collected at Brighton Pavilion in 2012-2013 (glyphosate was not detected), we have no data for the Brighton Chalk. Therefore, a lack of monitoring points and data collection makes it difficult to adequately assess the impact and risks to groundwater, but we do know that it is more likely to be detected in shallow groundwater or where there are faster pathways to groundwater e.g. fractures, fissures, deep soakaways etc.*

*The Environment Agency's view on their application is that it should be avoided where possible. We would advise that any application is well managed in terms of timing and application rate to ensure minimal risk to groundwater and that application in the proximity of faster pathways is avoided. Brighton and Hove City Council have the deep soakaways mapped and if their use is restarted, we would advise avoiding areas where there is a risk of rapid migration to groundwater.*

*All our groundwater quality data is available here - [Open WIMS data](#). Local water companies also monitor groundwater quality at their sources and have detected glyphosate intermittently, so it might be worth contacting Southern Water. The Environment Agency and Southern Water are partners alongside Brighton and Hove City Council and SDNPA of The Aquifer Partnership which may be best placed to put you in touch with Southern Water".*

#### December 2023

*"Thank you for your enquiry. The Environment Agency's view on herbicides/glyphosate and the risks to groundwater have not changed since our previous response in October 2022. Application should be avoided where possible. Where it cannot be avoided its use should be limited and well managed in terms of timing and application rate to ensure minimal risk to groundwater".*

### **Southern Water**

#### October 2022

*"I'd first like to say Southern Water are committed to helping protect our precious Chalk aquifers and work on a wide range of projects and initiatives, for example The Aquifer Partnership (TAP), to better understand water quality challenges in our groundwater catchments and work with landowners and stakeholders to help implement measures that will achieve long term improvements to the environment.*

*Across all of Southern Waters groundwater catchments, Glyphosate is the most commonly detected approved pesticide at levels of concern. It should be noted that any elevated detections occur as one-off events with most routine water quality samples historically containing either very low or undetectable concentrations. This is most likely related to rainfall events where Glyphosate/Herbicide applied to the ground is mobilised more rapidly downward to the aquifer.*

*The Chalk is generally highly vulnerable to surface contamination because the aquifer here in Brighton and Hove is unconfined (i.e. lacking any surface geological protection), there is a significant mix of potentially contaminating land uses in this area (i.e. transport, agriculture, urban, industry, wastewater), and one of the key properties of the Chalk, it having 'dual porosity', so water moves quickly along small gaps or fractures in the Chalk as well as much more slowly through the harder Chalk matrix. These properties make the Chalk a great aquifer for providing water, but it also means that it can transport contaminants rapidly over long distances with sometimes minimal attenuation.*

*Southern Water fully support the ban by Brighton and Hove City Council to end the use of glyphosate for weed removal in parks and highways, and would strongly encourage other landowners to follow suit".*

#### December 2023

*"Our position remains the same from a groundwater quality risk perspective we do not support the use of glyphosate within any of the groundwater catchments in Brighton and Worthing from which we abstract drinking water for customers.*

*As I covered in my previous email, the Brighton and Worthing area is particularly unique in relation to herbicide application because it is a Chalk aquifer which is highly vulnerable to surface contamination related to the dual porosity nature of the Chalk and lack of protection with the aquifer being unconfined and the risk of minimal contaminant attenuation. Our catchment risk assessments and water quality data show that glyphosate does travel down through the aquifer and is detected at elevated concentrations in drinking water.*

*From reviewing the EU commission decision on glyphosate we noted they did not reach a majority on the matter and seven application conditions are attached. The main change will be that a glyphosate risk assessment is required but no standardised assessment criteria has been released to our knowledge".*

# Brighton & Hove City Council

## Council

## Agenda Item 87

**Subject:** Support for Political Groups

**Date of meeting:** 1 February 2024

**Proposer:** Councillor Mark Earthey

**Seconder:** Councillor Bridget Fishleigh

**Ward(s) affected:** All

### **Notice of Motion Brighton & Hove Independents**

This Council:

1. Notes its current financial difficulties and the sacrifices that are having to be made.
2. Notes that the cost of support for the three largest political groups from April 1st 2024 will be £194,900, spread evenly across the three Groups.
3. Notes that the Local Government and Housing Act requires the 3 largest political groups to be offered equal support if the membership of the group consists of at least 10% of the membership of the authority.
4. Notes that Councillors are able to organise their own meetings, write their own speeches and develop their own opinions on city-wide issues using their manifestos as a base.
5. Notes that if the groups wish to maintain the current levels of support then they could directly fund roles to be employed by political parties.
6. Notes that any changes which may have an impact on staffing are required to follow the Council's policies, including the Council's Organisation Change Management Framework.

Therefore, Council resolves to:

1. Request officers to consider including within the budget proposals the £194,900 savings that could be achieved through the cessation of BHCC financial support to political groups from April 1 2024, with budget reallocated to frontline services.



# Brighton & Hove City Council

**Council**

**Agenda Item 88**

**Subject:** Protecting provision for children and young people

**Date of meeting:** 1 February 2024

**Proposer:** Councillor Shanks  
**Seconded:** Councillor Goldsmith

**Ward(s) affected:** All

## **Notice of Motion**

### **Green Group**

#### **This council notes:**

- 1) The crucial role child and youth provision, including by the community and voluntary sector, plays in the physical, mental, and social development of young people in Brighton & Hove
- 2) The impact of school and nursery closures in the context of a nationwide crisis in early years, which has caused concern among local authorities about the ability to deliver the extension of the Government's 30 hours free childcare scheme
- 3) The fragile state of funding for youth services, and in national funding for children's social care, impacting on the life chances of young people, care leavers, and those needing extra support from 0-25

#### **Therefore, resolves to:**

- 1) Request a report to the Children, Families, and Schools Committee detailing:
  - a. our support for the work of CVS organisations in the city, how we can look to protect these services, champion their values, and;
  - b. how this council can work more closely with young people, children and families, in particular to guarantee a minimum consultation period of two months ahead of any future proposals to close or move any early years childcare, schools, or child and youth provision;
  - c. how our communications can more effectively reach all children and young people, and how their voices can be heard when budget cuts affecting their services are being considered;
  - d. how we can work with educators to establish a clear framework for deciding which schools or nurseries should close, if more closures are considered in future.

## **Supporting Information:**

[Nine in 10 councils concerned about nursery capacity ahead of 30 hours free childcare extension – new LGA research | Local Government Association](#)



# Brighton & Hove City Council

**Council**

**Agenda Item 89**

**Subject: Affordable Housing**

**Date of meeting: 1 February 2024**

**Proposer: Councillor Liz Loughran**

**Seconder: Councillor Gill Williams**

**Ward(s) affected: All**

## **Notice of Motion**

### **Labour Group**

This council notes:

- 1) The Council has not been achieving its Affordable Housing supply target in recent years and there can be resistance, actual and perceived, from some developers to the implementation of the Affordable Housing policy in full.
- 2) The proposal for the publication of new Council guidance in the form of an Affordable Housing Practice Note (AHPN) which is intended to inform and guide applicants and their agents, landowners, developers, Homes England, Registered Providers and BHCC's Development Management Officers (DMO's) and the Council's Housing team of the steps that must be taken by all parties with respect to the implementation of these policies and targets.
- 3) A significant proportion of sites coming forward for housing are for small sites where implementing the Council's affordable housing requirements is challenging.

Therefore, council resolves to call for an officer report to Culture, Heritage, Sport, Tourism & Economic Development Committee which addresses the following:

- 4) A proposal for a model draft of an AHPN that can be delivered in Brighton & Hove
- 5) Ways of requiring or encouraging developers of all sizes to meet the affordable housing target percentages set out in relevant Local Plan policies without public subsidy, with the AHPN setting out how this will be done on submission of the planning application in accordance with an AHPN Compliance Statement or, as agreed, on officer assessment of whether S106 Obligations have been met
- 6) Ways of incorporating, as part of this developer model, support for smaller developers such as 'alternative' community-run providers of housing to deliver Affordable Housing (AH) units as part of a stand-alone planning application or as a party to a scheme with another developer. Alternative providers could include community-led development organisations, custom-build or self-build developer schemes
- 7) A process that strengthens all participants' expertise and knowledge around models of delivery

- 8) Incorporating possibilities for affordable units on smaller sites where there is a desire to ensure that such units are provided to meet a Council area's housing need, albeit that the number of units may be very small on such sites.

**Supporting Information:**

1. The provision of sufficient affordable housing is fundamental to the planning of residents' good health, our City's public health, and the achievement of cohesive mixed and balanced communities.
2. Many Brighton and Hove residents are unable to access market housing due to its cost relative to incomes and an under supply of housing both affordable and market. This places them at risk if there is an under supply and pipeline of AH.
3. The council's existing affordable housing policy CP20 in CPP1, sets out a 40% AH target which is not being met. The Council will require the provision of affordable housing on all sites of 5 or more dwellings (net) and will negotiate to achieve affordable housing targets that includes a 20% affordable housing contribution as an equivalent financial contribution on sites of between 5 and 9 (net) dwellings.
4. Since the policy adoption in 2016, the costs of development and constraints on land availability have increased further. Affordable housing is generally considered to be the most costly element of the developer contributions required by the council (policy) in a S106 Agreement because it requires the affordable homes to be sold to a Registered Provider (RP) or the Council at a discounted rate, relative to their market value. CP20 specifically identifies financial viability as a legitimate consideration in the determination of the amount and type of affordable housing that may be acceptable.

# Brighton & Hove City Council

**Council**

**Agenda Item 90**

**Subject:** Improving Textile Recycling

**Date of meeting:** 1 February 2024

**Proposer:** Councillor Ivan Lyons  
**Seconded:** Councillor Anne Meadows

**Ward(s) affected:** All

## **Notice of Motion**

### **Conservative Group**

This Council:

- 1) Notes the importance of recycling textiles for the environment and for the City, with profits from the recycling currently split 60-40% between the Council and local charities.
- 2) Notes that in November the City Environment, South Downs and the Sea Committee approved 54 additional containers for carton recycling and 21 new containers for WEEE recycling, but it did not also increase the number of locations or containers for textile recycling.
- 3) Further notes that residents have reported textile recycling containers overflowing with the textiles trying to be recycled, increasing the risk of contamination and fly tipping.

This council therefore resolves to:

- 4) Request an officer report brought to the City Environment, South Downs and the Sea Committee outlining options to increase the number of textile recycling points across Brighton and Hove and to increase the regularity of collection of textile recycling to reduce issues of recycling containers filling up.

