

# **BRIGHTON & HOVE CITY COUNCIL MEETING**

**4.30PM 15 JULY 2010**

**COUNCIL CHAMBER, BRIGHTON TOWN HALL**



## **AGENDA**



Brighton & Hove  
City Council

# Council Meeting

Title:	<b>Council</b>
Date:	<b>15 July 2010</b>
Time:	<b>4.30pm</b>
Venue	<b>Council Chamber, Brighton Town Hall</b>
Members:	<b>All Councillors</b> You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Paul Scholey
Contact:	<b>Mark Wall</b> Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and 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.
	<b>FIRE / EMERGENCY EVACUATION PROCEDURE</b>  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: <ul style="list-style-type: none"><li>• You should proceed calmly; do not run and do not use the lifts;</li><li>• Do not stop to collect personal belongings;</li><li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li><li>• Do not re-enter the building until told that it is safe to do so.</li></ul>

## AGENDA

**1. DECLARATIONS OF INTEREST**

Statutory or voluntary disclosure by councillors of interests in matters appearing on the agenda.

**2. MINUTES**

**1 - 52**

To approve as a correct record the minutes of:

- (a) the Ordinary Council meeting held on the 18<sup>th</sup> March 2010 (copy attached); and
- (b) the Annual Council Meeting held on the 13<sup>th</sup> May 2010 (copy attached).

**3. MAYOR'S COMMUNICATIONS.**

**4. REPORT OF THE CHIEF FIRE OFFICER FOR EAST SUSSEX FIRE & RESCUE SERVICE**

The Chief Fire Officer will address the Council on the work of the East Sussex Fire & Rescue Service.

**5. TO RECEIVE PETITIONS AND E-PETITIONS.**

Petitions will be presented to the Mayor at the meeting along with two e-petitions on the following subject:

- (a) **Dog-free areas in Queen's Park.** Lead petitioner Councillor Fryer.
- (b) **Do not ban dogs from Queen's Park.** Lead petitioner Paul Mendlesohn.

**6. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

A list of public questions received by the due date of the 8<sup>th</sup> July 2010 will be circulated separately as part of an addendum at the meeting.

**7. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

A list of deputations received by the due date of the 8<sup>th</sup> July 2010 will be circulated separately as part of an addendum at the meeting.

**8. COUNCILLORS QUESTIONS**

**53 - 58**

**(a) Written questions from Councillors.**

Councillors written questions as listed in the agenda papers along with the written answers will be taken as read at the meeting (a separate list detailing both the questions and answers will be circulated as part of an addendum at the meeting).

**(b) Oral questions from councillors**

Councillors will be invited by the Mayor to put their oral questions in regard to the notified subject matter to respective councillors as listed in the agenda papers. The councillor asking the question may ask one relevant supplementary question which shall be put and answered without discussion. No other supplementary questions are permitted.

**9. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

(a) Call over (items 10-17) 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 Cabinet, Cabinet Member and Committee reports, which have not been reserved for discussion.

**10. IN-YEAR SAVINGS 2010/11**

Report of the Director of Finance & Resources (to be circulated).

*Contact Officer: Mark Ireland*  
*Ward Affected: All Wards;*

*Tel: 29-1240*

**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.

## COUNCIL

- 11. HEALTH & SAFETY ANNUAL SERVICE PLAN 2010/11** **59 - 84**
- Report of the Director of Environment, together with an extract from the proceedings of the Environment Cabinet Member Meeting held on the 25<sup>th</sup> March 2010 and the Environment & Community Safety Overview & Scrutiny Committee meeting held on the 19<sup>th</sup> June 2010 (copies attached).
- Contact Officer: Roy Pickard* *Tel: 29-2145*  
*Ward Affected: All Wards;*
- 12. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2010/11** **85 - 120**
- Report of the Director of Environment, together with an extract from the proceedings of (a) the Environment Cabinet Member Meeting held on the 25<sup>th</sup> March 2010 and the Environment & Community Safety Overview & Scrutiny Committee meeting held on 19<sup>th</sup> June 2010 (copies attached).
- Contact Officer: Nick Wilmot* *Tel: 29-2157*  
*Ward Affected: All Wards;*
- 13. OVERVIEW & SCRUTINY ANNUAL REPORT 2009-10** **121 - 140**
- Report of the Director of Strategy & Governance (copy attached).
- Contact Officer: Tom Hook* *Tel: 29-1110*  
*Ward Affected: All Wards;*
- 14. REDUCING ALCOHOL RELATED HARM FOR CHILDREN & YOUNG PEOPLE - SCRUTINY REVIEW PANEL REPORT** **141 - 234**
- Report of the Director of Strategy & Governance together with the report of the Children & Young People Overview & Scrutiny Committee Scrutiny Review Panel, (copies attached).
- Contact Officer: Tom Hook* *Tel: 29-1110*  
*Ward Affected: All Wards;*
- 15. SEXUAL ESTABLISHMENT LICENSING POLICY PROGRESS REPORT** **235 - 252**
- Extract from the Licensing Committee meeting held on the 24<sup>th</sup> June 2010, together with a report of the Director of Environment (copy attached).
- Contact Officer: Tim Nichols* *Tel: 29-2163*  
*Ward Affected: All Wards;*

## COUNCIL

### 16. PETITIONS SCHEME

253 - 274

Report of the Director of Strategy & Governance (copy attached); together with an extract from the proceedings of the Governance Committee meeting held on the 13<sup>th</sup> July (to be circulated).

*Contact Officer:* Elizabeth Culbert                      *Tel:* 29-1515  
*Ward Affected:* All Wards;

### 17. MANDATORY DEVELOPMENT FOR PLANNING COMMITTEE

275 - 280

Joint report of the Director of Environment and Director of Strategy & Governance (copy attached), together with an extract from the proceedings of the Governance Committee meeting held on the 13<sup>th</sup> July 2010 (to be circulated).

*Contact Officer:* Jeanette Walsh                      *Tel:* 29-2995  
*Ward Affected:* All Wards;

### 18. NOTICES OF MOTION.

281 - 286

- (a) **A return to the Committee System of Governance for Brighton & Hove City Council.** Proposed by Councillor Mitchell (copy attached).
- (b) **Housing Benefit.** Proposed by Councillor Randall (copy attached).
- (c) **Opposing Cuts and 'Intelligent Commissioning' as the Response.** Proposed by Councillor Kitcat (copy attached).

### 19. 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).

## COUNCIL

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 fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

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.

### WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

Therefore by entering the meeting room and using the seats around the meeting tables 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.

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

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

Date of Publication - Wednesday, 7 July 2010



Chief Executive

King's House  
Grand Avenue  
Hove  
BN3 2LS





<b>COUNCIL</b>	<b>Agenda Item 2(a)</b>
15 July 2010	Brighton & Hove City Council

**BRIGHTON & HOVE CITY COUNCIL**

**COUNCIL**

**4.30pm 18 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mrs Norman (Chairman), Peltzer Dunn (Deputy Chairman), Alford, Allen, Barnett, Bennett, Brown, Carden, Caulfield, Cobb, Davey, Davis, Drake, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K Norman, Older, Oxley, Phillips, Pidgeon, Randall, Rufus, Simpson, Simson, Smart, Smith, Steedman, Taylor, C Theobald, G Theobald, Turton, Wakefield-Jarrett, Watkins, Wells, West, Wrighton and Young.

**PART ONE**

**56. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.**

- 56.1 The Mayor drew the Council's attention to Item No. 65(b), Review of Members Allowances, on the agenda and stated that all councillors held a personal and prejudicial interest in the item. However, it was not practical to prevent them from voting on the matter and therefore all councillors had a general dispensation, in order to be able to consider and vote on the matter. She therefore sought agreement, which was given, to take the declaration of personal interests from all councillors as having been declared.
- 56.2 Councillor Harmer-Strange declared a personal and prejudicial interest in Item 71(b) on the agenda as he was involved in letting properties and stated he would withdraw from the Chamber when the item was considered;
- 56.3 Councillors Wells, Bennett, Simson, Peltzer Dunn and Janio declared a personal but non-prejudicial interest in Item 71(b) on the agenda;
- 56.4 Councillors Mitchell and Turton declared a personal but non-prejudicial interest in Item 71(c) on the agenda by way of their employment connections.

**57. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE SPECIAL COUNCIL AND ORDINARY COUNCIL MEETINGS HELD ON 28TH JANUARY AND THE BUDGET COUNCIL MEETING HELD ON THE 25TH FEBRUARY 2010 (COPIES ATTACHED).**

57.1 The minutes of the Special Council meeting held on the 28<sup>th</sup> January 2010 were approved and signed by the Mayor as a correct record of the proceedings.

57.2 The minutes of the last meeting held on the 28<sup>th</sup> January 2010 were approved and signed by the Mayor as a correct record of the proceedings, subject to following amendments:

- (a) The inclusion of the word 'not' in paragraph 52.22 so that it reads, "Councillor Lepper moved an amendment, seconded by Councillor Morgan, which was not accepted by Councillor Fryer."
- (b) The inclusion of the word 'not' in paragraph 52.10 so that it reads, "Councillor Allen moved an amendment, seconded by Councillor Hamilton, which was not accepted by Councillor Randall.

The Mayor noted that the amendment moved by Councillor Allen had not been accepted by Councillor Randall and therefore put the proposed amendment to the vote, which was carried."

57.3 The minutes of the Budget Council meeting held on the 25<sup>th</sup> February 2010 were approved and signed by the Mayor as a correct record of the proceedings.

**58. MAYOR'S COMMUNICATIONS.**

58.1 The Mayor stated that she was delighted to have the opportunity on behalf of the Council to congratulate the City Planning Team who had been awarded the National Planning Award for Sustainable Communities. It was the top award for planning for sustainable development and was presented recently to the City Planning team and the developer BioRegional Quintain for their work on the 'One' Brighton development and the wider New England Quarter.

58.2 The mayor noted that the judges' commented in particular on the City Planning team's positive approach and their ability to work in partnership to 'really make things happen'. She then called on Councillor Geoffrey Theobald, Cabinet Member for Environment to present the award to Jeanette Walsh, Head of Development Control.

58.3 The Mayor then drew the council's attention to the Brighton & Hove Marathon which was taking place on the 18<sup>th</sup> April and reminded colleagues that they could sponsor her by clicking onto the various mayoral charity links.

58.4 The Mayor stated that she was aware the Leader of the Council wished to move a procedural motion and called on Councillor Mears.

- 58.5 Councillor Mears stated that in having regard to Item 65(b) on the agenda, Review of Members Allowances, and the discussion at the recent Governance Committee meeting, she wished to move that the both items 65(a) and 65(b) be deferred to allow for further discussions between the Leaders of the Groups and the Independent Remuneration Panel before final recommendations were considered by the council. She wished to place on record her appreciation of the work undertaken by the Panel, but felt that in view of the lack of consensus at the Governance Committee, it would be beneficial to ask the Panel to look further at its recommendations and to receive the views of the Leaders.
- 58.6 Councillor Oxley formally seconded the motion.
- 58.7 Councillor Randall queried whether there would be an opportunity to debate the motion and sought clarification from the Monitoring Officer.
- 58.8 The Monitoring Officer stated that as a procedural motion had been moved, the Mayor as the Chairman of the meeting could take the views of the Leaders or put the motion to the Council for a view.
- 58.9 The Mayor indicated that having had a procedural motion moved, she was inclined to put the motion straight to the vote.
- 58.10 Councillor Kitcat requested a recorded vote be taken, which was supported by a sufficient number of councillors.
- 58.11 The Mayor noted that a recorded vote had been requested and put the motion for Item No's. 65(a) and 65(b) to be deferred from consideration to the vote;

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Alford	X		
	Allen	X		
	Barnett	X		
	Bennett	X		
	Brown	X		
	Carden	X		
	Caulfield	X		
	Cobb	X		
	Davey		X	
	Davis	X		
	Drake	X		
	Duncan		X	
	Elgood		X	
	Fallon-Khan	X		
	Fryer		X	
	Hamilton	X		
	Harmer-Strange	X		
	Hawkes	X		
	Hyde	X		
	Janio	X		

	<b>Kemble</b>	X		
	<b>Kennedy</b>		X	
	<b>Kitcat</b>		X	
	<b>Lepper</b>	X		
	<b>Marsh</b>	X		
	<b>McCaffery</b>	X		
	<b>Meadows</b>	X		
	<b>Mears</b>	X		
	<b>Mitchell</b>	X		
	<b>Morgan</b>	X		
	<b>Norman, Ann</b>	X		
	<b>Norman, Ken</b>	X		
	<b>Older</b>	X		
	<b>Oxley</b>	X		
	<b>Peltzer Dunn</b>	X		
	<b>Phillips</b>		X	
	<b>Pidgeon</b>	X		
	<b>Randall</b>		X	
	<b>Rufus</b>		X	
	<b>Simpson</b>	X		
	<b>Simson</b>	X		
	<b>Smart</b>	X		
	<b>Smith</b>	X		
	<b>Steedman</b>		X	
	<b>Taylor</b>		X	
	<b>Theobald, Carol</b>	X		
	<b>Theobald, Geoffrey</b>	X		
	<b>Turton</b>	X		
	<b>Wakefield-Jarrett</b>		X	
	<b>Watkins</b>		X	
	<b>Wells</b>	X		
	<b>West</b>		X	
	<b>Wrighton</b>		X	
	<b>Young</b>	X		
	<b>Total</b>	<b>39</b>	<b>15</b>	

58.12 The motion was carried.

#### 59. TO RECEIVE PETITIONS AND E-PETITIONS.

59.1 The Mayor invited the submission of petitions from councillors. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.

59.2 Councillor Harmer-Strange presented a petition signed by 26 residents concerning parking in Hayes Close.

- 59.3 Councillor Barnett presented a petition signed by 134 residents concerning parking outside of Goldstone School.
- 59.4 Councillor Hamilton presented a petition signed by 164 residents, which complemented a previous petition concerning the planned use of Hangleton Bottom.
- 59.5 Councillor Bennett presented a petition signed by 110 residents concerning the 27a Bus service.
- 59.6 Councillor Davey presented a petition signed by 497 residents concerning a crossing for York Place.
- 59.7 Councillor Mitchell presented a petition signed by 29 residents concerning Parking Waivers for Traders in Camelford Street.
- 59.8 Councillor Morgan presented a petition signed by 350 residents concerning the closure of the Whitehawk Youth & Community Centre.
- 59.9 Councillor Elgood presented a petition signed by 12 residents of Waterloo Street concerning the reinstatement of a lamp post.
- 59.10 The Mayor noted that there were two e-petitions to be presented in addition to the paper petitions.
- 59.11 Councillor Elgood presented an E-petition signed by 40 residents concerning a request to bring the parking contract back in-house.
- 59.12 Councillor Kemble presented an E-petition signed by 37 residents of Worcester Villas requesting that consultation take place on the provision of a parking scheme.

## **60. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

60.1 The Mayor reported that two written question had been received from a members of the public and invited Ms. Hill to come forward and address the council.

60.2 Ms. Hill asked the following question;

“Why is the Council considering the inappropriate development of a Downland greenfield site on urban fringe bordering a housing development as a waste recycling facility, instead of a brownfield site, with no reference in Agenda Item 47, to the detrimental effect on the local community who are united in their opposition to this proposal, both in potential devaluation of their properties, (20% according to local agents,) and the detrimental health and polluting effect of dust, (potentially containing hazardous chemicals, even asbestos,) noise, and necessary implementation of at least another lane in the Sainsbury’s link road?”

60.3 Councillor Fallon-Khan replied, Thank you very much for coming to Council this afternoon and thank you for your question.

I am very glad that you have highlighted the concerns of yourself and the community. It is important and welcome that you do so.

I am afraid that since 2005 when the previous Labour Administration signed off Hangleton Bottom - which I assume is the area that you are referring to - as a site designated for waste, we have been under an obligation to at least see what interest there is from business. At the moment we have no information at all with which to consult residents. It is also important to recognise that this Administration has placed a great emphasis on community facilities, which this area has also been designated for.

We are not considering any specific development at all – no-one has come forward with any proposal. All we are doing is trying to find out what, if any, interest there is. Once we have that we will openly share it with residents and I would urge you to keep in touch so we can discuss anything else to do with the site.”

60.4 Ms. Hill asked the following supplementary question;

“Referring to my previous question, we have researched local estate agents who uniformly claim a potential loss of 20% on property values in the vicinity of Hangleton Bottom, at present an Area of Outstanding Natural Beauty, and state that as soon as it were official that a commercial waste facility had the go ahead properties could even become temporarily unsaleable until building of the facility was completed.

Bearing in mind local residents received two generous compensation payments from the Highways Agency when each of the A27 and the Sainsbury’s link road were built, has the Council costed in appropriate compensation payments to all the local householders in the vicinity should this plan be implemented?”

60.5 Councillor Fallon-Khan replied “Thank you very much for your supplementary question. I think what’s worth keeping in mind and in perspective is where we’re at at the moment. Since 2005, when the previous Administration put it into the Local Plan, there has been nothing that has gone on at all. What you would be talking about is something years down the line and at any stage in between now and then any scheme at any point could be abandoned, so whatever may or may not result from being put on to that land is too far down the road for us to give you a real answer on how we would address residents’ property prices going down by 20% because we just don’t know: we have no information at all, so where we’re at at the moment is the very beginning of just trying to find out after five years what interest there may be and then we can act upon that.

As far as costing for compensation is concerned, there would be nothing in the budget for it because we don’t have any information at all about what the interest is, so at the moment all I can say to you is that whatever information has been given to you or whatever information you have read, we are right at the beginning of just trying to find out what interest there is. It is as harmless as that and as I have said I would urge you at any point during any conversations to do with this particular site to come and see me and we will give you as much information as we will have ourselves, so that we can share that with residents and residents can come to us and explain their concerns and we will take those on board.”

60.6 The Mayor thanked Ms. Hill for her questions and invited Ms. Summers to come forward and address the council.

60.7 Ms. Summers asked the following question;

“I would like to ask about speed cameras in Brighton & Hove: According to Councillor Theobald (in response to a question last December) “Speed cameras can only be installed where specific criteria are met and are associated with casualties and excessive speed”. Please could you tell me whether such criteria are enforceable by law and whether such a law is only applicable locally or has been set by Central Government? If, on the other hand, it is driven by local policy, please could you tell me what that policy is and where I might access it?”

Councillor Theobald replied, “The criteria for installing speed cameras is agreed by members of the Sussex Safer Roads Partnership and this includes the three local highways Authorities, that’s West Sussex County Council, East Sussex County Council and Brighton & Hove City Council, and Sussex Police and there are other members there, The Fire Brigade and the two counties as well.

The criteria follows guidance issued by the Department for Transport and takes into consideration the length of road, the number of personal injury collisions in the previous three years, and the speeds of vehicles.

Further information about speed cameras and the criteria is available from the Sussex Safer Roads Partnership website which is [www.SussexSaferRoads.gov.uk](http://www.SussexSaferRoads.gov.uk) . I wouldn’t expect you to write that down but officers will be delighted to give you that information, they have a website and that should give you all the information you want in that connection.”

60.8 Ms. Summers asked the following supplementary question;

“Is the Administration planning to install any traffic calming measures at all in hot spots such as Preston Circus and York Place before a pedestrian or cyclist becomes a casualty or will that only happen when either becomes a statistic?”

60.9 Councillor Theobald replied, “Well, I am always very pleased to try and answer questions but actually that supplementary didn’t really have very much to do with the first question which was about cameras. Well it was about cameras and now we’re verging off to specific areas, so quite frankly, I think if you would like to write to me I’ll respond but, quite frankly, we’re talking about cameras and your supplementary which is supposed to give you further information on the question, that wasn’t the case.”

60.10 The Mayor thanked Ms. Summers for her questions.

## **61. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

61.1 The Mayor noted that no Deputations had been received for the current meeting.

**62. WRITTEN QUESTIONS FROM COUNCILLORS.**

62.1 The Mayor reminded the council that councillors' questions and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below. She also noted that she had accepted a further question from Councillor Hawkes which had been inadvertently left out of the original list of questions that had been submitted.

62.2 (a) Councillor Carden asked:

"Can the Cabinet Member of Environment confirm that assisted collections of waste for older and disabled people are continuing to be updated and adhered to when relief crews are sent to collect refuse and recycling?"

62.3 Councillor Theobald replied,

"I can confirm that we do update our records when we receive a request for an assisted collection service from a resident."

62.4 Councillor Carden asked a supplementary question, "Firstly, Councillor Theobald, could I ask that the question that I put is properly answered.

I quite understand that crews get a list that they work to but my question appertains to relief crews. When we've got a problem in my local area it appears that every week after vehicles break down and they send just about anyone they can out with a refuse wagon to pick up the residue of the waste that's left behind and half the time they do not know where the disabled people are living that have their assisted collection. They just come on to me and want to know what the hell's going on, so that's what I ask: do the relief crews have a list of where all these are because I'm sure they don't?"

62.5 Councillor Theobald replied, "Yes, I will. My colleague, Councillor Pidgeon, actually raised virtually the same point to me and you're quite right to raise the issue that when relief crews are used our older and disabled people should receive exactly the same level of service as they would do when the normal crew are there. Officers are looking at this to ensure that there is always a consistency of service.

I do take your point, you know, very seriously and if there is anything specific then Gillian Marston, our Assistant Director, will be very pleased to come back to you but we are certainly aiming to get a consistency when there are relief crews out and you are quite right to raise the point."

62.6 Councillor Kitcat asked a further supplementary question, "I think instead of handing out awards, perhaps Councillor Theobald should be receiving one for the least informative answers to questions.

Given that foot pedal communal bins were easier to use for the elderly and less able Councillor and that they would result in a lower number of people needing assisted collections, why are the foot pedal bins being phased out? Residents are bemoaning their loss."



62.7 Councillor Theobald replied, "I don't really think that's got anything to do with the original question, Madam Mayor."

62.8 (b) Councillor Meadows asked,

"Before 1996 when highways were under the control of East Sussex County Council, there was a by-law that allowed for police and council traffic officers to remove cars parked on grass verges. Would Brighton and Hove City Council look into reinstating this by-law so that it could also include cycle lanes, as well as grass verges?"

62.9 Councillor Theobald replied,

"Thank you for your question. Whilst I do not believe there has ever been a by-law in place dealing with these offences, there is the Local Act known as The East Sussex Act 1981 which does allow the Council to prosecute in the Magistrates Court for the offence of driving over a verge. To enforce under this legislation would be slow and costly. There are a number of reasons for this, including the need for witness evidence of the offence actually taking place. Similarly, to introduce, monitor and enforce a new by-law would be resource intensive.

There are other avenues that we can now consider with the introduction in 2008 of the Traffic Management Act. We can already enforce where there are double or single yellow lines in place. Where these restrictions are not in place, it would be possible to look at introducing a new Traffic Regulation Order prohibiting parking on the verge and over cycle lanes. This could be enforced by Civil Enforcement Officers using the existing infrastructure already in place. There would, however, be a cost to doing this as officers would need to complete the TRO process, including advertisements and consultation and would need to purchase and erect the approved signage."

62.10 Councillor Meadows asked a supplementary question, "Thank you Councillor Theobald for your detailed response. However, residents in my Ward are continually asking that something is done to prevent cars and vans parking on grass banks, where vans have slid down the bank to end up resting against the gate of some person's home with the result that they are trapped in their own home. Residents raised concerns at the Moulsecoomb Local Action Team and were told by officers of this council that the old Local Act or by-law gave them the authority to deal with these offending vehicles.

With regard to vehicles parking on cycles lanes, I am sure you will appreciate it is a real health and safety hazard for cyclists and pedestrians alike, so I would ask that the council undertake further investigations as I could see from the Argus report that it is not just my Ward of Moulsecoomb and Bevendean who would appreciate your support on this matter but that Conservative Wards may also be affected."

62.11 Councillor Theobald replied, "Well Councillor Meadows, of course, lives in a Conservative Ward and she is well aware as I am that this is actually a problem which goes right the way across the city and I accept that. When you are either using public transport or driving or walking around this city you see more and more people parking on grass verges and it's very frustrating and very annoying.

What I have tried to do in this answer and it is a detailed answer and I have spent some time actually on this answer, because if I could find an easy way to try and resolve this issue then I would certainly come back to you. I am just looking at my predecessor and I am sure she will say the same, this is not an easy answer to come back upon.

Obviously if you have a residents' parking scheme then it's properly controlled and you don't get this problem. I'm not saying that to advocate a residents' parking, I am just making that as a point, but it does annoy me when I see cars destroying our grass verges and at the last council meeting I answered a similar question because Councillor Bennett raised exactly the same point along the Dyke Road. Of course, if you do embark upon the sort of course that it's suggested that we could do, you will need witnesses, you need to put signs up and, you know, it's not an easy task, you will finish up with displacement and then you'll have another set of people saying, well the cars now have nowhere to go, therefore they're parking in another stretch.

It's a very valid point that you raise and I wish there was an easy solution to it. I am very happy to confirm that I will continue to talk to officers on this issue because I do think it is an important one for the city as a whole but I don't pretend that there is an easy answer to it. I've tried to set it out here, lawyers will be happy to speak to you and give you further information on how we could go about these things and I am quite pleased to discuss this with you or any Member, you know, outside this Chamber."

62.12 Councillor West asked a further supplementary question, "As I understand it the cycle lanes up Dyke Road, for example, are merely advisory and that's why members of the public are able to park there and not be prosecuted and moved on, despite the fact that most of those houses there have driveways and there is also ample parking space in side roads.

Would Councillor Theobald pledge to make all those advisory cycle lanes mandatory so that it is possible to enforce moving cars on, so that cyclists can actually use those cycle lanes rather than being endangered by having to ride out in the road, skipping round cars that are parked in the cycle lane?"

62.13 Councillor Theobald replied, "I do have sympathy with what Councillor West has just said but again I would refer you to the answer that I gave to Councillor Bennett at the last meeting which did refer to those cycle lanes in Dyke Road. If this council was minded to make them mandatory; if we were minded to do that and then we would have to go through consultations, traffic orders and such like, there would be displacement of vehicles into the side roads. I only make that point. I don't represent either of those Wards on either side of the Dyke Road and obviously if the Councillors came to me and said look this is something that our residents would like then that is something that I would take very seriously."

62.14 (c) Councillor Hawkes asked,

"Would the Cabinet Member for Children's Services welcome the Government scheme to provide free laptops and internet to children from low income families - I'm aware that some schools have sent information to families that have children that benefit from free

school meals regarding free laptops, but please may the Cabinet Member confirm that this is the case for all schools?”

62.15 Councillor Brown replied.

“Home Access is a government programme that helps eligible low-income families to buy a computer and internet access to support learning at home. The programme is for families in England. To apply for a Home Access Grant, you must be a parent or guardian responsible for and living with a child who:

- is in school years 3 to 9 (normally aged 7-14)
- has never had a computer from Computers For Pupils or the Home Access programme
- is eligible for Free School Meals, and
- is named on the Child Benefit award letter.

Head teachers were briefed by Officers about this scheme. They were sent a follow up letter and a letter to send to parents. The take up is being monitored by a government organisation, BECTA, and we know that to date 23% of eligible families have applied. Officers will remind Head teachers about the scheme during the next round of briefings.”

62.16 Councillor Hawkes asked a supplementary question, “Thank you Councillor Brown for your answer. I see that 23% is a good start but it isn’t sufficient yet. I realise it’s a Government scheme, a very good Government scheme, that’s why I keep knocking on about it but I do believe that we must support the schools to try and urge higher figures. What I would like is that results are collated into figures for primary schools and for secondary schools, because I think there is a significant difference in this and there is absolutely no reason why it couldn’t perhaps come to the Child Review Board or the Children’s Trust Board, because I do know that if we can up these figures we will be giving advantage to so many children from the very young ones right the way through, so I hope we can be fairly proactive in this and I would be interested in your response please?”

62.17 Councillor Brown replied, “As I explained in my written answer we have done everything we can to encourage schools to make families aware of this entitlement, even to the point of sending them a letter that they can send to the schools, so we have given them every assistance and we will continue to do so, but, of course, some eligible families may already have a computer of their own and you obviously cannot make families apply. It’s a bit like free school meals, not everybody takes up the entitlement but we are very positive about the scheme and we will do everything we can to encourage the schools to then encourage the families to apply for these computers and I’m sure we can collate the figures and report back.”

62.18 (d) Councillor Mitchell asked,

“In response to concerns from East Brighton Ward Councillors over the lack of action to regenerate Madeira Drive, Councillor Geoffrey Theobald brought a report to his

Environment Cabinet Member Meeting in September 2008 that stated that longer term aims for the regeneration of the area would be drawn up.

A similar report to his Cabinet Member Meeting of 26<sup>th</sup> March 2009 included as recommendation 2.3;

*That the Cabinet Member for Environment requests officers to bring to a future Cabinet Member Meeting a report detailing the strategic vision action plan to address the future and ongoing regeneration of Madeira Drive.*

Specifically in relation to the land to the East of the Yellowwave Beach Sports Centre, Councillor Theobald took the decision at this meeting to set out a marketing brief for the site, to proceed with the marketing, seeking expressions of interest in May 2009.

As no further reports on the Administration's proposals for the regeneration of Madeira Drive have been forthcoming, will Councillor Theobald inform the council as to where the Administration's "strategic vision action plan" is, whether the site East of Yellowwave was ever marketed and what the outcome was?"

62.19 Councillor Theobald replied,

"There have been improvements along Madeira Drive following years of neglect. For example new lighting has been installed under the terraces between Concord 2 and the Volks Railway which has improved safety for both staff and customers using Yellowwave at night. £230,000 was allocated last year for spending on structural repairs and restoration works to the terraces and the Madeira Lift and this work will continue in the next financial year. A further £150,000 has been allocated specifically to the terraces and an additional £100,000 per annum for the ongoing maintenance of railings, shelters and benches along the entire length of the Seafront.

An architect has been appointed and has submitted a concept proposal for replacement siding sheds at the Volks Railway. Vacant properties along Madeira Drive and the lower promenade are currently being marketed, these include new artist units just to the East of Palace Pier.

The sites to the East of Yellowwave are occupied by the Adventure Golf and Grace's Place Café. Both tenants have submitted planning applications for substantial investment into their facilities. The newly appointed Seafront Development Manager is looking at schemes for the Peter Pan site.

This Administration is committed to improving the entire seafront hence the additional resources that we proposed at the recent Budget Council Meeting."

62.20 Councillor Mitchell asked a supplementary question, "I would like to thank Councillor Theobald for his initial response to my question. However, I think it was fairly clear during the budget and on the papers and in the speeches that the additional funding was to be allocated to Hove Lagoon and to the Hove Seafront.

I would like to ask Councillor Theobald that at the time of his Cabinet Member Meeting about a year ago, on 29 March last year, he did take the decision to market test or to

seek expressions of interest for the site to the west of Yellowwave, a site that is currently surrounded by very expensive concrete bollards and I would like to ask Councillor Theobald how that market testing exercise is going and whether any results in relation to that site on Madeira Drive have also been received?"

62.21 Councillor Theobald replied that he would provide a written answer to the question.

62.22 Councillor Duncan asked a further supplementary question "Well it's clear from the answer to the original question, Councillor Theobald, that you think there is plenty of work being done in terms of the regeneration of the Madeira Drive area. It's equally clear as a Ward Councillor for Queen's Park that residents think exactly the opposite, at least the ones who speak to me.

My question is would Councillor Theobald agree with the establishment of a Madeira Drive Restoration Fund, as previously proposed by Green Party Councillors, as a way of collecting contributions from the organisers of profit seeking events held on Madeira Drive to fund future regeneration work in the area?"

62.23 Councillor Theobald replied, "I don't think so. You have raised this before and I think my colleague, Councillor Smith, gave you the answer and the reasons why this was not regarded as something that we could support.

I think the reason for that was that if we asked people to raise bits for particular areas we might have other people going to other parts of the city and funds would go to those particular areas and it could be seen as another sort of tax on the people coming to that area to use it, so I think Councillor Smith gave you an answer a year or maybe two years ago."

62.24 (e) Councillor Davis asked,

"Please could the Cabinet Member for Environment outline the details and the time scale he proposes for the budget of £.03m set aside to examine and implement improved school signing along the Old Shoreham Road?"

62.25 Councillor Theobald replied,

"The locations of the new signs are now being drawn up, and it is proposed that the scheme will be completed by the end of this calendar year."

62.26 Councillor Davis asked a supplementary question, "Thank you for your answer, I'm a little disappointed. I think local parents would have hoped that this could have been at the beginning of the next school year, not the calendar year but it is cars speeding up after the cameras on Old Shoreham Road and then subsequently shooting the lights that is the problem at the notorious junction with The Upper Drive and I wondered what the Cabinet Member was doing to ensure that the money they are planning to spend is co-ordinated with the local police to encourage and enforce the traffic to slow down and make it safe for 3,000 local school children to cross round there every day?"

62.27 Councillor Theobald replied, "Could I just emphasise, we want to see this done as quickly as possible. I've said completed by the end of this calendar year, that's December, so actually in terms of putting up Traffic Orders and all that, that is relatively quick. We want to do this as quickly as we can so I can assure you of that, so there's no delay here. Money we've put in our budget, we've put that to the council, not everybody supported that but this side certainly did and we want to see this done as quickly as possible. Whenever we do these schemes we consult with the police and any other partners that are necessary."

62.28 Councillor Fallon-Khan asked a further supplementary question, "Just a question for the Cabinet Member, would he congratulate the officers for the work that they have done on this particular site and also the urgency with which they have embraced this? I do understand that we have a time limit for the end of the year and we are hopeful that it will be before that."

62.29 Councillor Theobald replied, "I certainly will and I would like to thank you too for pushing this very hard indeed and I am very pleased about that and also Councillor Davis as well."

62.30 **(f)** Councillor Elgood asked,

"Would the Environment Cabinet Member consider authorising the removal of the unused gardeners hut in Adelaide Crescent? Residents have requested its removal as it is no longer required, and the hut itself could potentially be used elsewhere to benefit another area."

62.31 Councillor Theobald replied,

"I am pleased to state that the gardeners hut will be removed by the end of May."

62.32 Councillor Elgood asked a supplementary question, "Well, I was going to put in a bid for it but I'm told it's not a particularly attractive shed but could Councillor Theobald tell us what's happening to it?"

62.33 Councillor Theobald replied, "Well, we hope it will either be recycled or if anybody would like to take it and certainly if they'd like to take it and take it away at their cost then we would be very pleased."

62.34 **(g)** Councillor Hamilton asked,

"In a letter in The Argus, Feb. 25th, signed by the five Conservative Councillors for Portslade and Hangleton, it is claimed that my view on the future of Hangleton Bottom is the same as theirs. I am pleased that they share my view that Hangleton Bottom should not be used as a waste transfer station but should be retained as a greenfield site. Since all Portslade and Hangleton Councillors now share this viewpoint will Councillor Fallon-Khan now call a halt to his ill-advised marketing exercise and agree to retain Hangleton Bottom in council ownership?"

62.35 Councillor Fallon-Khan replied,

“Hangleton Bottom is not being sold. This preliminary evaluation of interest in the site is being undertaken as a direct result of the decision by the previous Administration in 2005 to designate Hangleton Bottom in the Joint East Sussex and Brighton & Hove Waste Local Plan and the Brighton & Hove Local Plan. Once this exercise has been concluded the results will be communicated to residents for their consideration and opinions. However, I repeat, Hangleton Bottom is not being sold.”

62.36 Councillor Hamilton asked a supplementary question, “I should like to thank Councillor Fallon-Khan for his answer, which will not satisfy local residents.

The public will find it hard to understand why money is being spent on a marketing exercise for land that is not being sold. Councillor Fallon-Khan refers to the two Local Plans that were passed by the previous minority Labour Administration with Conservative support. He claims that the marketing exercise is a direct result of the passing of these Plans.

Does he accept that planning and land ownership are two entirely separate issues and that the existence of a planning designation for Hangleton Bottom places absolutely no obligation on the council to market or sell this greenfield site, especially as the council has met its obligations on domestic refuse facilities?”

62.37 Councillor Fallon-Khan replied, “Well first of all, I would like to thank Councillor Hamilton for his question and also for highlighting his spectacular and humiliating u-turn on this particular site. I have here a copy of the Waste Local Plan, which is 2005, which the Labour Administration signed off. We have explained to Councillor Hamilton, Madam Mayor, on numerous occasions at my CMM and at the Overview & Scrutiny Commission the entire process of what would happen to this site, where we’re at and where he writes on, or where the Labour Party write on their website, which is a shame really because they’re not only deceiving their own supporters but they’re deceiving all the residents of Portslade as well, about us potentially selling off a piece of land.

We’re not at that stage at all, Madam Mayor, we are merely opening the window so that an interest from business can tell us what they feel they might or might not do with that site, that is all we’re doing. It is perfectly harmless and some of the stuff that I have read, some of the things that are on their website, it’s just completely not true. I will repeat, Madam Mayor, that we are not selling the site and I would have to say that Councillor Hamilton’s opposition to his own action five years ago is more than baffling and what, this is the question we should be asking, in 2005, Madam Mayor, when he as Chairman of the Planning Committee signed this off, and designated that site...”

62.38 Councillor Hamilton requested a point of order so that he could clarify the information being presented by Councillor Fallon-Khan and stated that he has on a number of occasions been referred to as the Chair of the Planning Committee. At the time Planning was a function of Environmental Services. He was Chair of the Planning Applications Sub-Committee which dealt entirely with applications and had no input into planning policy whatsoever and therefore asked that this be corrected because he had seen the reference several times in print and it was not true.

62.39 Councillor Fallon-Khan noted the information and stated that he would refer his comments to the previous Environment Committee Chair, which was Councillor Mitchell. He stated that all the council was doing was finding out what the interest was from anybody else and reconfirmed that the council was not seeking to sell the site.

62.40 Councillor Alford asked a further supplementary question, "Bearing in mind that in our letter we said that we would like to make it clear that we are totally opposed to any inappropriate development in this location and look forward to receiving resident feedback on the issue, would Councillor Fallon-Khan agree with me that it is not, as Councillor Hamilton claims, the testing of the market that's ill advised but the allocation of the site in the Waste Local Plan in the first place?"

62.41 Councillor Fallon-Khan replied, "I do agree with Councillor Alford and I would advise perhaps when Councillor Hamilton is quoting in the newspapers something that other Councillors have said he gets it right. Unfortunately, he hasn't got it right, so thank you very much."

62.42 (h) Councillor Kitcat asked,

"How long does Councillor Dee Simson feel it is appropriate disabled residents should have to wait to catch a taxi in this city?"

62.43 Councillor Simson replied,

"It is inappropriate for disabled residents to have to wait any longer than an able-bodied person would have to in the same circumstances. That is why the Administration is currently undertaking a thorough equality impact assessment on the taxi and private hire service."

62.44 Councillor Kitcat asked a supplementary question, "The equality impact assessment that Councillor Simson refers to only seems to have happened once the Local Federation of Disabled People actually threatened legal action, so I am not sure we can be thanking the Administration that much for it.

Given the refusal of the Tory and Labour Councillors to support immediate action on this issue at Licensing Committee, how long will disabled residents of this city have to wait before that waiting time to get a taxi is as low as that is for able-bodied residents at the moment?"

62.45 Councillor Simson replied "It would be utterly impossible for me to give you a timescale. What I can tell you is that we are committed to trying to make things better for the disabled residents in this city by improving the taxi service for them.

We are aware that there has been a problem, we have admitted that problem, both Councillor Denise Cobb, who Chairs the Licensing Committee, and myself have made moves to improve that situation; we have both attended the Taxi Forum. We have taken Geraldine Des Moulins of the Federation with us, so that all the problems that she feels there are in the city at the moment can be expressed to the taxi drivers and to the



operators and out of that has come the equality impact assessment. It's going to be a very comprehensive equality impact assessment.

The ideas that were being put forward at the Licensing Committee about putting more cars on the road, or more Hackney Carriages on the road, was felt not to be the right way to do it because no matter how many cars you put on the road, extra cars, unless the drivers are trained to manage disabled people and unless they are willing to do the work, we could have many, many more taxis out there. As we know, we've got problems with over-ranking at the moment and until the drivers themselves are trained and are willing to do the work, it is impossible to tell how long it's going to take but we will as an authority we will do everything we can to move this forward as quickly as we can because we know there is a problem and we want to put that problem to bed as quickly as possible."

62.46 Councillor West asked a further supplementary question "Having heard Councillor Simson's concern about the need to increase the availability of taxis for disabled people and to reduce the waiting times and her commitment to doing that, can she explain why she voted against the amendment that I put to Licensing Committee that was giving Committee an opportunity to look at other ways, other than the current increases in the number of licences, as a way of managing the problem? Can she say why she voted against that amendment which would have given us an opportunity to look at the whole matter and all possible alternative ways of addressing it? Can she explain why she voted against that when she says she's so committed to resolving the problem?"

62.47 Councillor Simson replied, "The main crux of the amendment was to put more taxis on the road, more vehicles on the road. We have come away from that Licensing Committee, we are fully aware now of the problems that are being faced by disabled people in the city and as I said before we are doing everything we can to move that forward.

We are looking at every single opportunity there is to make things better. Some of those may well have been within that amendment that you put forward. I honestly cannot clarify whether that is right or not but all I can say is that we are looking at everything we can.

There is going to be a thorough, a very thorough, equality impact assessment done and this is the first time that's been done and we are very clear that we are going to make things better and improve the facilities for disabled people in the city and that's all disabled people, that isn't just wheelchair users. A lot of the discussion has been around wheelchair users but this is about blind people, deaf people, we've got to make sure that they've all got an equal service and as I said before most of that can only be done through training and through drivers being willing to do the work."

62.48 (i) Councillor Kitcat asked,

"I ask that Councillor Geoffrey Theobald update the meeting with the recycling rates for the city centre areas where communal bins are used and how those rates have changed in recent years?"

62.49 Councillor Theobald replied,

“I think I have answered this question before. We have the recycling rate for the whole city - which for 2008/09 was 29.2%, this is an increase from 28.7% in 2007/08 and from 26.7% in 2006/07 – it is not broken down area by area.”

62.50 Councillor Kitcat asked a supplementary question, “I’m afraid that Councillor Theobald’s answer is actually numerically challenged. He has not answered the question before ever and he has not answered it here today. Area by area information is available and I’ve asked to receive it before and I’m asking again.

My supplementary question then is if he believes it is not available, how on earth is he measuring and addressing the impact of communal bins on the city centre’s recycling rates?”

62.51 Councillor Theobald replied, “I take advice from officers when I prepare my answers and this is the point that officers tell me they cannot give that information in the central areas, so that is the answer when I contact officers and say give me your advice that is what they tell me. Now whether you know something more than I know, that’s what they say.”

62.52 (j) Councillor Kitcat asked,

“I ask that Councillor Geoffrey Theobald explain how many evening noise patrol shifts does the council provide in this financial year and how many shifts are planned to be provided in the next financial year?”

62.53 Councillor Theobald replied,

“Deployment of staff to meet statutory duties is delegated to officers at budget holder level. Officers aim to provide a responsive noise patrol service on Friday and Saturday nights throughout the year.”

62.54 Councillor Kitcat asked a supplementary question, “Well, my original question simply asked how many in number, how many shifts there were and there were going to be and I don’t understand why Councillor Theobald was not able to provide that detail; just how many shifts?

I was led to believe by Councillor Theobald that the studentification recommendations would be heeded and that they were going to extend noise patrols beyond the existing Friday and Saturday nights but according to this answer there is no change. Would Councillor Theobald, I humbly submit to you Councillor, would you consider increasing the number of shifts because there is a desperate need amongst residents who are really suffering from noise; Local Action Teams are all bringing noise up as an issue; please consider increasing the number of shifts for noise patrols?”

62.55 Councillor Theobald replied, “I hate to suggest that Councillor Kitcat ask the question again, but I didn’t quite follow, could he just sum it up a little bit more.”

62.56 Councillor Kitcat asked, "Very simply why can't you provide a number of how many shifts you have been providing and are proposing to provide and secondly would you please increase that number because you have, I understand, committed to the studentification proposal recommendation and I would like to see an increase as would all the residents in, of course, much of the city?"

62.57 Councillor Theobald replied, "I mean, this point has been made and I appreciate that the Greens seem very keen and I think they put a resolution before the last council meeting on this. We have got to ensure that we are doing the very best for our residents within given resources and what is sensible and I am advised by officers that we are running an efficient and popular service and that we are producing best value by what we are doing as far as noise. Noise is a very important issue. I accept that. We all accept it is a very important issue.

I am advised that the way that we deal with this through our offices is the most appropriate way and we put the resources so as to produce the best results and as you will have seen, and I know that through the media people are, obviously it's the last resort but we follow it up and it finishes up in court and I get letters from people either saying 'well done' or such like, so I don't think I've got any more to add. I'm quite convinced that this is the most effective service giving value for money within the resources that we have."

62.58 Councillor Carol Theobald asked a further supplementary question, "Would Councillor Theobald agree with me that it is rather hypocritical of Councillor Kitcat to be questioning this Administration's commitment to noise control when he and his Group voted against the revenue budget in February which allocated significant amounts of funding to these patrols?"

62.59 Councillor Theobald replied, "The short answer is Yes. It's our revenue budget so consequently, of course, if that had been carried then there wouldn't have been a service."

62.60 **(k)** Councillor Fryer asked,

"How can you justify submitting plans to the DCSF to turn Portslade Community College into an Academy before there was consultation with teachers, residents and other councillors?"

62.61 Councillor Brown replied,

"Informal discussions took place with the Head teacher and Chair of Governors of Portslade Community College prior to the submission of a Statement of Intent to the Office for the Schools Commissioner. There are no formal proposals as yet but Ministerial agreement to the Statement of Intent is necessary before the Council develops a formal Expression of Interest. Should Ministerial approval be secured, there will then be a 30 day period of consultation with staff, governors, and parents at the college and other stakeholders from the community. The results of this consultation will be reported to Cabinet who will determine whether an Expression of Interest is submitted to the DCSF.

The consultation will be about a proposal for Portslade Community College to become an academy. The need for structural change was agreed with the National Challenge agency, the Office of the Schools Commissioner (OSC), Partnership for Schools (PfS) and the DCSF. Options put to the council by DCSF were closure, federation with a high performing institution, becoming a National Challenge Trust School, or becoming an academy.

In discussion with the National Challenge agency, the Office of the schools commissioner (OSC), Partnership for Schools (PfS) and the DCSF the council believes that the academy route would best satisfy the external demands on the council and provide the best outcome from the options available, in order to secure a transformation in standards and investment in refurbishing the existing accommodation.”

- 62.62 Councillor Fryer asked a supplementary question, “Thank you for your response Councillor Brown. The answer does highlight the fact that nobody other than the Head teacher and the Chair of Governors knew about this before the Statement of Intent was submitted or before the plans appeared in the ‘Argus’. Other options were available before reaching the decision to pursue the Academy route, yet very few people were able to input into this decision.

I am pleased to hear that there is going to be some consultation but my question is very clear: I’m going to ask you to make a public commitment that the proposal to turn Portslade Community College into an Academy will only proceed to the next stage if it has the full support of the Governors, the teachers and the parents at Portslade Community College.”

- 62.63 Councillor Brown replied, “As I said in my written answer discussions had taken place with the Head and Chair of Governors, the possibility of developing PCC has also been discussed at length with the Secondary Heads and Chairs of Governors at meetings that have been going on since July.

What I think you don’t realise is that you are arguing over just a Letter of Intent, not detailed proposals. This letter simply asks for Ministerial agreement to proceed to working up an expression of interest. If we get that agreement we can then go out to full consultation and that’s the prescribed Government procedure that we’re adhering to. You can’t have a full consultation process about something that may not even be a possibility. We did do everything correctly and I can assure you that you will have every opportunity to put forward your views if we’re given the green light to proceed with this expression of interest but, of course, we already know what the Green’s views are. You tried your hardest to scupper the proposals at Falmer Academy.

What we find difficult to understand is that you can’t understand that we want to fight to improve the life chances for those young people at Portslade and we have the Labour Group’s agreement with this too. We all want to raise standards but the Greens seem to have a problem with this. The Academy route is also the only route that we can bring in the capital to completely renovate and refurbish the school making it fit for teaching in the 21<sup>st</sup> Century. That is why we want to do it and, of course, we will listen to the consultation; we always listen to consultation and when we have the results of the

consultation it will then come back to my CMM and that will be very detailed and then when we know what the consultation is we will know how to proceed.”

62.64 Councillor Kitcat asked a further supplementary question, “It would have been good if Councillor Brown had answered the original question but I just wanted to ask Councillor Brown if the consultation comes back with the majority opposed to it would she still proceed with the Academy or would she actually listen to the will of the people and refuse to proceed with the Academy?”

62.65 Councillor Brown replied, “It’s a very hypothetical question Councillor Kitcat because until we get Ministerial agreement we can’t even go out to consultation. When we do we will listen as we always do.”

62.66 (I) Councillor Davey asked,

“Could the Leader of the Council please tell us how much has been spent in total by the council on the development of plans and the public consultation for the Old Shoreham Road cycle lane including both internal staff costs and external consultants as well as any other costs?”

62.67 Councillor Mears replied,

“It is hard to identify precise figures for the cycle lane scheme alone because the work undertaken, and therefore money spent, was also integral to the proposed road safety measures along Old Shoreham Road. However if Councillor Davey has a question about a specific financial aspect of the work I will endeavour to provide him with an answer.”

62.68 Councillor Davey asked a supplementary question, “Thank you to the Leader of the Council for her reply but I find it disappointing and somewhat surprising that she feels unable to put a figure on the cost so far of the abandoned Old Shoreham Road cycle scheme.

I wonder if you could confirm that the actual cost is £93,000 as revealed in response to a Freedom of Information request made by Councillor Mitchell and, given that you are not proceeding with this scheme, do you consider that this £93,000 of cycling funds has provided value for money for the people of this city?”

62.69 Councillor Mears replied, “I intend to speak quite slowly to allow Councillor Kitcat to tweet as he has done through the council meeting, so I don’t want him to miss a point as I am speaking so Councillor, you know, stop me if I’m going too fast for you.

I would like to thank Councillor Davey for his question and Councillor Mitchell’s request through the Freedom of Information route. There are a number of costs on the Old Shoreham Road: approximately £23,000 was spent on a feasibility study, including a safety review, a further £27,00 was invested in traffic and mode assessments for junction design and accident reviews and an additional £43,000 was spent on additional design, organisation, printing and such like. A significant proportion of the work carried out in developing this scheme can be used to inform a new safety scheme along the Old

Shoreham Road, particularly this work will form the basis of proposed improvements to the junctions of Old Shoreham Road and The Upper Drive and of Old Shoreham Road and Sackville Road. As I said to Councillor Davey at Cabinet we really have to listen to everybody's views and as I told Councillor Davey at Cabinet his comment on this Old Shoreham Road scheme that it was next to useless, well obviously it's really important that we take that on board.

I do understand Councillor Davey's concerns about the cost and I intend to call for a full inquiry into the costing and expenditure that was undertaken on this scheme and, finally Madam Mayor, just for clarification I would like to say to Councillor Kitcat that the Greens also take their special allowances as do other Members of the Council."

62.70 Councillor Mitchell asked a further supplementary question,

"Would the Leader of the Council agree that in the recently published results of the public consultation on the proposed Old Shoreham Road cycle route that 66% of the public, 3,000 respondents to the consultation are in favour of the scheme and that 62% of drivers are also in favour of the scheme?"

62.71 Councillor Mears replied "Thank you Councillor Mitchell for such detail.

Madam Mayor, as I said earlier and especially to Councillor Davey there are other concerns around the safety of the Old Shoreham Road cycle lane. There have been other surveys which show up real concerns, hence my comment to council that there will be and I will be instructing a full inquiry into the costings associated with this scheme."

62.72 (m) Councillor Simson asked,

"As Brighton & Hove City Council's sole representative on the Sussex Police Authority (SPA), Councillor Duncan frequently claims to have been instrumental in overseeing an increase in the number of Neighbourhood Police Officers employed by the Force. Could he, therefore, explain to Council and the residents of this City, why, at the SPA meeting on February 11<sup>th</sup>, he voted against the Chief Constable's budget proposals which will expand neighbourhood policing in Sussex to the tune of 31 extra officers?"

62.73 Councillor Duncan replied,

"Thank you for the question. As Councillor Simson will know, I am a tireless champion of neighbourhood policing – and particularly the employment of more Neighbourhood Police Officers here in Brighton and Hove. It's a shame she hasn't had time to attend a meeting of Sussex Police Authority herself – they are all open to the public – to hear my views in full during any of the many debates we have had on the subject.

But in a nutshell the proposed Sussex Police Budget contained one cut too many – both as a result of the wishes of some Conservative Members of the Authority and the Labour Government's derisory grant for policing in Sussex, and I just don't believe you can cut your way out of a recession, or maintain a first-class police service in the face of a £35m cash shortfall. Members who wish a fuller explanation for the way I cast my

vote can see the budget debate in full at:

[http://www.sussexpolice.ukcouncil.net/site/player/pl\\_compact.php?a=36554&t=0&m=w&l=en\\_GB](http://www.sussexpolice.ukcouncil.net/site/player/pl_compact.php?a=36554&t=0&m=w&l=en_GB) “

62.74 Councillor Simson asked a supplementary question, “Thank you Madam Mayor and thank you Councillor Duncan for your response to my question and your suggestion that I either attend the Sussex Police Authority meetings or watch the webcast.

I actually have done this on occasion and did note at the recent budget setting meeting not only were you the only Member who voted against the budget but that your comments were described by a fellow Member (and I quote) as ‘utter tosh’. Does Councillor Duncan really feel that he was acting in the best interests of the residents of Brighton & Hove when he voted against the Sussex Police Authority budget, the only one who did it and advocated a large hike in council tax which would have adversely affected every man, woman and child in this city?”

62.75 Councillor Duncan replied, “I’m really glad that you mentioned that particular comment actually because for those who haven’t had the pleasure of watching that meeting there was a Councillor called Bob Tidy, who’s a Conservative Councillor from East Sussex, who described some of my comments as ‘tosh’. Actually what he was describing as ‘tosh’ was my commitments to neighbourhood policing.

Bob Tidy has been one of the biggest impediments actually to the uplift in neighbourhood policing that has served this city so well and in one recent meeting of the Neighbourhood Policing Scrutiny Committee, of which I am the Vice-Chair, he actually said that in consultation with residents he believed that there were far too many neighbourhood policing officers, we don’t need any more and it would be ridiculous for us to keep spending money on neighbourhood policing. I think exactly the opposite actually and I am pleased that my belief that we need exactly the opposite approach to policing has allowed me to contribute to a situation where there are sixty more neighbourhood police officers on the streets of Sussex in the last three years.”

62.76 Councillor Young asked a further supplementary question, “At the Sussex Police Authority meeting Councillor Duncan stated that he thought it was a shame that the other Members of the Authority didn’t have the political courage to increase council tax further than the 2.7% proposed. Why did he not advocate a similar increase in council tax at the City Council’s budget setting meeting in February and can we therefore take it that he thinks his Green Party colleagues have no political backbone?”

62.77 Councillor Duncan replied, “Very simply, I mean, unlike your approach I like to look at budget papers, listen to what residents are saying, there is always a consultation with residents, there is always a consultation before budgets are set and to set exactly the same council tax rate or even think the same thing about what it should be for one authority with different Members serving a different area and doing a different job to another authority would just be irresponsible.

I don't believe that my comments about the Police Authority budget are in any way transitive and should be taken as exactly the same as my approach on this Authority. For that reason I think there is no inconsistency and, of course, I don't think that my political colleagues or anyone in this Chamber particularly showed a lack of political courage. Those comments were about the decisions and the debates of the Police Authority."

62.78 (n) Councillor Hawkes asked,

"Will Councillor Dee Simson confirm that the three new Youth Outreach pilots for 8-13 year olds will be located in the most deprived wards in the city according to the Index of Multiple Deprivation 2007 from the DCLG?"

62.79 Councillor Simson replied,

"As Councillor Hawkes will be aware, it was agreed by the Leader of the Council to set up a cross-party working group to oversee the pilot projects. That working group has not yet met, therefore it is premature to say how and where those pilot projects might be based."

62.80 Councillor Hawkes asked a supplementary question, "Thank you Councillor Simson for your answer. I am, of course, aware of the plan for a cross-party working group to oversee the three pilot projects. I do need to ask though Councillor Simson that you guarantee that only wards with the highest level of deprivation be considered; that would mean East Brighton, Portslade, Queen's Park and pockets of my own ward, Hollingdean and Stanmer, being considered and probably Moulsecoomb & Bevendean but as we know these wards are amongst the highest levels of deprivation nationally, so could I have a guarantee on that please?"

62.81 Councillor Simson replied, "As I said in my answer until the cross-party working group is set up and I don't know which Member of your Group will be sitting on that, it may well be yourself, I am not in a position to say which areas the pilots will be set up in.

You mention several areas there: I know we've also got the Knoll Estate which has got high levels of deprivation, so I think all this has got to be taken into account. There's also the Index of Multiple Deprivation that was actually done three years ago now and obviously since Neighbourhood Renewal and New Deal one would hope that things would actually have improved in those areas by now. I'm not sure if they have or not, so I think we need to take all this into account.

These are pilots, we need to be looking at the areas that we feel we will get the best results from, whether that will be in areas of multiple deprivation or not I can't say until the cross-party working group is set up and we scope this out and then we will know where we need to do this work but I can assure you it will be done where it is most needed."

62.82 Councillor Duncan asked a further supplementary question, "I just wanted to ask you to clarify something you just said. You said that it would be those areas where the need was greatest and yet you weren't sure until the cross-party group had met that it would



be in the areas with the highest deprivation and I just need to be sure, are you suggesting that some of the areas identified as having the highest deprivation are not the areas where the need will be greatest but there will still be projects?"

62.83 Councillor Simson replied, "What I am trying to say is that until the cross-party working group has met and scoped out how we want to run this pilot, what the outcomes are that we want to get from it, we cannot decide which areas we're going to be working in. When we scope that and we know what outcomes we are looking for then we can see which areas of the city will give us the greatest response to that, where that kind of need is and where will benefit most. That's the point, it may be that we identify areas of the city where the need that will show the greatest outcomes may not be in an area of multiple deprivation. I can't say until that cross-party working group has met and scoped out what we want to get from this piece of pilot work we cannot say where the areas will be."

62.84 Councillor Mears noted that the Mayor had accepted the final question but asked for confirmation that it had been received in time and queried why its omission had come to light so late in the day.

62.85 The Head of Democratic Services confirmed that the question had been received in accordance with the procedural rules and its omission had been an error for which he apologised.

62.86 The Mayor noted the apology and stated that a full explanation would be provided in writing.

## **63. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

### **(a) Callover**

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

- Item 66 - Sustainable Community Strategy;
- Item 67 - Annual Investment Strategy 2010/11;
- Item 68 - Proposals for Transforming Meetings of Full Council;
- Item 70 - Member Appointment to South Downs National Park Authority.

### **(b) Receipt and/or Approval of Reports**

63.2 The Head of Democratic Services confirmed that Item No's. 66, 67, 68 and 70 had been reserved for discussion; and

63.3 The Head of Democratic Services confirmed that the Annual Report of the Standards Committee, and the E-Petitions report, Item No's 64 and 69 respectively, on the agenda with the recommendations therein had been approved and adopted.

### **(c) Oral Questions from Members**

63.4 The Mayor noted that there were no oral questions.

**64. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

64.1 The Annual Report of the Standards Committee was noted.

**65. REVIEW OF MEMBERS' ALLOWANCES****65. REVIEW OF MEMBERS' ALLOWANCES**

65.1 The report of the Director of Strategy & Governance had been deferred from consideration at the meeting.

**65. REVIEW OF MEMBERS' ALLOWANCES - REPORT OF THE INDEPENDENT REMUNERATION PANEL**

65.2 The report of the Independent Remuneration Panel had been deferred from consideration at the meeting.

**66. SUSTAINABLE COMMUNITY STRATEGY**

66.1 Councillor Simson introduced the report which detailed the main changes between the 1<sup>st</sup> and 2<sup>nd</sup> drafts of the Sustainable Community Strategy and recommended the adoption of the revised Strategy. In referring to the documents that made up the report, Councillor Simson asked that a separate vote be taken on Chapter 7.

66.2 Councillor Mitchell welcomed the report and expressed her support for the strategy as an entirety and questioned the need for a separate vote on Chapter 7.

66.3 Councillors Randall, Taylor, Morgan, Kennedy and Davey expressed their concern over the request to hold a separate vote on Chapter 7 of the report.

66.4 Councillor Theobald noted that there had been a lengthy debate at the December Council meeting over the Local Development Framework and stated that the Administration had voted against a number of aspects that were reflected in Chapter 7 of the Sustainable Community Strategy report. It was therefore appropriate for the Administration to seek a separate vote on this element, in order to remain consistent with their policy objectives.

66.5 Councillors West, Kitcat, Randall and Duncan all raised Points of Order in relation to the request to hold a separate vote on Chapter 7 of the report.

66.6 Councillor Mears stated that the Administration had not asked for the Chapter to be withdrawn, but simply that it be voted on separately. She stated that the Administration fully supported the actions reflected in Chapters 1 to 6 and Chapter 8, but had clearly different views in respect of Chapter 7 and therefore wished to have the opportunity to record those views.

- 66.7 Councillor Simson noted the comments and stated that she wished to recommend the report to the Council in terms of Chapters 1 to 6 and Chapter 8; but that in view of the Administration's policy objectives, there was a need to vote on Chapter 7.
- 66.8 The Mayor stated that she had accepted Councillor Simson's request to take a separate vote on Chapter 7 of the report and would therefore put Chapters 1 to 6 and 8 to the vote and then Chapter 7.
- 66.9 Councillor Mitchell requested that a recorded vote be taken, which was supported by a sufficient number of councillors.
- 66.10 The Mayor noted that a recorded vote had been requested and stated that she would take two separate votes and put the recommendation that Chapters 1, 2, 3, 4, 5, 6 and 8 of the report be agreed and adopted;

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Alford	X		
	Allen	X		
	Barnett	X		
	Bennett	X		
	Brown	X		
	Carden	X		
	Caulfield	X		
	Cobb	X		
	Davey	X		
	Davis	X		
	Drake	X		
	Duncan	X		
	Elgood	X		
	Fallon-Khan	X		
	Fryer	X		
	Hamilton	X		
	Harmer-Strange	X		
	Hawkes	X		
	Hyde	X		
	Janio	X		
	Kemble	X		
	Kennedy	X		
	Kitcat	X		
	Lepper	X		
	Marsh	X		
	McCaffery	X		
	Meadows	X		
	Mears	X		
	Mitchell	X		
	Morgan	X		
	Norman, Ann	X		

	<b>Norman, Ken</b>	X		
	<b>Older</b>	X		
	<b>Oxley</b>	X		
	<b>Peltzer Dunn</b>	X		
	<b>Phillips</b>	X		
	<b>Pidgeon</b>	X		
	<b>Randall</b>	X		
	<b>Rufus</b>	X		
	<b>Simpson</b>	X		
	<b>Simson</b>	X		
	<b>Smart</b>	X		
	<b>Smith</b>	X		
	<b>Steedman</b>	X		
	<b>Taylor</b>	X		
	<b>Theobald, Carol</b>	X		
	<b>Theobald, Geoffrey</b>	X		
	<b>Turton</b>	X		
	<b>Wakefield-Jarrett</b>	X		
	<b>Watkins</b>	X		
	<b>Wells</b>	X		
	<b>West</b>	X		
	<b>Wrighton</b>	X		
	<b>Young</b>	X		
	<b>Total</b>	<b>54</b>		

66.11 The motion was carried.

66.12 The Mayor then put the recommendation that Chapter 7 of the report be agreed and adopted;

	<b>NAME</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
<b>Cllr</b>	<b>Alford</b>			X
	<b>Allen</b>	X		
	<b>Barnett</b>			X
	<b>Bennett</b>			X
	<b>Brown</b>			X
	<b>Carden</b>	X		
	<b>Caulfield</b>			X
	<b>Cobb</b>			X
	<b>Davey</b>	X		
	<b>Davis</b>	X		
	<b>Drake</b>			X
	<b>Duncan</b>	X		
	<b>Elgood</b>	X		
	<b>Fallon-Khan</b>			X
	<b>Fryer</b>	X		
	<b>Hamilton</b>	X		

	<b>Harmer-Strange</b>			X
	<b>Hawkes</b>	X		
	<b>Hyde</b>			X
	<b>Janio</b>			X
	<b>Kemble</b>			X
	<b>Kennedy</b>	X		
	<b>Kitcat</b>	X		
	<b>Lepper</b>	X		
	<b>Marsh</b>	X		
	<b>McCaffery</b>	X		
	<b>Meadows</b>	X		
	<b>Mears</b>			X
	<b>Mitchell</b>	X		
	<b>Morgan</b>	X		
	<b>Norman, Ann</b>			X
	<b>Norman, Ken</b>			X
	<b>Older</b>			X
	<b>Oxley</b>			X
	<b>Peltzer Dunn</b>			X
	<b>Phillips</b>	X		
	<b>Pidgeon</b>			X
	<b>Randall</b>	X		
	<b>Rufus</b>	X		
	<b>Simpson</b>	X		
	<b>Simson</b>			X
	<b>Smart</b>			X
	<b>Smith</b>			X
	<b>Steedman</b>	X		
	<b>Taylor</b>	X		
	<b>Theobald, Carol</b>			X
	<b>Theobald, Geoffrey</b>			X
	<b>Turton</b>	X		
	<b>Wakefield-Jarrett</b>	X		
	<b>Watkins</b>	X		
	<b>Wells</b>			X
	<b>West</b>	X		
	<b>Wrighton</b>	X		
	<b>Young</b>			X
	<b>Total</b>	<b>28</b>		<b>26</b>

66.13 The motion was carried.

66.14 The Mayor noted that both motions had been carried and therefore the Sustainable Community Strategy had been adopted in full.

### Refreshment Break

66.15 The Mayor then adjourned the meeting for a refreshment break at 6.40pm.

66.16 The meeting was reconvened at 7.10pm.

## **67. ANNUAL INVESTMENT STRATEGY 2010/11**

67.1 Councillor Young introduced the report which detailed the proposed Annual Investment Strategy for 2010/11 and had been endorsed by the Cabinet at its meeting on the 11 March 2010.

67.2 Councillor Hamilton welcomed the report and noted that a number of recommendations from the Department of Communities & Local Government had been identified for implementation.

67.3 Councillor Randall also welcomed the report and the proposed review of the number of Banks and Building Societies that the council had dealings with. He hoped that the review would lead to a greater involvement with Mutual Societies.

67.4 The Mayor noted that the recommendations had been moved which she put to the vote and were carried.

67.5 **RESOLVED:** That the Annual Investment Strategy 2010/11 be approved.

## **68. PROPOSALS FOR TRANSFORMING MEETINGS OF FULL COUNCIL**

68.1 Councillor Oxley introduced the report, which outlined the current operation of the Council procedural rules and proposed some amendments to improve the way in which council meetings operated. He noted that there had been an extensive consultation process and believed that the proposed changes would provide a greater emphasis on the work of the council; as well as maintaining the democratic accountability to hold the Executive to account. The provision for public involvement through questions and deputations was retained and he hoped would encourage more interaction. However, the changes to Members' questions should enable specific matters to be dealt with through written questions and answers and leave the time allotted for policy debate raised through questions at the meeting. It was also proposed that the actual council meeting would close at 9.00pm unless it was decided to continue, and in this respect all matters not reached would then be dealt with by way of a vote so that they did not back-up to the next meeting.

68.2 Councillor Kitcat stated that he wished to move a series of amendments to the recommendations but in so doing would withdraw amendment 5, and therefore moved amendments 1, 2, 3, 4 and 6 as listed and circulated. In moving the amendment, he stated that the intention was recognise the need to represent residents and serve the public, which he felt were being restricted by the proposed changes. He believed that there was a need for more council meetings and that there should not be a limit to the number of notices of motions that could be submitted at any one meeting. He also questioned the operation of Members' questions which he felt needed further clarification.

- 68.3 Councillor Fryer formally seconded the motion.
- 68.4 Councillor Mitchell stated that she believed there had been a full consultation exercise in relation to the proposed changes and that they were sensible alterations to the process of council meetings to enable them to be more effective.
- 68.5 Councillor Elgood stated that he had concerns over the proposals and felt that a number of them were a retrograde step in terms of the workings of the council meetings. He believed the change in how Members' questions operated could lead to more unruly debate and did not feel that there number of notices of motion should be limited. He also expressed concern over the reduction in speaking times and suggested that if a specific meeting was to deal with a 'State of the City' debate then it should be in addition to the ordinary number meetings set. He also believed that it would be helpful to split the Annual Meeting into two so that ordinary business was dealt with prior to the mayor making. He therefore suggested that further discussion should be held and that the report should be deferred.
- 68.6 Councillor West stated that he believed the council meeting was the most important opportunity for councillors and members of the public to engage in political debate. However, the proposed changes sought to curtail this opportunity and went against the actions to encourage greater engagement in the democratic process.
- 68.7 Councillor Fryer referred to the proposed amendment 3 and stated that there was a need to maintain the opportunity to have as many notices of motion as felt necessary. They were an effective means of influencing or creating policy and building relations and should not be restricted. In regard to amendment 6 it was felt that the Annual Meeting should be held separately to any ordinary business such as the appointments to committees. This would ensure the process of mayor making was not politicised and was something that other authorities undertook successfully.
- 68.8 Councillor Oxley noted the comments and referred to the proposed amendments moved by Councillor Kitcat. He did not accept amendment No.1 and in relation to amendment No.2, stated that the proposed changes to Members' questions needed to be looked at as a whole. There was an opportunity to submit written questions and to receive written answers, which would be circulated at the meeting as currently. However, oral questions would then be put and answered for a period of 30 minutes and which no notice would have been given. Both aspects enabled the Executive to be held to account. In regard to amendment No.3 there was an opportunity to bring forward notices of motion and there was also the ability to put notices of motion to other meetings such as the Cabinet, Cabinet Member Meetings and Committees, although this facility had yet to be utilised. He believed that recommendation No.4 would give more Members an opportunity to speak and therefore could not accept the amendment. In respect of amendment No.6 he was unsure how this would help as he believed there were a number of informal processes that enabled agreements to be reached on the appointments so that they could be ratified at the council meeting. He could not therefore accept the amendments and wished to move the recommendations as detailed in the report.

- 68.9 The Mayor noted that a series of amendments had been moved by Councillor Kitcat. The Mayor stated that she would put each one to a separate vote, and noted that amendment No.5 had been withdrawn.
- 68.10 The Mayor then put the amendments to vote in the following order, No's. 1, 2, 3, 4 and 6 and each amendment was lost.
- 68.11 Councillor Fryer requested that a recorded vote be taken, which was supported by a sufficient number of councillors.
- 68.12 The Mayor noted that a recorded vote had been requested and put the recommendations as detailed in the report to the vote;

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Alford	X		
	Allen	X		
	Barnett	X		
	Bennett	X		
	Brown	X		
	Carden	X		
	Caulfield	X		
	Cobb	X		
	Davey		X	
	Davis	X		
	Drake	X		
	Duncan		X	
	Elgood		X	
	Fallon-Khan	X		
	Fryer		X	
	Hamilton	X		
	Harmer-Strange	X		
	Hawkes	X		
	Hyde	X		
	Janio	X		
	Kemble	X		
	Kennedy		X	
	Kitcat		X	
	Lepper	X		
	Marsh	X		
	McCaffery	X		
	Meadows	X		
	Mears	X		
	Mitchell	X		
	Morgan	X		
	Norman, Ann	X		
	Norman, Ken	X		
	Older	X		
	Oxley	X		



	<b>Peltzer Dunn</b>	x		
	<b>Phillips</b>		x	
	<b>Pidgeon</b>	x		
	<b>Randall</b>		x	
	<b>Rufus</b>		x	
	<b>Simpson</b>	x		
	<b>Simson</b>	x		
	<b>Smart</b>	x		
	<b>Smith</b>	x		
	<b>Steedman</b>		x	
	<b>Taylor</b>		x	
	<b>Theobald, Carol</b>	x		
	<b>Theobald, Geoffrey</b>	x		
	<b>Turton</b>	x		
	<b>Wakefield-Jarrett</b>		x	
	<b>Watkins</b>		x	
	<b>Wells</b>	x		
	<b>West</b>		x	
	<b>Wrighton</b>		x	
	<b>Young</b>	x		
	<b>Total</b>	<b>39</b>	<b>15</b>	

**68.13 RESOLVED:**

- (1) That the proposed amendments to Council Procedure Rules as set out in paragraphs 4.3, 5.4, 6.2 and 8.2 of the report be approved;

**4.3 Duration of Council Meetings**

- (i) 4 hours after the beginning of the meeting (excluding any breaks/adjournments) a closure motion is moved by the Mayor automatically if the meeting has not concluded by then.
- (ii) The Mayor's closure motion be by way of termination of the meeting under Council Procedure Rule 17.

**5.4 Member Questions**

- (iii) A period of 30 minutes be set aside for Oral Member Question Time.
- (iv) That the order of questions be: Leader of the Official Opposition, Convenor of the Green Group, Leader of the Liberal Democrat Group, then Members in the order of Conservative, Labour, Green and Liberal Democrat until the allocated 30 minutes is used at which time the meeting proceeds to the next business.
- (v) The Groups will submit the order in which they want questions taken. The Mayor will have discretion and flexibility on how this operates in practice, including allowing the Independent Member to ask a question.

- (vi) A Member asking a question (but no others) may ask one supplementary. No Member may ask more than one question.
- (vii) There be no requirement to give advance notice of the actual oral questions to be asked. However, a Member proposing to ask a question should give notice of intention to do so within current timescales for Member questions with an indication of the subject matter.
- (viii) Oral questions be limited to general policy rather than technical matters. If technical questions are asked the Mayor may disallow the question or the Member who is asked the question may decline to answer or state that a written response will be sent.
- (ix) The Monitoring Officer will develop guidance for Members on what is policy and what is a technical/operational matter which the Mayor and Members will have regard to in applying the criteria.
- (x) Members may submit written questions as now. These will receive written answers with the questions and replies circulated with the addendum at Council (as now) but no “supplementary” questions.
- (xi) The current procedures continue to apply to Cabinet, Committees and CMM’s.

### **6.2 Notices of Motion**

- (xii) There be a limit on the number of Notices of Motion presented at Council so that there are no more than 2 Notices of Motion from the 3 largest Groups and no more than 1 from other Groups with any Member not belonging to a political group being able to table a motion at the Mayor’s discretion;
- (xiii) In the event that more than the specified number of Notices of Motion are presented from any Group, the relevant group shall decide which ones it wants tabled. In the absence of such a decision, Notices of Motion from Members of a Group will be taken in the order in which they are received.

### **8.2 Speaking Times**

- (xiv) Speaking times be limited to 5 minutes from the proposer of a motion and 3 minutes for all other speakers.
  - (xv) Council retains the power to grant an extension of time on a majority vote as now.
- (2) That the Head of Law be authorised to amend the constitution to reflect the above, including making consequential drafting amendments; and
  - (3) That the changes come into force immediately after the Annual Council Meeting in May 2010.

**69. E-PETITIONS****69.1 RESOLVED:**

- (1) That the current e-petitions facility be retained;
- (2) That the changes to the E-Petitions Guidance be approved.

**70. MEMBER APPOINTMENT TO SOUTH DOWNS NATIONAL PARK AUTHORITY**

- 70.1 The mayor noted that the Council had been asked to appoint a representative to the South Downs National Park Authority (SDNPA), and therefore sought nominations from the council.
- 70.2 Councillor Mears nominated Councillor Geoffrey Theobald and Councillor Simson formally seconded the nomination.
- 70.3 Councillor Mitchell nominated Councillor Melanie Davis and Councillor Hawkes formally seconded the nomination.
- 70.4 Councillor Taylor nominated Councillor Pete West and Councillor Kennedy formally seconded the nomination.
- 70.5 Councillor Elgood nominated Councillor Watkins and Councillor Bennett formally seconded the nomination.
- 70.6 The Mayor stated that the following four councillors had each been nominated and she would therefore put them forward to the vote:
- Councillors Davis, Theobald, Watkins and West.
- 70.7 The Mayor noted that no overall majority had been gained from the round of voting. Therefore Councillor Watkins as the nominee with the lowest number of votes would drop out and she would put the three remaining nominees to the vote.
- 70.8 The Mayor noted that no overall majority had been gained from the second round of voting. She also noted that there was a tie between Councillors Davis and West for second place and therefore would repeat the process.
- 70.9 The Mayor noted that a similar tied position resulted had resulted from the vote and therefore asked the Head of Democratic Services to toss a coin between Councillors Davis and West.
- 70.10 The Mayor noted that Councillor Davis was successful and therefore put the remaining two nominees to the vote.
- 70.11 The Mayor confirmed that Councillor Geoffrey Theobald had achieved a majority of votes and was duly appointed as the Council's representative on the South Downs National Park Authority.

**71. NOTICES OF MOTION.****(a) Personal Care at Home Bill**

- 71.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Norman and seconded by Councillor Barnett.
- 71.2 Councillor Taylor moved an amendment, seconded by Councillor Wrighton which was not accepted by Councillor Norman.
- 71.3 The Mayor noted that the amendment moved by Councillor Taylor had not been accepted by Councillor Norman and therefore put the proposed amendment to the vote which was lost.
- 71.4 The Mayor then put the Notice of Motion in its original form to the vote:

“This Council believes in the principle of helping more people with care needs to stay in their own homes where they wish to do so and, therefore, welcomes the broad intentions of the new Personal Care at Home Bill.

However, this Council has serious concerns that local authorities are being asked to fund a substantial part of the costs of implementing the new Bill. The proposed Government funding to meet the costs of the scheme is inadequate and the proposed council efficiency savings entirely unrealistic.

Further, this Council shares the concerns of the Local Government Association and the Association of Directors of Adult Social Services who suggest that the total cost of the proposal will be much higher than the Government’s estimated figure of £670 million due to a significant underestimate of the number of people likely to be entitled to, and take advantage of, free care.

Locally, it has been estimated that the cost of the Bill to Brighton & Hove’s council taxpayers will be between £1.3 and £1.8 million per annum.

This Council notes that the Government is committed to ensuring that any new centrally-imposed responsibilities falling on local authorities are fully funded via the ‘New Burdens Doctrine’. New Burdens are defined as *‘any new policy or initiative which increases the cost of providing local authority services.’*

This Council believes that without adequate funding, more pressure will be placed on services for people who have significant, but not critical, needs and that the shortfall may require either an increase in council tax or cuts to other council services. In their current form, these irresponsible proposals threaten to destabilise the Council financially, put undue and unfair strain on our staff and risk councils’ ability to properly care for those that most need it.

Therefore, this Council resolves to request that the Chief Executive writes to the Secretary of State for Health – Andy Burnham MP – requesting that he:

- Honours the Government's commitment in the New Burdens Doctrine by fully funding the provisions of the Personal Care at Home Bill.
- Delays implementation of any proposals until at least 1 April 2011 to enable a more accurate and realistic assessment of the costs of the scheme to be undertaken and to allow social care staff more time to get to grips with the proposed new assessment procedures."

71.5 **The motion was carried.**

**(b) Letting Agents**

71.6 The Notice of Motion as detailed in the agenda was proposed by Councillor Randall and seconded by Councillor Wrighton.

71.7 Councillor Simpson moved an amendment, seconded by Councillor Meadows which was not accepted by Councillor Randall.

71.8 Councillor Peltzer Dunn moved an amendment, seconded by Councillor Caulfield which was accepted by Councillor Randall.

71.9 The Mayor noted that the amendment moved by Councillor Simpson had not been accepted by Councillor Randall and therefore put the proposed amendment to the vote which was lost.

71.10 The Mayor then put the following Notice of Motion as amended to the vote:

"This council notes the findings of the national Citizens Advice report *Let down* (1) on the activities of private rented sector letting agents, which revealed:

- 73 per cent of tenants interviewed were dissatisfied with the service provided by their letting agent. Common concerns included difficulties in contacting the agent, serious delays in getting repairs carried out, inadequacies in the protection of clients' money and the frequency with which additional charges were made.
- 94 per cent of letting agents surveyed imposed additional charges on tenants on top of the tenancy deposit and rent in advance. The size of these charges varied hugely. The charge for checking references ranged from £10 to £275 and the charge for renewing a tenancy ranged from £12 to £200. In some cases additional charges for a tenancy amounted to over £600.
- Less than a third of agents willingly provided full written details of their charges to CAB workers when asked.
- 61 per cent of the tenants surveyed said that paying these charges was a problem. Some had to borrow the money, others had difficulty paying other bills or went into debt.

This council further notes:

- That Brighton & Hove has the sixth largest private rented sector in the country with tens of thousands of its residents having dealings with letting agents in the City.

In addition, the Citizens Advice proposals call for:

- (1) The licensing of letting agents who should be required to demonstrate professional competence, have adequate client money protection arrangements and operate a system for handling complaints and redress;
- (2) The introduction of regulations specifying that no additional charges should be made to tenants for activities that are part of the routine letting and management process. The cost of this work should be included in the rent paid by the tenant and/or the management fee paid by the landlord. The ultimate sanction against letting agents breaching the regulations should be the withdrawal of the licence to operate.

It therefore calls on the council to request the Chief Executive to:

1. Write to the Government and the major political parties seeking their support for the Citizens Advice proposals; and
2. Ask the Office of Fair Trading to carry out an investigation into the activities of letting agents.

#### 71.11 **The motion was carried.**

**Note:** Councillor Harmer-Strange having declared a personal and prejudicial interest in the matter withdrew from the meeting and took no part in the debate or voting thereon.

#### **(c) Maternity Services in Brighton & Hove**

71.12 The Notice of Motion as detailed in the agenda was proposed by Councillor Kitcat and seconded by Councillor Kennedy.

71.13 Councillor Turton moved an amendment, seconded by Councillor Allen which was not accepted by Councillor Kitcat.

71.14 The Mayor noted that the amendment moved by Councillor Turton had not been accepted by Councillor Kitcat and therefore put the proposed amendment to the vote which was carried.

71.15 The Mayor then put the Notice of Motion as amended to the vote:

“This council welcomes the news that Brighton & Hove PCT are planning to introduce a midwife led unit in the city, and recognises that this decision reflects the findings of a recent survey into local residents’ views about the kinds of maternity services they desire.

This council notes that the survey also found that:

- 88 per cent of respondents said they would like the same midwife throughout pregnancy and post natal care;
- 99 per cent of respondents thought it was a good idea to offer free counselling to women who have had a difficult birth.

Furthermore, this council notes and supports the aims of the National Childbirth Trust's *Reclaiming Birth* campaign, which is also calling for more midwives carrying their own caseloads and looking after parents-to-be from conception to birth and post-natally, and for more women to be able to give birth in free-standing midwifery units (Birth Centres) or at home.

This Council notes that the Government has:

- provided record investment to the NHS including the education, training and recruitment of midwives which has led to 35,305 midwives recorded as practicing on the professional Register in 2008 – a ten year high;
- provided an additional £330 million since 2008 specifically to improve maternity services over the three year period to 2011 and;
- established the Midwifery 2020 programme to examine how best to maximize the contribution of midwives to improving the experience of women during their maternity care.

However, this Council also notes that the NHS had a surplus of £1.7 billion in 2008 and shares the concern of the Royal College of Midwives that despite the Government providing additional funding to improve maternity care services, this funding is not being consistently passed on to local heads of midwifery in England.

Therefore this council requests the Chief Executive to:

- Write to the PCT urging them to act on the other findings of the survey with regard to midwife provision and post-natal counselling services;
- Write to the Health Secretary, Andy Burnham requesting that he instructs all NHS providers to ensure that the additional funding to improve maternity care services is passed on in full to local heads of midwifery in England”

**71.16 The motion was carried.**

The meeting concluded at 9.15pm

Signed

Chairman

Dated this

day of

2010



**BRIGHTON & HOVE CITY COUNCIL****ANNUAL COUNCIL****4.30pm 13 MAY 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Mrs Norman (Chairman), Peltzer Dunn (Deputy Chairman), Alford, Allen, Barnett, Bennett, Brown, Carden, Caulfield, Cobb, Davey, Davis, Drake, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K Norman, Older, Oxley, Phillips, Pidgeon, Randall, Rufus, Simpson, Simson, Smart, Smith, Steedman, Taylor, C Theobald, G Theobald, Turton, Wakefield-Jarrett, Watkins, Wells, West, Wrighton and Young.

**PART ONE****1. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.**

1.1 There were no declarations of interests.

**2. MAYORAL REPORT FOR 2010/11.**

2.1 The Mayor formally moved the Mayoral report for 2009/10 be noted.

2.2 **RESOLVED** – That the report be noted.

**3. ELECTION OF THE MAYOR OF BRIGHTON AND HOVE FOR THE MUNICIPAL YEAR 2010/11.**

3.1 The Mayor invited nominations for the position of Mayor of Brighton & Hove for the municipal year 2010/2011.

3.2 Councillor Geoff Wells was proposed by Councillor Simson and seconded by Councillor Barnett.

3.3 Councillors Mitchell, Randall, Elgood and Bennett supported the nomination of Councillor Geoff Wells.

3.4 The Mayor declared that, there being no other nominations, Councillor Geoff Wells be duly elected Mayor of Brighton & Hove for the forthcoming municipal year.

3.5 **The motion was agreed.**

3.6 The Mayor then adjourned the meeting at 4.50pm in order for Councillor Geoff Wells as the incoming Mayor to be robed and to take the Chair for the meeting.

#### **Councillor Wells in the Chair**

3.7 Councillor Geoff Wells reconvened the meeting at 5.05pm and then made and signed the Declaration of Acceptance of Office.

3.8 The Mayor then thanked the Council for his appointment and called on Councillor Geoffrey Theobald.

3.9 Councillor Theobald moved a vote of thanks to Councillor Ann Norman as the retiring Mayor for her services during her term of office.

3.10 Councillor Mears formally seconded the motion and this was supported by Councillors Mitchell, Randall and Elgood.

3.11 The Mayor put the motion to the vote.

3.12 **The motion was carried.**

3.13 The Mayor presented Councillor Ann Norman and Councillor Ken Norman with commemorative badges in recognition of their year of office.

3.14 Councillor Ann Norman thanked the Council.

#### **4. ELECTION OF THE DEPUTY MAYOR OF BRIGHTON AND HOVE FOR THE MUNICIPAL YEAR 2010/11.**

4.1 The Mayor moved that the Council appoint Councillor Ann Norman as Deputy Mayor for the forthcoming municipal year.

4.2 The Motion was seconded by Councillor Mears.

4.3 The Mayor declared that, there being no other nominations, Councillor Ann Norman be duly elected as Deputy Mayor of Brighton & Hove for the forthcoming municipal year.

4.4 **The motion was agreed.**

4.5 Councillor Ann Norman made and signed her Declaration of Acceptance of Office as Deputy Mayor and was presented with her badge of office by the Mayor.

## 5. MAYOR'S COMMUNICATIONS

- 5.1 The Mayor stated that he had pleasure in inviting all Members of the Council to attend the Civic Eucharist Service at St. Nicholas' Church, Dyke Road, Brighton on Sunday, 16 May at 10.30am.

## 6. REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, FORUMS AND OUTSIDE BODIES.

- 6.1 The Mayor moved that:

- (i) For the municipal year 2009/2010 the following Committees and Sub-Committees be constituted and appointed to hold office until the next Annual Meeting of the Council and the number of Members and allocation of seats to the Party Groups (apart from co-opted Members) as detailed in appendix 1 to the report and as specified below be agreed:

Committee/Sub-Committee	Seats	Con	Labour	Green	Lib/Dem	Indp
Governance	10	5	2	2	1	
Audit	10	5	2	2	1	
Licensing*	15	7	3	4	1	
Planning	12	6	3	3		
Overview & Scrutiny Commission	10	4	2	2	1	1
Adult Social Care & Housing Overview & Scrutiny	8	4	2	2		
Children & Young People Overview & Scrutiny	8	4	2	2		
Culture, Tourism & Enterprise Overview & Scrutiny	8	3	3	2		
Environment & Community Safety Overview & Scrutiny	8	4	2	2		
Health Overview & Scrutiny	8	3	3	2		

<b>Total</b>	<b>97</b>	<b>45</b>	<b>24</b>	<b>23</b>	<b>4</b>	<b>1</b>
<i>Licensing 2003 Act* - has the same membership as Licensing and does not come into the equation for the allocation of seats</i>	15	7	3	4	1	

<b>Other Bodies</b>						
Licensing 2003 Sub-Committee	3	1	1	1		
Standards Committee	6	2	2	1	1	
Personnel Committee	3	1	1	1		

- (ii) That the membership of the committees and sub-committees as detailed in appendix 2 to the report be agreed;

**Governance Committee** – Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor.

**Audit Committee** – Councillors Hamilton (Chairman), Watkins (Deputy Chairman), Drake, Harmer-Strange, Kitcat, A Norman, Oxley, Simpson, Smith and Taylor.

**Licensing & Licensing (2003) Committee** – Councillors Cobb (Chairman), Lepper (Deputy Chairman), Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon, Simson, C Theobald, Watkins, West and Wrighton.

**Planning Committee** – Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Alford, Carden, Cobb, Davey, Hamilton, Kennedy, McCaffery, Simson, Smart and Steedman.

**Overview & Scrutiny Commission** – Councillors Mitchell (Chairman), Pidgeon (Deputy Chairman), Bennett, Cobb, Elgood, Kennedy, Morgan, Older, Peltzer Dunn and Wakefield-Jarrett.

**Adult Social Care & Housing Overview & Scrutiny Committee** – Councillors Meadows (Chairman), Wrighton (Deputy Chairman), Allen, Janio, Kemble, Older, Pidgeon and Phillips.

**Children & Young People Overview & Scrutiny Committee** – Councillors Older (Chairman), McCaffery (Deputy Chairman), Davis, Duncan, Hyde, Phillips, A Norman and Smart.

**Culture, Tourism & Enterprise Overview & Scrutiny Committee** – Councillors Kennedy (Chairman), Drake (Deputy Chairman), Davis, Harmer-Strange, Marsh, Randall, C Theobald and Turton.

**Environment & Community Safety Overview & Scrutiny Committee** – Councillors Morgan (Chairman), Janio (Deputy Chairman), Davis, Drake, A Norman, Rufus, Smart and West.

**Health Overview & Scrutiny Committee** – Councillors Peltzer Dunn (Chairman), Allen (Deputy Chairman), Barnett, Harmer-Strange, Hawkes, Kitcat, Marsh and Rufus.

**Licensing 2003 Sub-Committee** (3 from the parent committee with designated reps) – Councillors Cobb (Chairman), Lepper, Watkins and West.

**Personnel Committee** – (3 from a pool of Members with designated reps) Councillors Pidgeon, Marsh and Wrighton.

**Standards Committee** – (6 Councillors and 6 Independent Members) Councillors Carden, Lepper, Harmer-Strange, Steedman, C Theobald and Watkins.

Dr Wilkinson (Chairman), Ms Carter, Mr Rhodes, Mrs Scott, Mr Janse van Vuuren and 1 vacancy.

**Housing Management Consultative Committee** – Councillors Caulfield (Chairman), Allen, Barnett, Fryer, Mears, Pidgeon, Randall, Simson and Simpson.

**Community Safety Forum** – Councillors Simson (Chairman), Barnett, Carden, Duncan, Hyde, Janio, Morgan, Phillips, Watkins and Young.

- (iii) That in having regard to (ii) above, those Members listed as Chairman, Deputy Chairmen and Opposition Spokesperson of the respective Committees, Sub-Committees and Forums as detailed in appendix 2 to the report be agreed;
- (iv) (a) That with regard to (i) above and subject to (b) and (c) below, all Members of the Council be appointed as Substitute Members of each Committee of the Council in accordance with Standing Orders.
  - (b) That no Member may act as a Substitute Member of the Planning Committee or the Personnel Committee unless he/she has received the appropriate training to enable them to serve on the respective Committee.
  - (c) There are restrictions on membership of the Overview & Scrutiny Committees as set out in the Overview & Scrutiny Procedure rules.
- (v) That the existing co-optees on the Planning Committee, the Children & Young People's Overview & Scrutiny Committee and the Health Overview & Scrutiny Committee be re-appointed, providing that the Overview & Scrutiny Commission may appoint additional non-voting co-optees to the Children & Young People's Overview & Scrutiny Committee and the Health Overview & Scrutiny Committee;

- (vi) That in having regard to (ii) above, an Urgency Sub-Committee for each Committee be approved in accordance with Procedure Rule 22;
- (vii) That those appointments listed in appendix 3 to the report being the responsibility of the Executive and as such made by the Leader of the Council be noted as detailed below:

Housing Management Consultative Committee	9	5	2	2		
Community Safety Forum	10	5	2	2	1	

- (viii) That the appointments of representatives to the list of Outside Bodies as detailed in appendix 4 to the report and specified below be agreed:

	<b>Name of Organisation</b>	<b>Term of Office</b>	<b>Nominations 2010/11</b>
1	Admissions Forum	Annual	Kemble and Hawkes
2	Adoption & Permanence Panel	Annual	McCaffery
3	Age Concern	Annual	Smart and Wrighton
4	Arc Manche	Annual	Hyde
5	Arts Commission	Annual	Older, Smith, C Theobald, Davis Fryer and Watkins
6	Brighton & Hove in Bloom	Annual	Barnett, K Norman, Older, Carden and Duncan
7	Brighton & Hove Allotment Federation	Annual	Smart
8	Brighton & Hove Business Forum	Annual	Fallon-Khan and Davis
9	Brighton & Hove Economic Partnership	Annual	Fallon-Khan Turton
10	Brighton & Hove Estates Conservation Trust	Annual	Fallon-Khan and Mitchell
11	Brighton & Hove Federation of Disabled People	Annual	Pidgeon
12	Brighton & Hove Foster Panel	Annual	Bennett
13	Brighton & Hove Foyer	Annual	Caulfield
14	Brighton & Hove Local Access Forum	Annual	Caulfield and Pidgeon

15	Brighton & Hove Music Trust	Annual	A Norman, Older and Hawkes
16	Brighton Dome & Festival Limited	Annual	Brown and Marsh
17	Brighton Housing Trust	Annual	Barnett
18	Brighton Unemployed Centre Families Project	Annual	Hyde
19	British Resorts Destination Association	Annual	Smith
20	Citizen's Advice Bureau	Annual	Harmer-Strange and Davis
21	City Inclusion Partnership	Annual	Simson, McCaffery, Wakefield-Jarrett and Watkins
22	City Sustainability Partnership	Annual	Fallon-Khan, Mitchell, Steedman and Watkins
23	City Sports Forum	Annual	Cobb, Mitchell, Steedman and Watkins
24	Coastal Issues Special Interest Group	Annual	Smart
25	Consumer Direct	Annual	Alford
26	Cornerstone Community Centre Board of Management	Annual	Watkins
27	Dialog 50/50	Annual	Pidgeon
28	Members Advisory Group on Grants (MAG)	Annual	Simson, Hamilton, Rufus and Watkins
29	East Sussex Fire Authority	Annual	Harmer-Strange, Kemble, Pidgeon, Carden, Marsh and Rufus
30	East Sussex Pension Fund Investment Panel	Annual	Drake and Allen
31	Eurocities Network	Annual	Smith
32	Fair Trade Working Group	Annual	Alford and Fallon-Khan
	Gorham's Gift	4-year term 2007-2011	Drake, Kemble and Hawkes
33	Healthy City Partnership	Annual	K Norman and Allen
34	INTERREG IVa	Annual	Peltzer Dunn
35	Local Government Association	Annual	Mears, Oxley, Mitchell and Taylor
36	LGA Rural Commission	Annual	C Theobald
37	LGA Urban Commission	Annual	Brown and Oxley

38	Local Housing Allowance Steering Group	Annual	Caulfield
39	Local Strategic Partnership	Annual	Mears, Mitchell and Steedman
40	MIND	Annual	Smart
41	Patrol Adjudication Joint Committee	Annual	Harmer-Strange (Sub – Young)
42	Pre-School Learning Alliance	Annual	Kemble
43	Race Ground Trustees	Annual	Older, Smith C Theobald, tbc, Hawkes, McCafery, Kennedy, and West
44	Resource Centre	Annual	Oxley
45	SACRE	Annual	Fallon-Khan, C Theobald, Hamilton, and Fryer
46	Shoreham Port Authority LA Liaison Committee	Annual	Alford and Hamilton
47	Social Services Complaints Review Panel	Annual	Cobb
48	Sussex Coastal Towns Study Group	Annual	Peltzer Dunn
49	South Downs Joint Committee	Annual	G Theobald, A Norman and Davis
	South Downs National Park Authority	Annual	G Theobald
50	South East England Employers	Annual	Fallon-Khan, Peltzer Dunn and Marsh
51	South East England Council	Annual	Mears
52	Southern Regional Flood Defence Committee	Annual	Janio
	Joint Committee for Appointment of Local Authority Members to the Sussex Police Authority	Bi-Annual 31.05.09- 31.05.11	Oxley and Randall
	Sussex Sea Fisheries	Bi-Annual 05.09-05.11	Kemble and Davis
53	The Brighton Fund	Annual	Wells (ex-officio), Drake, Simson, Mears and Hawkes
54	The Sussex Deaf Association	Annual	Pidgeon
55	East Sussex Gypsy & Travellers Forum	Annual	Simson
56	Trustee of Governors of the Friends of Royal Pavilion	Annual	Smith
57	United Nations Association	Annual	Oxley



58	University of Sussex Court	01.08.10- 31.07.11	Wells, Brown and Hawkes
59	West Pier Trust Board	Annual	Older

## 7. APPOINTMENTS

7.1 (a) The Mayor moved that for the municipal year 2010/2011 the following appointments to the positions as agreed by the various Groups represented on the Council be noted:

- (i) Leader of the Conservative Group      Councillor Mary Mears
- (ii) Leader of the Labour Group              Councillor Gill Mitchell
- (iii) Convenor of the Green Group          Councillor Bill Randall
- (iv) Leader of the Lib Dem Group            Councillor Paul Elgood

7.2 **The motion was carried.**

(b) The Mayor moved that for the municipal year 2010/11 Councillor Oxley be appointed as the Deputy Leader (non-Executive) of the Council.

7.3 **The motion was carried.**

7.4 (c) The Mayor moved that for the municipal year 2010/11 Councillor Mitchell be appointed as the Leader of the Official Opposition.

7.5 **The motion was carried.**

7.6 (d) The Mayor moved that the appointments made by the Leader as detailed below and listed in appendix 1 circulated with the addendum papers be noted:

- (i) That Councillor Dee Simson be appointed as the Deputy Leader (Executive) of the Council;
- (ii) That the following Members be appointed to the Cabinet with the respective portfolios:

1	Cabinet Member for Adult Social Care & Health	Councillor Ken Norman
2	Cabinet Member for Central Services	Councillor Trevor Alford
3	Cabinet Member for Children & Young People	Councillor Vanessa Brown

4	Cabinet Member for Community Affairs, Inclusion & Internal Relations	Councillor Dee Simson
5	Cabinet Member for Culture, Recreation & Tourism	Councillor David Smith
6	Cabinet Member for Enterprise, Employment & Major Projects	Councillor Ayas Fallon-Khan
7	Cabinet Member for Environment	Councillor Geoffrey Theobald
8	Cabinet Member for Finance	Councillor Jan Young
9	Cabinet Member for Housing	Councillor Maria Caulfield

(iii) That the following Members be appointed to the following bodies as listed below:

1	Area Housing Panels x 4	Annual	Appropriate Ward Councillors	Appropriate Ward Councillors
2	Children & Young People's Trust Board	Annual	Cabinet Member for Children & Young People plus: 1 Conservative 1 Labour 1 Green 1 other	Cllr Vanessa Brown  Cllr Ted Kemble Cllr Pat Hawkes Cllr Rachel Fryer Cllr Jayne Bennett
3	Community Safety Forum	Annual	5 Conservative  2 Labour  2 Green  1 Lib Dem	Cllr Dawn Barnett Cllr Lynda Hyde Cllr Tony Janio Cllr Dee Simson Cllr Jan Young Cllr Bob Carden Cllr Warren Morgan Cllr Ben Duncan Cllr Alex Phillips Cllr David Watkins
4	Housing Management Consultative Committee	Annual	5 Conservative  2 Labour	Cllr Dawn Barnett Cllr Maria Caulfield Cllr Mary Mears Cllr Brian Pidgeon Cllr Dee Simson Cllr Kevin Allen Cllr Christine Simpson

			2 Green	Cllr Rachel Fryer Cllr Bill Randall
5	Joint Commissioning Board	Annual	Cabinet Member for Adult Social Care & Health Cabinet Member for Housing 1 Labour 1 Green	Cllr Ken Norman  Cllr Maria Caulfield  Cllr Jeane Lepper Cllr Keith Taylor
6	Staff Consultation Forum	Annual	3 Conservative  2 Labour  1 Green	Cllr Mary Mears Cllr Brian Oxley Cllr Brian Pidgeon Cllr Gill Mitchell Cllr Mo Marsh Cllr Sven Rufus

7.7 **The motion was carried.**

7.8 The Mayor closed the meeting and invited the assembled company to join him at the Royal Pavilion for refreshments.

The meeting concluded at 5.40pm

Signed

Chairman

Dated this

day of

2010



**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions have been received from Councillors and will be taken as read along with the written answers which will be included in an addendum that will be circulated at the meeting:

**(a) Councillor Kitcat**

"What progress has been made on the purchase and implementation of the transport model?"

**Reply from Councillor Theobald, Cabinet Member for Environment.**

**(b) Councillor Kitcat**

"What if any opportunities does the Administration have to reduce the budgeted amounts allocated for spending on the transport model and will they be making use of such opportunities?"

**Reply from Councillor Young, Cabinet Member for Finance.**

**(c) Councillor Kitcat**

"Can the Cabinet Member for Environment provide an update on recycling and composting rates in the city and the rate of change in recycling and composting rates over previous years?"

**Reply from Councillor Theobald, Cabinet Member for Environment.**

**(d) Councillor Kitcat**

"Can the Cabinet Member for Environment provide a breakdown of the replacement rate for communal bins due to breakage, damage and maintenance and what this costs?"

**Reply from Councillor Theobald, Cabinet Member for Environment.**

**(e) Councillor Kitcat**

"Can the Cabinet Member for Finance outline when the Administration propose to implement the Government's requirement to publish all council spending, contracts and tender documents over £500 and under what licence the data will be published?"

**Reply from Councillor Young, Cabinet Member for Finance.**

**(f) Councillor Kitcat**

"Can the Cabinet Member for Central Services provide a progress report on when the council's website will receive its long overdue upgrade, and if it is still intended to be built on Microsoft software?"

**Reply from Councillor Alford, Cabinet Member for Central Services.**

**(g) Councillor Fryer**

I have received 3 complaints in as many months from constituents who have felt that the council has acted inappropriately in employing bailiffs and taking legal action without warning to recover council tax which has resulted in both the council and the resident paying large sums of money unnecessarily. In one case this is despite the fact that the resident had not owned or lived at the property in question for over ten years and had contacted the Council tax department to tell them this. In another case the resident was very vulnerable and it was clear from payment history that the resident made a strong effort to meet most payments in time.

1. How many cases are there of residents of Brighton & Hove a) being threatened by bailiffs b) having legal action taken against them?
2. How much money has been spent on legal action and employing bailiffs?
3. In these cases, what efforts were made by the council first to engage with the resident to resolve the situation first?

**Reply from Councillor Alford, Cabinet Member for Central Services.**

**(h) Councillor Elgood**

"What progress is being made to implement the requirement by the coalition government to publish all items of spending over £500 and to publish all tender documents in full?"

**Reply from Councillor Young, Cabinet Member for Finance.**

**(i) Councillor Duncan**

Concerns have been raised with me that some associations representing tenants and residents living in some council housing blocks in the Queen's Park ward have not been publicising forthcoming meetings and publishing agendas and minutes in accordance with their constitutional requirements. Could the administration explain:

- (a) What steps it takes to ensure that all such associations do so?

- (b) Whether or not any funding from the council is dependant on associations acting in accordance with an agreed constitution?
- (c) Whether or not the council is aware of any problems in this regard, either generally or in relation to any particular association(s)?

**Reply from Councillor Caulfield, Cabinet Member for Housing.**





**ORAL QUESTIONS FROM COUNCILLORS**

The following Members have indicated that they wish to put questions to the Leader, Cabinet Members, Chairmen 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:

**(a) Councillor Kitcat**

*Subject matter* – Addressing inequality in the face of service cuts.

**Reply from Councillor Mears, Leader of the Council.**

**(b) Councillor Elgood**

*Subject matter* – Intelligent Commissioning.

**Reply from Councillor Mears Leader of the Council.**



## COUNCIL

15 July 2010

## Agenda Item 11

Brighton & Hove City Council

<b>Subject:</b>	<b>Health &amp; Safety Annual Service Plan 2010/11</b>	
<b>Date of Meeting:</b>	<b>15 July 2010</b>	<b>Council</b>
	19 April 2010	Environment & Community Safety Overview & Scrutiny Committee
	25 March 2010	Environment Cabinet Member Meeting
<b>Report of:</b>	<b>Director of Environment</b>	
<b>Contact Officer:</b>	<b>Name: Roy Pickard</b>	<b>Tel: 29-2145</b>
	<b>E-mail: roy.pickard@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>	

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Health & Safety Annual Service Plan required under the Health & Safety at Work Act etc 1974 Section 18 standard is part of the Council's Policy Framework on which Environment Cabinet Members and stakeholders are normally consulted before final proposals are formulated.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member endorses the Health & Safety Annual Service Plan 2010/2011 and recommends Council to approve it.

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

- 3.1 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), Section 18 Standard. The Annual Service Plan for this year reviews 2009-10 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) sets out the arrangements for enforcement' under Section 18 of Health & Safety at Work etc Act 1974 (HSWA). The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

- 3.4 In accordance with the Standard and guidance contained in HELA Local Authority Circular 67(2) the Health & Safety Service should provide a range of risk-based interventions. This would include routine inspection of high risk businesses, planned enforcement initiatives, investigation of accidents, investigation of complaints, advice, training and advisory activity, visits to new premises, revisits to check and enforcement, Safety and Health Awareness Days etc;
- 3.5 In addition, local priorities have been identified and these include working with BME takeaways on workplace violence, working with retailers in respect of retail robbery, working with faith groups on working from height and supporting community events.

#### **4. CONSULTATION**

- 4.1 A Senior Lawyer and Accountant have been consulted regarding the legal and financial implications. The service plan will be part of a rigorous consultation process in March 2010 involving members of the public, employers, employees, internal and external stakeholders such as trade Unions, human resources and local business forum. It must be a published document and is also available on the Council's website.

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

##### **5.1 Financial Implications**

The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2010/11 net budget for the Health and Safety service within Environmental Health is £138,480, and this include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

*Finance Officer consulted: Karen Brookshaw*

*Date: 03/02/10*

##### **Legal Implications**

- 5.2 Every district and unitary council in Great Britain has a statutory duty under Section 18 of the Health and Safety at Work etc Act 1974 to ensure it makes adequate provision for health and safety regulation in its area. The S18 Standard sets out the requirements with which the Local Authority will eventually be obliged to comply with in making 'adequate arrangements for enforcement' for those areas which are deemed to be the responsibility of local authorities.
- 5.3 It has been given legal effect as Health & Safety Commission guidance to Local Authorities under section 18(4)(b) of HSWA (section 18 guidance). HSWA requires Local Authorities to perform their duties as enforcing authorities in accordance with Section 18 guidance. However, although the Standard will have effect from 1st April 2008, it does not require immediate full compliance with its requirements. Instead, both LAs and FOD are required:

- from 1st April 2008, to work towards compliance with the requirements of the Standard, and
- from 31st March 2011, to comply fully with all the requirements of the Standard.

5.4 The Council's Commercial Enforcement Policy gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under Health & Safety laws. There are no further Human Rights Act issues. The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan be reserved to full Council.

*Lawyer consulted:*

*Simon Court*

*Date: 02/02/10*

Equalities Implications:

5.5 An Equalities Impact Assessment has been completed as part of our contact with groups during consultations in 2009. It has identified that additional work with BME takeaways is required, that no work streams have been identified as part of our contact with LGBT businesses and that work is required with faith groups in respect of working from height.

Sustainability Implications:

5.6 Unacceptable risk, fatalities and major injuries would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Crime & Disorder Implications:

5.7 Reduction in crime and disorder as part of the work place violence projects and retail robbery projects.

Risk and Opportunity Management Implications:

5.8 A sensible approach to health & safety protects the Councils reputation as a responsible authority. Leading and promoting health & safety avoids tragedy and consequent adverse impacts.

Corporate / Citywide Implications:

5.9 A safe and healthy workforce benefits the local economy and develops the city's tourism

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

6.1 None. The Service Plan is a statutory requirement.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 Compliance with statutory duties.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Health & Safety Annual Service Plan 2010/2011

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

None

### **Background Documents**

None

Brighton & Hove City Council – Service Plan - Health and  
Safety at Work – 2010/11

Overall **Aim** of the Service:

“To enforce the law fairly with better use of public money, protecting the environment while growing the economy.”

“To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.”

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses reducing the flows on incapacity benefits from employment
- Investigating major injury incidents and fatalities.
- Responding to enquiries
- Promoting sensible risk management
- Work with business to achieve compliance with the law without increasing financial burdens

Local Priorities:

- Bulk LPG storage
- BME Takeaways – including development of a tool kit for small businesses.
- Retail Robbery – In partnership with the police
- Violence in the licensed premises - In partnership with the licensing team & police
- Faith buildings – Working from height
- CDM – Planning applications
- Outdoor Events
- Noise in the entertainment industry
- Sunbeds
- Asbestos duty to manage
- Officer competency training development RDNA

Regional Priorities:

- Liquid Petroleum Gas (LPG) – bulk storage tanks
- Asbestos Duty to Manage (DTM)
- Construction (LACE)
- Twin Peaks (including Motor Vehicle Repair - MVR)
- Beauty Industry – sunbeds
- Retail Violence

Key National Indicators:

- NI 15 – Serious Violent Crime Rate
- NI 20 – Assaults with injury crime rate
- NI 21 – Dealing with local concerns about antisocial behaviour and crime by local council and police
- NI 28 – Serious knife crime rate
- NI 29 – Gun crime rate
- NI 120 – All-age all cause mortality rate
- NI 122 – Mortality from all cancers at ages under 75
- NI 137 – Healthy life expectancy at age 65
- NI 173 – People falling out of work and on to incapacity benefits
- NI 182 – Satisfaction of businesses with local authority regulatory services
- NI 183 – Impact of local authority regulatory services on the fair trading environment

National Priorities for local Authorities

- LPG inspection campaign
- Construction
- Asbestos DtM
- Respiratory disease
- Asthma in bakeries
- Dermatitis in catering
- Dermatitis in hairdressing
- Noise – 'Sound Advice'
- MSDs
- Sun beds
- Work-related violence and aggression
- Stress in finance and public sector organisations
- Royal Mail
- Heavy loads
- Workplace temperatures
- Workplace transport
- Promoting leadership
- Vulnerable and migrant workers
- Slips and trips
- Ladder Exchange
- Safe interventions at balers and compactors



## **Our Achievements: 2009/10 – ‘Selling our story’ –Review of the 2009/10 Service plan**

The team's achievements in 2008/09 were:

- Completion of 250 high risk planned general inspections.100% of programme.
- Visits to 150 businesses in the night time economy to raise awareness of work related violence.
- Responded to 600 service requests.
- Reviewed 300 accident notifications and investigated as necessary.
- Scrutinised 100 new and varied licence applications & planning applications.
- Participated in the Sussex Liaison Health & Safety Group Asbestos project that included letter drop to 100 businesses in Brighton & Hove and inspection of those businesses over 2 days
- Business enterprise exhibition –Business contacts made and information and advice given.
- Ensured that the City's outdoor events ran safely and included advice and assistance given to Pride, White Air, Burning of the Clocks, Chinese State Circus and the Brighton Festival, Brighton carnival and the children's parade.
- Participating in the Sussex flexible warranting scheme.
- Received a Best Practice Award from LACORS and HSE for retail violence project.
- Presentations to the refugee forum, the LGBT village pub watch and the institute of conflict management to raise the profile of the service and promote work with communities.
- 12 messages of the month sent to over 200 businesses on mailing list
- Health and safety e-newsletter to 2,500 small & medium sized businesses.

## **Ensuring Quality**

To ensure that the service we offer to residents and businesses is of high quality we will ensure that:

- All officers carrying out enforcement work are appropriately authorized, according to their ability, qualifications, expertise and experience.

## Item 11 Appendix A

- That officer's competence is continually assessed and that we support officers to develop their skills and widen their experience.
- That we will ask for feedback from business and residents on the quality of the service we provide and strive to continually improve
- That our work is audited externally by the British Standards Institute to ensure compliance with ISO9000 Quality Assurance.
- We will continue to participate in local peer reviews with neighbouring local authorities to ensure consistency and best practice.
- To continually update our data base to provide accurate details of business to help us communicate targeted health & safety messages effectively.

## Work plan and resources

Staff resources – 4.5 FTE Health & Safety Team – 3.25 FTE Occupational Health Team

Item	Resources	Timescales	How	Outcome
<b>BME Takeaways – Work related violence</b>				
To complete visits to 50 BME takeaways, working with the racial harassment forum, the partnership community safety team, and police to raise awareness of work related violence and ensure compliance with other related H&S requirements.	0.15 FTE	Throughout 20010/11	Visits to 50 premises (takeaways) Advice given on violence at work, stress at work, Slips trips and falls, gas/electrical safety,	<p><b>National Indicator</b>                      NI 15 – Serious Violent Crime Rate                      NI 20 – Assaults with injury crime rate                      NI 21 – Dealing with local concerns about antisocial behaviour and crime by local council and police                      NI 173 – People falling out of work and on to incapacity benefits</p> <p><b>Performance indicator</b>                      Number of completed visits                      % increase in confidence in management                      %increase in those premises that are H&amp;S compliant.</p> <p><b>Outcome</b>                      Increased standards of</p>

				employee and public health and safety in night time economy premises. Increased awareness of specific and general H&S issues pertinent to night time economy businesses.
<b>Development of a H&amp;S Toolkit</b>				
To develop a H&S toolkit to help small and medium sized enterprises achieve compliance with H&S requirements.	0.15 FTE	Throughout 2010/11	Create a toolkit for specific business communities to help them comply with health & safety requirements	<p><b>National indicator</b>  NI 173 – People falling out of work and on to incapacity benefits  NI 182 – Satisfaction of businesses with local authority regulatory services  NI 183 – Impact of local authority regulatory services on the fair trading environment</p> <p><b>Performance indicator</b>  Completion of toolkit</p> <p><b>Outcome</b>  Increased compliance with health &amp; safety requirements</p>
<b>Retail Robbery</b>				
To follow up intelligence from the police in respect of retail robberies and visit premises to ensure compliance with H&S requirements	0.15 FTE	Throughout 2010/11	Visits to 50 businesses. Advice given on work related violence and ensure compliance with H&S requirements	<p><b>National indicator</b>  NI 15 – Serious Violent Crime Rate  NI 20 – Assaults with injury crime rate  NI 21 – Dealing with local</p>

				<p>concerns about antisocial behaviour and crime by local council and police</p> <p>NI 28 – Serious knife crime rate</p> <p>NI 29 – Gun crime rate</p> <p>NI 120 – All-age all cause mortality rate</p> <p>NI 173 – People falling out of work and on to incapacity benefits</p> <p><b>Performance indicator</b></p> <p>Numbers of premises inspected</p> <p>% increase in confidence in management.</p> <p>% increase in premises that are H&amp;S Compliant.</p> <p>% reduction in repeat robberies.</p> <p><b>Outcomes:</b></p> <p>Reduction in repeat robberies. &amp; corresponding associated violence to workers</p>
<b>Licensed Premises – Work Related Violence</b>				
To follow up information from Joint intelligence meetings of violence in licensed premises and carry out visits to ensure compliance with H&S requirements	0.15 FTE	Throughout 2010/11	Visits to 50 businesses. Advice given in respect of work related violence and ensure compliance with H&S requirements.	<p><b>National Indicator</b></p> <p>NI 15 – Serious Violent Crime Rate</p> <p>NI 20 – Assaults with injury crime rate</p> <p>NI 21 – Dealing with local</p>

				<p>concerns about antisocial behaviour and crime by local council and police</p> <p>NI 28 – Serious knife crime rate</p> <p>NI 29 – Gun crime rate</p> <p>NI 120 – All-age all cause mortality rate</p> <p>NI 173 – People falling out of work and on to incapacity benefits</p> <p><b>Performance indicator</b></p> <p>Number of premises inspected</p> <p>% increase in confidence in management</p> <p>% reduction in reported incidents in those premises</p> <p><b>Outcomes:</b></p> <p>Reduction in corresponding associated violence to workers</p>
<b>Supporting Small &amp; Medium Sized Enterprises</b>				
Send monthly health & safety messages promoting sensible risk management.	0.1 FTE	Throughout 2010/11	<p>Press release new service, collect email addresses from visits &amp; self assessment risk rating questionnaires.</p> <p>Use BHCC email system to deliver messages.</p>	<p><b>National Indicator</b></p> <p>NI 173 – People falling out of work and on to incapacity benefits</p> <p>NI 182 – Satisfaction of businesses with local authority regulatory services</p> <p>NI 183 – Impact of local authority regulatory services on</p>

				<p>the fair trading environment</p> <p><b>Performance indicator</b> Number of messages sent</p> <p><b>Outcome</b> Increased standards of employee and public health and safety business contacted. Sensible risk management promoted</p>
<b>Working from height</b>				
Letter drop and inspection of faith buildings in the city	0.2 FTE	Throughout 2010/11	Carry out 100 inspections of faith buildings in the city	<p><b>National Indicator</b> NI 120 – All-age all cause mortality rate NI 173 – People falling out of work and on to incapacity benefits</p> <p><b>Performance indicator</b> Number of premises inspected % increase in confidence in management %Increase in H&amp;S compliance</p> <p><b>Outcome</b> Working from height risk assessed &amp; workers trained @working from height</p>
<b>Bulk LPG Storage</b>				
Carryout inspections of Bulk LPG storage facilities in the city	0.1 FTE	Throughout 2010/11	Carryout inspections of bulk LPG storage facilities in Brighton & Hove that	<p><b>National Indicator</b> NI 173 – People falling out of work and on to incapacity</p>

			have been identified by the HSE as high risk	benefits NI 120 – All-age all cause mortality rate <b>Performance Indicator</b> Number of premises inspected % increase in confidence in management %Increase in H&S compliance <b>Outcome</b> Reduced risk of LPG explosion and consequent major injury and death
<b>Community Events</b>			.	
Support the following community events <ul style="list-style-type: none"> <li>• Ladyboys of Bangkok</li> <li>• Childrens Parade</li> <li>• Brighton carnival</li> <li>• Brighton Festival Performance</li> <li>• Chinese State Circus</li> <li>• Hanover day</li> <li>• Pride</li> <li>• Zippo Circus</li> <li>• White Air</li> <li>• Fiery food</li> <li>• Burning of the clocks</li> <li>• Brighton Marathon</li> </ul>	0.2FTE	Througho ut 2010/11	Attend meetings, give advice, review event management plans and risk assessments. Attend events where necessary to enforce and give advice. Monitor and enforce occupation noise exposure limits.	<b>National indicator</b> NI 120 – All-age all cause mortality rate NI 173 – People falling out of work and on to incapacity benefits <b>Performance indicator</b> Number of Event Management Plans Reviewed <b>Outcome</b> Increased safety at public community events. Forming links with communities



<b>Partnership Working</b>				
Participate in the Sussex Liaison Group (SHSLG ) pan Sussex health & safety project	0.1 FTE	Throughout the year  January-March 2011	Chair the SHSLG  Represent BHCC at SHSLG  Participate in Sussex wide Health & Safety initiative	<b>National indicator</b> NI 120 – All-age all cause mortality rate <b>Performance indicator</b> Number of meetings attended Project completed. <b>Outcome</b> Joined up approach to regional health & safety initiatives.
Implementation of Sussex wide peer review	0.1 FTE	April 2011	Work towards improving S18 compliance as set out in peer review action plan	<b>National indicator</b> NI 120 – All-age all cause mortality rate <b>Performance indicator</b> Implementation of Peer Review Action Plan. <b>Outcome</b> Raise standards of compliance with 'mandatory practice' S18 guidance.
To review new and varied license applications & planning applications and make representations where appropriate.	0.2FTE	Throughout 2010/11	Scrutinise and comment on applications where appropriate. Advice on CDM regulations & workplace regulations. Visits to premises as necessary.	<b>National Indicator</b> NI 120 – All-age all cause mortality rate <b>Performance indicator</b> Numbers of licence & planning applications reviewed. <b>Outcome</b> Proactive development of

				consistent and high standards of health and safety in proposed new commercial operations and licensed premises.
<b>Programme work</b>				
To carry out appromixetly 150 High risk planned general inspection targeting the highest risk (A, B1 & B2) including Cooling Towers	0.5 FTE	Througho ut 2009/10	To carry out 150 planned general inspections to high risk business due to be inspected in 2009/10. To advise and carry out enforcement as necessary.	<p><b>National indicator</b> All specified NIs</p> <p><b>Performance Indicator</b> Number of inspections undertaken. % increase in confidence in management % increase in H&amp;S compliant businesses</p> <p><b>Outcome</b> To maintain or where necessary improve standards of employee and public health and safety in local businesses.</p>
To respond to 600 requests for service	2FTE	Througho ut 2009/10	Respond to 95% of Service Requests within deadlines.	<p><b>National Indicator</b> All specified NIs</p> <p><b>Performance Indicators.</b> Percentage of Service Requests responded to within departmental deadlines.</p> <p><b>Outcome</b> Maintain standards of customer service at a high level.</p>

To review all accident notifications and to investigate them all appropriately.	0.2 FTE	Througho ut 2009/10	To review accident notifications and investigate accidents where they meet BHCC criteria for investigation	<p><b>National Indicator</b> All specified NIs</p> <p><b>Performance Indicator</b> Number of accidents investigated.</p> <p><b>Outcome</b> Reduce the level of work place accidents in local businesses</p>
<b>Quality</b>				
To update the data base using food safety registration details and business rates details.	0.2FTE	Througho ut 2009/10	Premises data from food safety registration forms and businesses rates to be placed on the health & safety premises data base. All new businesses to be sent risk rating questionnaire.	<p><b>National Indicator</b> All specified NIs</p> <p><b>Performance Indicator</b> Number of business placed on data base</p> <p><b>Outcome</b> Better targeting of resources to the highest risk premises.</p>
<b>Healthy Work Places</b>				
Out reach workplaces NHS health checks	3.25FTE	Througho ut 2009/10	<p>Qualified nurses offering NHS health &amp; safety checks targeted at men over 40.</p> <p>Tackling health inequality, obesity, lifestyles, mental health &amp; well being</p> <p>Improved return to work</p>	<p><b>National indicator for all projects</b> NI 120 – All-age all cause mortality rate. NI 122 – Mortality from all cancers at ages under 75 NI 173 – People falling out of work and on to incapacity benefits.</p> <p><b>Performance Indicator</b> Number health checks carried out.</p>



<p>The B&amp;H Healthiest Workplace Award</p> <p>Business Tournaments</p>			<p>Promote NHS smoking cessation sessions in the workplace; information about smoke free legislation.</p> <p>Sponsor the Brighton &amp; Hove Healthiest Workplace Award as part of the annual B&amp;H Business Awards (BAHBAs) for the third year running to raise awareness of wellbeing in the work place and to reward good practice.</p> <p>Set up and promote business tournaments in partnership with Sussex County Sport Partnership</p>	<p><b>Performance Indicator</b> Uptake monitored by NHS Brighton &amp; Hove</p> <p><b>Outcome</b> Reduced number of employees that smoke. Improved health and reduced sickness absence.</p> <p><b>Performance Indicator</b> Number of award applicants</p> <p><b>Outcome</b> Increased awareness about benefits of promoting good health and wellbeing in workplaces.</p> <p><b>Performance Indicator</b> Number of participating workplaces</p> <p><b>Outcome</b> Increased number of employees from local workplaces participating in physical activity.</p>
---	--	--	---	--

<p>Healthy Eating</p>			<p>and as part of the annual Take Part Sport Festival to raise awareness of benefits of physical activity for employees</p>	<p><b>Performance Indicator</b> Number of awards</p> <p><b>Outcome</b> Increased availability of health food choices for people eating away from home and at work</p>
<p>Weight Management in workplaces</p>			<p>Promote access to healthy eating in workplaces through a Phase 2 launch of the healthy choice food award in partnership with NHS Brighton &amp; Hove and B&amp;H Food Partnership</p>	<p><b>Performance Indicator</b> Uptake and evaluation forms</p> <p><b>Outcome</b> Improved access to affordable weight management session. Reduced risk of obesity.</p>
<p>Healthy Workplace Website</p>			<p>Pilot free weight management session in small to medium sized businesses in partnership with B&amp;H Food Partnership</p> <p>Update the Health Work</p>	<p><b>Performance Indicator</b> Website hits</p> <p><b>Outcome</b> Increased awareness of benefits of and resources available to support employers to create</p>

<p>B&amp;H Healthy Workplace Network</p>			<p>&amp; Wellbeing B&amp;H website with information for local employers about how to create health promoting workplaces, benefits and resources available locally. Continue to promote the website to local employers via the B&amp;H Healthy Workplace Network, press releases, events, mail and e-mail shots.</p> <p>Continue to support the B&amp;H Healthy Workplace Network, including representatives from local businesses and organisations with meetings and e-mail news update</p>	<p>health promoting workplaces.</p> <p><b>Performance Indicator</b> Number of participants</p> <p><b>Outcome</b> Increased awareness of benefits of and resources available to support employers to create health promoting workplaces. Increased uptake of resources. Improved staff health and wellbeing.</p>





**EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT CABINET  
MEMBER MEETING HELD ON THE 25 MARCH 2010**

**ENVIRONMENT CABINET MEMBER MEETING**

**4.00PM 25 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor G Theobald (Cabinet Member)

**Also in attendance:** Councillors Mitchell (Opposition Spokesperson, Labour) and Davey (Opposition Spokesperson, Green)

**Other Members present:** Councillors Bennett, Brown, Cobb, Davis, Fallon-Khan, Kennedy, Oxley, Randall and Taylor

**104 HEALTH & SAFETY ANNUAL SERVICE PLAN 2010/11**

104.1 The Cabinet Member considered a report of the Director of Environment concerning the Health & Safety Annual Service Plan.

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

- (1) That the Health & Safety Annual Service Plan 2010/2011 be endorsed and recommended to Council for approval.



**EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT & COMMUNITY  
SAFETY OVERVIEW & SCRUTINY COMMITTEE MEETING HELD ON THE 19  
APRIL 2010**

**ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY  
COMMITTEE MEETING**

**4.00PM 19 APRIL 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Morgan (Chairman); Davis, Drake, Rufus, Smart, Wells and Duncan

**56 HEALTH & SAFETY ANNUAL SERVICE PLAN 2010/11**

- 56.1 The Environmental Health Manager introduced the report on the Health and Safety Annual Service Plan 2010 – 2011. This annual plan forms a part of the council's Policy Framework and therefore is considered by overview and scrutiny before being formally approved by full Council.
- 56.2 Members heard replies to questions on prioritising businesses for inspections, contacting businesses with key Health and Safety messages and getting feedback from residents and businesses.
- 56.3 ECSOSC commented on the importance of working with partners, including trade associations and trades unions. Members were pleased to see the priority work to tackle retail violence and robbery with pubs, clubs and especially late-opening take-aways. This was essential to the local economy and to ensure the confidence of residents and visitors.
- 56.4 The Committee congratulated the team on receiving a Best Practice Award for retail violence project from LACORS and HSE.
- 56.5 The Committee asked that noise and air quality at petrol station premises be considered for assessment.
- 56.6 **RESOLVED:** That the above comments be incorporated in the report to Full Council.



**COUNCIL**

15 July 2010

**Agenda Item 12**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Official Feed and Food Controls Service Plan 2010/11</b>		
<b>Date of Meeting:</b>	<b>15 July 2010</b>	<b>Council</b>	
	19 April 2010	Environment & Community Safety Overview & Scrutiny Committee	
	25 March 2010	Environment Cabinet Member Meeting	
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name: Nick Wilmot</b>	<b>Tel: 29-2157</b>	
	<b>E-mail: <a href="mailto:nick.wilmot@brighton-hove.gov.uk">nick.wilmot@brighton-hove.gov.uk</a></b>		
<b>Key Decision</b>	<b>Yes</b>	<b>Forward Plan No: ENV13301</b>	
<b>Wards Affected:</b>	<b>All</b>		

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

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member endorses the Official Feed and Food Controls Service Plan 2010/2011 and recommends Council to approve it.

**3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS**

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of the food service within Environmental Health & Licensing and Trading Standards. Both services come within the Environment Directorate. As a result of this close relationship a joint service plan is submitted. This reduces duplication, improves the effectiveness of service delivery and meets the monitoring requirements of the Food Standards Agency.

- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service should be a mix of enforcement, intelligence based work, investigation and education. It is planned that a performance targets of the completion of 98% of programmed food safety interventions of risk category A to D premises, the employment of an alternative enforcement strategy in respect of low risk premises (category E and F) and 90% of complaints responded to within 5 days are met.
- 3.5 NI 184 measures the number of number of food establishments that are broadly compliant with food hygiene law. In addition to achieving 98% of the intervention due the service will aim to achieve a target of 85% of premises broadly compliant.
- 3.6 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of work aims to provide a balanced mix of services, which is most likely to benefit the business sector, consumers and other stakeholders. In line with the amendment to the Food Safety Code of Practice in June 2008 the service will continue to focus enforcement action on the poorer performing businesses.
- 3.7 A healthy food award scheme has been developed to improve healthy life expectancy and tackle obesity. Health Development Advisers also provide NHS vascular risk assessments (health checks).

#### 4. CONSULTATION

- 4.1 This integrated report covers Food Safety and Food Standards, has been produced after close consultation and joint working between the relevant officers of Environmental Health & Licensing and Trading Standards.
- 4.2 Brighton & Hove Food Partnership were consulted during the drafting of this plan.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications

- 5.1 **Food Safety** - The projected budget for 2010/2011 providing the food safety service within Environmental Health is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support:-

	Food Safety	Infectious Disease
Staffing	659,900	52,780
Transport	13,330	1,110
Supplies and Services	10,510	1,470
Total	683,740	55,360

- 5.2 **Food Standards** - It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring

is not currently used to apportion time to the food function. Cost of the food standards function in 2009/10 was as follows based on the percentage of time officers spend on the food function. Similar apportionments would be expected for 2010/11.

#### **Inspection, complaints and advice**

Staffing	
Management	£ 3200
Food Team	£30,680
Total	£ 33,880

#### **Sampling**

Purchases	£500
Supplies	£8,650
Total	£9,150

**Total** £43,030

*Finance Officer consulted: Karen Brookshaw Date: 03/02/10*

#### Legal Implications

- 5.3 The Food Standards Agency under The Framework Agreement on Local Authority Food Law Enforcement that incorporates the latest guidance, places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Council's Commercial Enforcement Policy gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under food safety laws. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2010/11 identifies the planned number of interventions for that period. The Council's Constitution requires the adoption of the Official Feed and Food Controls Service Plan be reserved to full Council.

*Lawyer consulted: Simon Court Date: 01/02/10*

#### Equalities Implications:

- 5.4 See 2.4.5 of appendix 1 for profile of food premises registering with the food service during the year 2009/2010. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

#### Sustainability Implications:

- 5.5 Liaison with relevant agencies in connection with local food initiatives, including the Brighton & Hove Food Partnership

Crime & Disorder Implications:

5.6 None

Risk and Opportunity Management Implications:

5.7 SMART target for the food safety service is (98%of due interventions achieved x 0.3 + 85 %of broadly compliant premises x 0.7)

Corporate / Citywide Implications:

5.8 Food safety standards protect the City's reputation, helps develop tourism and the local economy and helps visitors have a positive experience.

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

6.1 There is no legal alternative to the statutory service plan.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 In order to comply with the Food Standard Agency Code of Practice.

**SUPPORTING DOCUMENTATION**

**Appendices**

1. Official Feed and Food Controls Service Plan 2010/2011

**Documents in Members' Rooms**

None

**Background Documents**

None



**Brighton & Hove City Council**  
**Official Feed and Food Controls Service Plan 2010/2011**

**1. Service Aims and Objectives**

**1.1 Aims and Objectives**

1.1.1 Brighton & Hove City Council's food service function is enforced by Environmental Health & Licensing and Trading Standards. Both sections come within the Environment Directorate.

1.1.2 The Environmental Health & Licensing service is primarily concerned with protecting and improving public health and the environment across the City. Within this service, the Food Safety Team works to ensure the safety of food prepared and sold. This is achieved by carrying out a programme of interventions at food businesses, sampling and investigating complaints. In addition, the Team aims to respond promptly to requests for advice from both businesses and members of the public. Wherever practicable, links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.

1.1.3 The overall objective of the service is to provide a comprehensive food safety service to consumers and the business community, with a considered balance between enforcement, investigation, advice and education.

1.1.4 The purpose of the Trading Standards service is to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its aim is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers, by means of advice, information, education and enforcement.

In respect of food standards the aims are: -

- Accurate and informative labelling of food
- That compositional standards of food are maintained

The objectives being: -

- To carry out risk based and intelligence led activities
- To undertake screen testing and food sampling to reflect identified areas of concern.
- To respond appropriately to food complaints and initiate proportionate action.
- Respond to trader requests in a timely manner
- To educate the public on compositional and labelling issues to improve eating habits

## 1.2 Links to Corporate Objectives and Plans

1.2.1 The City Council's Corporate Plan for 2008-2011 has five priorities:

- *protect the environment while growing the economy;*
- *better use of public money;*
- *reduce inequality by increasing opportunity;*
- *fair enforcement of the law;*
- *open and effective leadership.*

1.2.2 The feed and food service has strong links in with these priorities. In particular the service objective to provide advice, education and enforce relevant standards in the food industry is key to protecting the environment while growing the local economy. The service recognises the impact of current economic conditions on all businesses. Wherever practical, assistance and guidance is offered to ensure feed and food businesses comply with legal requirements and do not pose an undue risk to public health or the environment.

1.2.3 The service reduces inequality by funding training and coaching to small and medium businesses that may otherwise struggle to comply with legal requirements. Where English is not the first language, interpretation and translation services are provided.

1.2.4 The Official Feed and Food Control Service Plan is part of the corporate annual planning and development process.

1.2.5 In line with the core priorities and central Government's better regulation agenda, the Environmental Health service has a published Enforcement Policy. This policy is a cornerstone for fair and open enforcement.

1.2.6 The service reports on two key national indicators:

### **NI 182 – Satisfaction of businesses with local authority regulation services.**

This indicator measures whether businesses think they have been treated fairly and helpfully by local authority regulators. The aim is to inspire local authorities to recognise the important contribution regulatory services make to local and national priorities, and encourage regulatory services to recognise their own role in supporting local business.

### **NI 184 – Food establishments in the area which are broadly compliant with food hygiene law.**

This indicator monitors the level of compliance of local businesses using information collected by the Food Standards Agency (FSA). The indicator uses information on business compliance standards for

structure, operational hygiene and management controls, and brings the data together within an overall 'broad compliance' measure. Measurement and performance against NI 184 is detailed in 3.1 and 6.2.1 of this plan.

1.2.7 The food service also has links with other National Indicators:

**NI 53 Prevalence of breastfeeding at 6 – 8 weeks from birth**

See 3.7.1 of this plan.

**NI 55 Obesity among primary school age children in Reception Year** See 3.7.1 & 3.8

**NI 56 Obesity among primary school age children in Year 6** See 3.7.1 & 3.8

**NI 120 All-age all cause mortality rate** – The whole service.

**NI 122 Mortality from all cancers at ages under 75** – See 3.7.1 & 3.8

**2. Background**

**2.1 Profile of the Local Authority**

2.1.1 Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the North, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

Key Statistics from the 2001 Census:

Resident Population	247,817
Number of households	114,479
Average household size	2.09
Area (hectares)	8,267
Density (residents/hectare)	30 per ha

**Ethnicity**

White	94.2%
Mixed	1.9%
Asian or Asian British	1.8%
Black or Black British	0.76%
Chinese	0.53%
Other	0.65%
Total non-white	5.8%

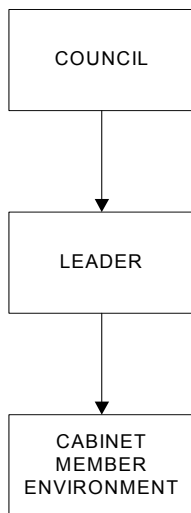
2.1.2 Figures from the Economic Impact Assessment Study for 2005 showed that eight million people visit Brighton & Hove each year. The value of tourism to the economy is estimated at £388 million per annum, supporting 13,000 jobs. The city boasts 4293 bedrooms, offering a bed

stock of approximately 10,000. There are a large variety of hotels, many food retailers, and over 400 restaurants serving cuisine from around the world. The VisitBrighton Visitor Survey 2007 identified that 70% of visitors put going to a restaurant or place to eat as one of the most popular activities to do in Brighton & Hove.

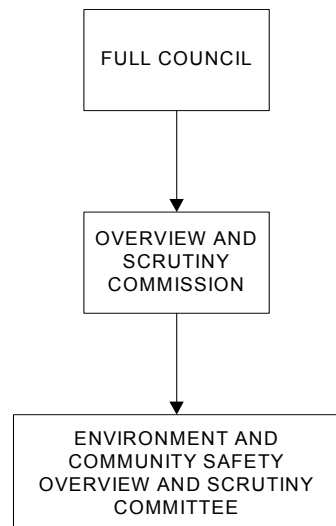
**2.2 Organisational Structure**

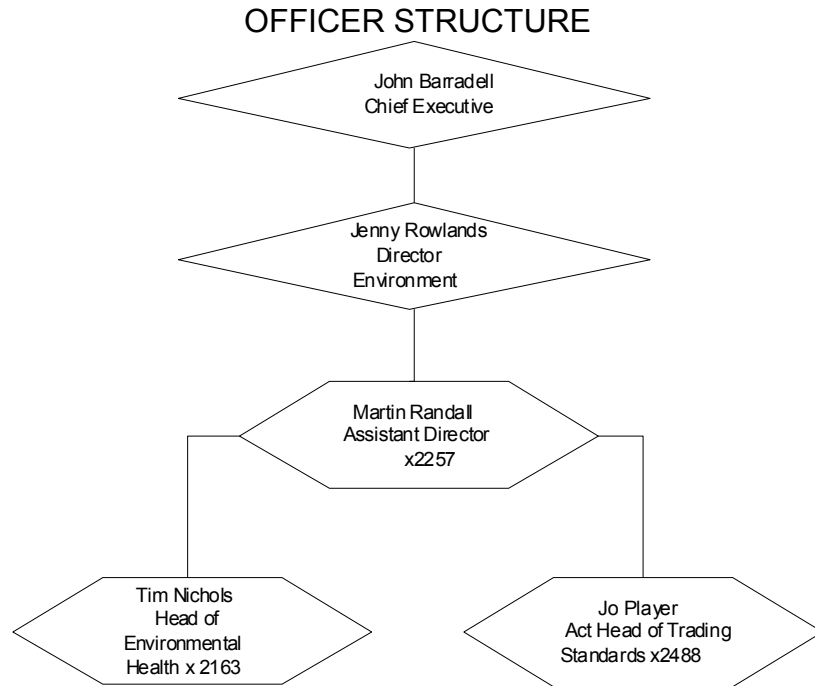
2.2.1 The Environmental Health & Licensing and Trading Standards sections come within the Environment Directorate. Brighton & Hove City Council has a cabinet style structure with the Environment Directorate under the responsibilities of the cabinet member for Environment. The service reports to the Environment and Community Safety Overview Scrutiny Committee. Relevant structures are detailed below.

**CABINET STRUCTURE**



**COMMITTEE STRUCTURE**





2.2.2 The Head of Trading Standards is responsible for the food standards function. In conjunction with the food officers an Inspection and sampling programme is established to ensure that specific targets are met or areas of concern are identified and/or addressed.

2.2.3 A formal arrangement is in place with the Health Protection Agency's Food Water & Environment laboratory based at the Ashford, Kent for the analysis of samples that require microbiological examination.

2.2.4 The Public Analyst contract was awarded to Worcestershire Scientific Services in May 2009 and will last for four years. The aim was to reduce duplication and costs and improve service delivery. £8,650 is currently allocated for Sample Analysis. The focus of the contract remains composition and labelling plus some chemical contamination.

2.2.5 The entomologist from a local natural history museum assists with insect identification.

### **2.3 Scope of the Feed and Food Service**

2.3.1 A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes the following:-

- Inspecting food premises;
- The investigation of food safety complaints;

- Food poisoning investigations when linked to a premises;
- Investigating infectious disease notifications;
- Microbiological food sampling;
- Food safety training;
- Responding to requests for advice;
- Initiatives relating to working with the community and businesses;
- Taking appropriate steps to publicise and act upon national food alerts;
- Publicising the food hygiene standards of local businesses.

2.3.2 The food standards function is carried out by Trading Standards Officers in the Business Support Team. The work of the team includes the following: -

- Risk based enforcement activity
- Complaint investigation
- Food Analysis and investigation
- Service Requests from businesses
- Education programmes
- Reacting to Food Alerts

2.3.3 Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way a comprehensive visit is undertaken so as to minimise any inconvenience caused to the general day-to-day running of the business.

2.3.4 Trading Standards are responsible for enforcing relevant legislation in respect of imported feedstuff, whilst Environmental Health & Licensing enforce relevant legislation controlling imported food of non-animal origin and products of animal origin.

## **2.4 Demands on the Feed and Food Service**

### **Food Safety**

2.4.1 As at January 2010 there are 3121 food businesses registered with the Council. These premises are broken down into the following profile:-

3	Primary Producer
39	Manufacturer/Processor
1	Importer/Exporter
35	Distributors/Transporters
642	Retailers
2398	Restaurants and other Caterers
3	Manufacturers mainly selling by retail
3121	TOTAL

2.4.2 Three food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

2.4.3 The nature of the City causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays so the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, specialist markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

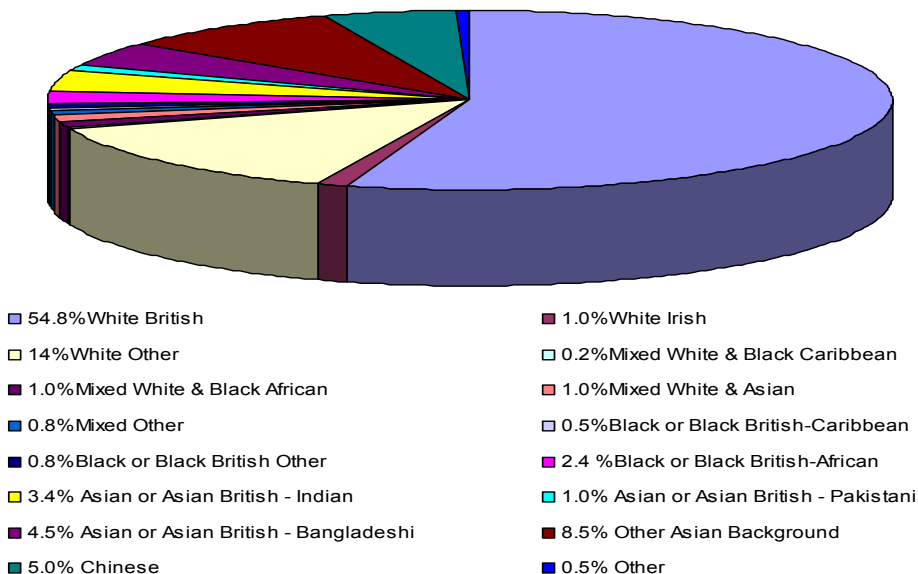
**Food Standards**

2.4.4 Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LACORS scheme the individual premises have a different inspection frequency for Food Standards. As of the 1<sup>st</sup> January 2010 2294 premises were considered to have an inspectable risk for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

**Access to services**

2.4.5 When businesses apply to register as a food business they are asked if they would like information in another language in addition to English. Of the 389 businesses who register in the year 2009/2010 85, 22%, said they would like information in other languages. See below for a breakdown of the ethnic origin of these businesses from returns received between April 2009 and January 2010.

**Ethnicity of Food Businesses Where Notified  
2009/2010**



- 2.4.6 In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Food safety training courses have been staged in languages other than English including Bengali, Cantonese, Thai and Turkish which have proven to be successful and popular with traders. Where necessary, interpreters accompany officers on planned interventions. Where necessary, officers can access *thebigword* On-Call Language Service translation service by telephone when carrying out visits.
- 2.4.7 Service users are able to access the service by visiting either of the two City Direct Advice Centres situated in central Brighton, open between 9am and 4:30pm Monday to Friday and central Hove, opening hours 8:45am to 4:30pm on weekdays. Remote access to council services is facilitated through 'self-help' in 25 locations across the city including all the main council offices, libraries, leisure centres and some schools. General telephone calls are fielded via a Call Contact Centre on (01273) 292161. Advice can also be accessed via the council's web site, [brighton-hove.gov.uk](http://brighton-hove.gov.uk), or by email to [ehl.food@brighton-hove.gov.uk](mailto:ehl.food@brighton-hove.gov.uk).
- 2.4.8 Food Standards complaints are initially received by Consumer Direct South East. There is a referral protocol with them regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.
- 2.4.9 The Food Safety Team operates a Food Safety Hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent Environmental Health staff provide cover for an out of hours service to respond to food safety emergencies and incidents.
- 2.4.10 New food businesses registering with the service are provided with a detailed information pack and offered a one to one advice meeting to assist with compliance with food safety legislation.

## **2.5 Regulation Policy**

- 2.5.1 Brighton & Hove City Council has a Corporate Enforcement Policy in line with the national Compliance Code for Enforcers. This provides and overarching policy for all regulatory services provided by Brighton & Hove City Council. In addition the Environmental Health service has adopted a service Enforcement Policy in line with the national Compliance Code, Statutory Codes of Practice and relevant guidelines issued by Central Government departments and co-ordinating bodies. This policy is based on the seven 'Hampton Principles' of economic progress, risk assessment, advice and guidance, inspections and other



visits, information requirements, compliance and enforcement actions and accountability.

2.5.2 The activities of the services detailed in this plan will be affected by the requirements contained in the Regulatory and Sanctions Act 2008 that came into force in April 2009.

2.5.6 Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

**3 Service Delivery**

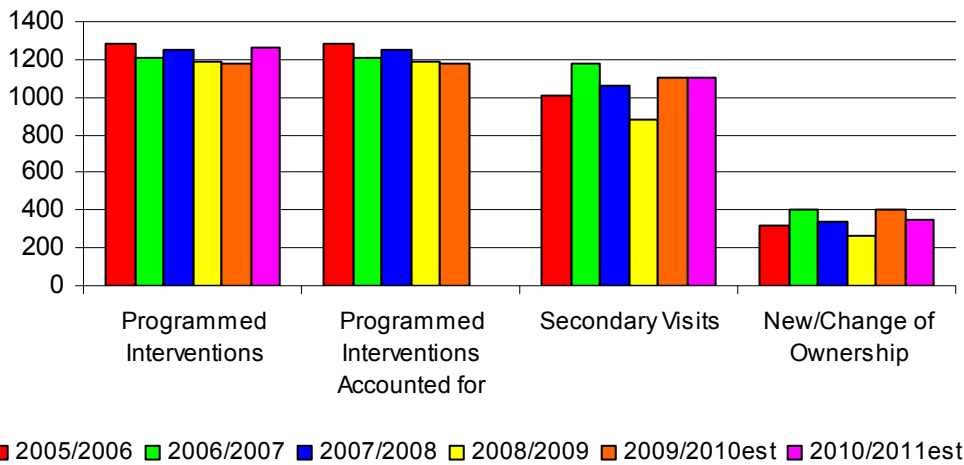
**3.1 Interventions at Food and Feedingstuffs Establishments**

**Food Safety**

3.1.1 This section details the planned risk based food safety intervention programme for 2010/2011. The level of achievement in food safety intervention based activity over the past four years is shown in the chart below along with estimates for completion of the current year and 2010/2011.

3.1.2 The revised Food Safety Code of Practice published in 2008 gave local authorities flexibility to introduce a mixture of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses and focus more resources on those with poorer standards. See detailed in 3.1.19 below the approach to be adopted by the food safety service for the year 2010/2011.

**Chart of Intervention-Based Activity 2005-2011**



See tables 3.1.1 and 3.1.3 for further details.

3.1.3 The service follows a risk-based approach when implementing the local food safety intervention programme. It aims to account for a minimum of 98% of businesses due for intervention in the year 2010/2011 in accordance with the Food Safety Code of Practice as detailed in 3.1.7 below. Table 3.1.1 gives details of performance against target since 2005 and estimates the number of planned interventions for the current year and 2010/2011. The target is set at 98 % to take account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal or home caterers.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Programmed Interventions	1283	1208	1255	1193	1173	1262
Accounted for	1282	1208	1248	1188	1173	
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	99.9 A-D	100 A-D	99.4 A-D	99.6		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2005-11.

3.1.4 The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if open high risk-food is handled, prepared or cooked; size of the business; any high-risk operations are undertaken; number of customers; vulnerability of the customers to foodborne illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest.

3.1.5 As category E premises tend to present a minimal risk due to the limited types of food they deal with and/or they cater for a limited number of people. In line with the Food Safety Code of Practice, an alternative enforcement strategy is used to maintain surveillance of the low-risk, category E premises. This strategy enabled the service to provide greater focus on higher risk category A to D premises.

3.1.6 The alternative surveillance of low-risk businesses follows a structured documented procedure. The strategy employs postal questionnaires, sample inspections to check the validity of the information gained and follow up inspections where either the information returned leads to the conclusion that an intervention is necessary or no information is returned. Table 3.1.2 below shows the number of premises dealt with by this alternative method since 2005.

Year	05/06	06/07	07/08	08/09	09/10 est	10/11 est
Number of premises	107	133	285	243	188	414

Table 3.1.2. Number of Premises dealt with under alternative strategy.

3.1.7 Planned food safety interventions programme for the year 2010/2011 as at January 2010 is:-

Risk Category of Premises	Number of Interventions Due
A	2
B	84
C	838
D	338
Total	1262
Low-risk premises to be dealt with Under alternative strategy	414

3.1.8 It is the intention of the service to account for a minimum of 98% of the 1262 high-risk (A–D) establishments due during the year as above. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

3.1.9 The Food Safety Code of Practice encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. From the year 2008/2009, local authority performance has been monitored by the FSA through the Local Authority Enforcement Monitoring System (LAEMS). The key performance indicator being:-

% of due interventions achieved x 0.3 + % broadly compliant premises x 0.7

3.1.10 In addition to achieving 98% of the intervention due the service will aim to achieve a target of 85% of premises broadly compliant (previously 90% see below). The overall target will therefore be:-  
 $(98\% \times 0.3) + (85\% \times 0.7) = 88.9\%$

3.1.11 As at January 2010 the level of broadly compliant businesses stood at 89% of all food businesses. In last year's service plan it was reported that 92% of food establishments were broadly compliant. The calculation of this did not include those new businesses that had registered but not been inspected. The Food Standards Agency has made it clear that such businesses must be included in this calculation as not broadly compliant. The reduction in the target and number of broadly compliant businesses is due to this recalculation.

3.1.12 **Secondary Interventions** - The main purpose of secondary interventions is to monitor food business that fail to comply with significant statutory food hygiene requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;

- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a hygiene emergency prohibition notice or order.

3.1.13 When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

3.1.14 Secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

3.1.15 **Interventions at New Businesses/Change of Ownership** - Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

3.1.16 The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and evaluate risk rating score. Based on the last five years data, it is predicted that there will be 350 new businesses or changes of ownership in 2010/2011.

3.1.17 **Monitoring of Vacant Premises** - Where food premises fall vacant, arrangements are made to monitor activity at the premises. When new businesses open, it is important that support and guidance on food safety issues are given at an early stage.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Secondary inspections	1013	1180	1060	855	1100	1100
New Premises or Change in Ownership	317	399	336	267	400	350

Table 3.1.3 Estimate of secondary inspections & new businesses inspections for 2010/2011 based on data since 2005.

3.1.18 The estimation of the number of staff required to carry out the programme of inspections plus other visits as estimated above is 8 full

time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

- 3.1.19 **Intervention Plan 2009/2010** - The Food Safety Code of Practice suggests a sliding scale of interventions, with the better performing businesses requiring a lesser level of intervention.
- 3.1.20 The practical use of interventions in the Brighton & Hove area is heavily influenced by the local 'Scores on the Doors' scheme. All high-risk food businesses operators scoring less than the maximum five stars must be given the opportunity to improve their score. Establishments may only be rescored if the intervention used is an audit, inspection or part audit/inspection. The service therefore plans to:-
- inspect all high-risk food premises scoring less than five stars;
  - carry out inspections or another official control ie audit, monitoring, surveillance, verification or sampling as appropriate of all other high-risk establishments;
  - carry out an either an official control or other control ie education, advice and coaching or information and intelligence gathering including sampling where the analysis is not carried out by an official laboratory at category D establishments;
  - Continue with Alternative Enforcement Strategy for category E establishments.
- 3.1.21 All official controls must include a visit to the food establishment, have appropriate accompanying documentation and a measurable outcome. The risk rating score of the business may be revised in the case of the first two interventions only.

### **Food Standards**

- 3.1.22 The LACORS system requires high-risk premises to be visited each year, medium risk every two years and low risk every five years. This means that 28 high risk, 321 medium risk and 324 low risk premises should be visited each year.
- 3.1.23 The target for 2009-10 was to visit 100% High and 50% of those medium risk premises liable to inspection. Similar targets will remain in place for 2010/11.
- 3.1.24 There is no commitment to visit low risk premises but in 2009-10, 611 low risk premises were visited as a result of project work, complaints and other routine inspections.
- 3.1.25 Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.

- 3.1.26 Three part time posts make up the food team. All officers within the team work on a part time basis and their time is equivalent to 1.37 FTE. About 80% of their time is spent on the food function. A qualified food officer has also been appointed for 5 weeks during 2009/10 to ensure that medium risk inspections are undertaken and that new premises receive a visit.
- 3.1.27 **New Businesses** - All new businesses assessed and if appropriate will be inspected within 56 days of being identified. On registration an information pack containing advice on food standards, food safety and other relevant legislation will be supplied to the business offering a communication channel between the Local Authority and the business. The initial visit will be to establish the scope of the businesses activity, identify its compliance with food standards legislation and to determine the level of support required. An intervention programme will be designed to reflect the needs of the business and reviewed after one year. Inspections will then be programmed based on the LACORS risk assessment.
- 3.1.28 **High Risk Premises** - All premises will be assessed to determine the most appropriate intervention method for them. Premises with good management control, no history of contraventions or complaints will be advised that they will be the subject of a 'light touch' approach and will only be inspected if they change their product range or complaints are received.
- 3.1.29 **Poorer performing High Risk Premises** -These premises will be inspected every year but may be the subject of additional interventions depending on their compliance.
- 3.1.30 **Medium Risk Premises** - These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.
- 3.1.31 **Low Risk Premises** - A programme of interventions will be based on the intelligence received about the individual premises or where the business requests support/advice.

## **3.2 Feed and Food Complaints**

### **Food Safety**

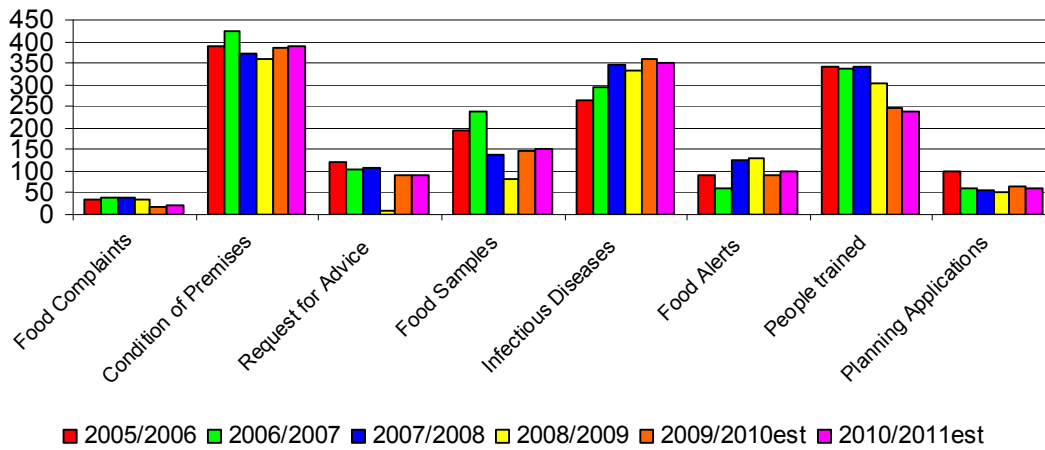
- 3.2.1 It is the policy of this Authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 days, and all other demand driven work within 5 days.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Within target %	97	96.6	97	96.6	97.5	97

Table 3.2 Percentage of Demand Driven Work within Target

3.2.2 All food complaints received are investigated in accordance with the council’s Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2005 and estimates for the current year and 2010/2011. The source figures for this chart are contained in tables within the relevant part of the plan.

**Chart of Demand Driven Work 2005-2011**



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

Year	05/06	06/07	07/08	08/09	09/10 est	10/11 est
Food Complaints	35	37	41	36	17	20
Condition of Premises	391	422	370	357	385	390

Table 3.2.1 Estimate of Number of complaints for current year and 2010/2011 based on data from 2005 onwards.

3.2.3 It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of complaints.

**Food Standards**

3.2.4 It is the policy of this Authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints’ procedure.

Level of Complaints:						
2003	2004	2005	2006	2007	2008	2009
79	64	170	183	253	295	279

**3.3 Home Authority Principle and Primary Authority Principle**

3.3.1 Brighton & Hove Council fully supports the LACORS Home Authority principle, and has entered into six formal and 22 informal arrangements

with businesses whose operational activity extends outside of the city. Currently there are no primary authority food businesses in the City.

**3.4 Advice to Businesses**

**Food Safety**

3.4.1 The service follows a policy of graduated enforcement in assisting businesses to comply with legal requirements. The key first step of this approach is to provide advice and information to businesses. Contact is made with new or potential businesses through the provision of new business information packs and via the development control planning process.

3.4.2 In addition to this, advice is given by an officer when carrying out interventions, making an officer available for one to one advice sessions and having a duty hotline service covering office opening hours.

3.4.3 Advice and information is also available through the council’s website.

<b>Year</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10est</b>	<b>10/11 est</b>
No of Requests	121	105	108	80	90	90
Planning Applications	98	59	55	53	65	60

Table3.4.1 Showing number of requests received since 2005 and estimates for the current year and 2010/2011

3.4.4 It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

3.4.5 The service is committed to good liaison arrangements with proprietors of food businesses, to encourage effective two-way communication and to provide information and training on legislation and good practice.

3.4.6 Local businesses were consulted on recent significant developments in policy such as the introduction of the ‘Scores on the Doors’ food hygiene rating scheme in 2007 and revision of the Environmental Health Enforcement Policy in 2009.

3.4.7 A Food & Safety newsletter is produced twice a year, which informs proprietors of new legislation, advice on good practice, and general items of interest. This is widely distributed throughout the city and sent out with intervention reports.

**Food Standards**

3.4.8 Requests by businesses for advice are recorded as Service Requests. There was a significant increase in the number of requests for advice in 2007 and this level has remained reasonably constant since then.



Level of Service Requests

2003	2004	2005	2006	2007	2008	2009
24	30	28	32	150	192	151

**3.5 Feed and Food Sampling**

**Food Safety**

3.5.1 The service participates in national sampling initiatives organised by LACoRS, countywide programmes co-ordinated by the Chartered Institute of Environmental Health (CIEH) Sussex Food Liaison Group, local Health Protection Agency (HPA) and those instigated by the FSA. The sampling programme includes food or food-contact surfaces at approved premises, food manufacturers, and manufacturers selling mainly by retail as well as caterers and retailers. Samples of food and swabs of food-contact surfaces are also taken as part of routine work and when investigating specific issues at food premises.

3.5.2 During 2009/2010, the service took part in national food sampling programmes:-

- Ready-to-Eat cooked meats and hygiene practices in butchers' shops, with a focus on *E.Coli*, from April 2009 to June 2010;
- Large scale events – preparatory work for Olympics 2012. As part of this project mobile food stalls associated with Pride 2009 were sampled;
- Pre-packed sandwiches from institutional settings focusing on *Listeria monocytogenes* October 2009 to March 2010.

3.5.3 In addition to these nationally agreed programmes, the service took part in three regional wide microbiological sampling programmes across Kent, Hampshire, Surrey and Sussex.

- Ice and ice machines in pubs;
- Rice, spices and cleaning cloths from takeaways and restaurants;
- Ready to Eat Pies and Pastries.

3.5.4 Where any unsatisfactory results were found corrective action was put in place to ensure the quality of food products.

3.5.5 The national topics set for 2010/2011 will be a repeat of the large events study carried out in 2009, hygiene practices in retail/catering premises and ready-to-eat foods focusing on *Listeria monocytogenes*.

3.5.6 The CIEH Sussex Food Liaison Group has yet to finalise countywide studies.

3.5.7 An Environmental Health Officer within the Food Safety Team is responsible for organising and co-ordinating food safety sampling: it is estimated 0.25 Full Time Equivalent officer will be required for this service.

## Agenda Item 12 Appendix A

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
No. of samples	194	237	137	82	146	150

Table 3.4.3 Number of Food Safety Samples Submitted for Analysis 2005-2009 & estimate for the current year and 2010/2011.

3.5.8 Arrangements are in place with the local Health Protection Agency laboratory for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2009/2010 was £11,429.

3.5.9 As at the end of January 2010, the allocation for the year 2010/2011 had not been confirmed.

### **Food standards**

3.5.10 Food Standards work is performed during a comprehensive inspection of the premises and generally linked to the metrology function. Officers currently undertake the food standards programme and deal with enquiries from consumers and businesses. The percentage of Officer time devoted to these functions has already been described earlier in this document. The food standards function equates to approximately 1.37 FTE.

3.5.11 A budget of £ 8,650 was allocated in 2009/10 to facilitate the contract with the appointed Public Analyst for the purposes of food analysis. A budget of £9,000 will be allocated in 2010/11. Sampling will be initiated to reflect perceived or identified problem areas but it is intended that we will be involved in at least one FSA led initiative, two regional projects, and two local projects in 2010/11. Sampling is undertaken in accordance with documented procedures and in accordance with the Codes of Conduct produced under the provisions of the Food Safety Act. Further funding is allocated for sample purchases.

### **Food Sampling Work undertaken in 2009/2010**

<u>MONTH</u>	PROJECT
April to August	FSA Imported Food Activity
December	Mince (LACORS)
July/August	Value Brand Nutritional properties (regional)
October	GM Oils in catering establishments (regional)
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling

3.5.12 The national initiative is fully funded and takes account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as, complaints and reacting to food hazard warnings.

**3.5.13 Control and Investigation of Outbreaks and Food-related Infectious Disease** - Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2005 to 2009 and an estimate of the numbers expected for the current year and 2010/2011. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
No. of reports	264	294	344	333	360	350

Table 3.5.1 Estimate of Number of notifications for 2009/2010 & 2010/2011 based on data from 2005 onwards.

3.5.14 The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis. Table 3.5.2 below shows the number of *Campylobacter* and *Salmonella* cases notified from 2005 onwards. The number of *Campylobacter* confirmed notifications are predicted to drop significantly for the year 2009/2010 based on cases reported to January 2010. The number of *Salmonella* cases reported are predicted to rise slightly for the same year from a low of 2008/2009. Due to the number of variables involved, it is unsure if these patterns will continue. The FSA has the reduction in incidents of these two food poisoning bacteria as a national core aim.

Year	05/06	06/07	07/08	08/09	09/10est	10/11est
Campylobacter	171	173	217	202	122	130
Salmonella	66	70	61	34	60	50

Table 3.5.2 Estimate of Number of specific notifications for 2009/2010 & 2010/2011

### 3.6 Feed/Food Safety Incidents

3.6.1 An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

3.6.2 Information regarding national food safety alerts, such as product recalls from the FSA, are received during office hours via the national alert system.

3.6.3 The Environmental Health Manager (Food Safety) and senior staff within the food safety team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

<b>Year</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10 est</b>	<b>10/11 est</b>
Food Alerts	92	60	127	130	90	100

Table 3.6 Estimate of Food Alerts for the current year and 2010/2011 based on data from 2005 onwards.

### **3.7 Liaison with Other Organisations**

#### **Food Safety**

3.7.1 There are a number of arrangements in place with other professions and local authorities to promote consistency: -

- The Environmental Health Manager (Food Safety) has been appointed Secretary for the Sussex Food Liaison Group for 2010/2011. This group identifies and develops common approaches to food safety legislation, best practice and food safety training needs across Sussex.
- An Environmental Health Officer in the Food Safety has been appointed Secretary of the Chartered Institute of Environmental Health’s Sussex Food Study Group. This group discusses common food safety delivery problems and develops joint procedures and practices for food safety issues.
- The Food Safety Team has regular liaison meetings and agreed working arrangements with Educational Services and catering contract supervisors to ensure consistent enforcement within schools.
- The Health Development team within Environmental Health & Licensing develop initiatives such as increasing breastfeeding in restaurants.
- The service works with nutritional advisers for the PCT on the Healthy Choice Award initiative to promote healthy menu options in eateries. Since launching in 2008 11 gold level awards have been issued, 16 silver and 11 bronze. There are currently another 12 applications pending for assessment.
- Officers from Environmental Health & Licensing attend the District Control of Infection Committee co-ordinated by the Community Consultant in Disease Control that reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local business and community groups, community workers and members of the Sustainability Commission. The partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to come into the department and gain work experience.
- The service participates in a variety of Best Value benchmarking exercises in conjunction with other councils.

- During 2009/2010 the Environmental Health & Licensing service took part in the LACoRS/LBRO/CIEH national Regulatory Services Peer Challenge, see section 5.1.4 for further information.
- The service will be audited in May 2010 as part of the CIEH Sussex Inter Authority Audit.

This work is accounted for in the reactive work estimate of resources required.

**Food Standards**

3.7.2 We work closely with 18 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, coordinated activities, sampling and advice projects and sharing of information via the TSSE intranet.

3.7.3 Trading Standards liaise closely with Environmental Health colleagues regarding healthy eating issues and support the Food Partnership activity wherever possible.

**3.8 Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions**

3.8.1 The service organises a number of food hygiene training courses per year. The Food Safety Training Activity April 2009 to January 2010 and total numbers of people trained are given below.

3.8.2 Type of Course	Number of Delegates
CIEH Level1 Award in Food Safety in Catering Awareness	11
CIEH Level 2 Award in Food Safety in Catering	202
TOTAL	213

Year	2005/06	2006/07	2007/08	2008/09	2009/2010est	2010/2011est
No. Trained	341	337	340	301	245	240

**Table 3.8 Total Training Undertaken Since 2005**

3.8.3 Twelve Level 2 Awards in Food Safety in Catering courses have already been scheduled for 2009/10.

3.8.4 The service offers the new qualification CIEH Level 3 Award in Implementing Food Safety Management Procedures designed specifically to assist food businesses to comply with requirements introduced in 2006.

3.8.5 In addition to this training, the service has allocated funds to arrange training for the poorer performing and new businesses to help them comply with legal requirement to introduce a documented system of

food safety control measures. 44 businesses attended workshops and associated 1-2-1 training sessions mounted during 2009/2010. A similar level of support is planned for 2010/2011.

- 3.8.6 Officers of the Food Safety Team have given hygiene training sessions at a number of schools, and taken part in the week long 'Safety in Action' promotion event. The 2009/2010 project of advice sessions aimed at older people was Highly Commended in the Best Health & Well Being Initiative category at Brighton & Hove City Council's Excellence Awards 2009.
- 3.8.7 The service plans to take part in the 2010 Food Safety Week, 7<sup>th</sup> to 13<sup>th</sup> June. This theme being 'Cooking Thoroughly and Avoiding Cross Contamination'.
- 3.8.8 Two Food and Safety newsletters are produced per year. The newsletters carry articles and information for businesses and members of the public. A copy is posted on the web site and sent out with correspondence.
- 3.8.9 For the past five years the Food Safety team has been invited to have an information stand at the Chinese New Year celebration event at Hove Town Hall.

**4. Resources**

**4.1 Financial Allocation**

**Food Safety**

4.1.1 The 2010/2011 projected budget for the food safety service within Environmental Health & Licensing is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health and administrative support and management time: -

	Food Safety	Infectious Disease
Staffing	£ 659,900	£ 52,780
Transport	13,330	1,110
Supplies and Services	<u>10,510</u>	<u>1,470</u>
Total	£ <u>683,740</u>	£ <u>55,360</u>

**Food Standards**

4.1.2 It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2009/10 was as follows based on the

percentage of time officers spend on the food function outlined above and below:

Inspection, complaints and advice	
Staffing	
Man'ment/Support	£ 3200
Food Team	£30,680
Total	£ 33,880
Sampling	
Purchases	£500
Analysis	£8,650
Total	£9,150
Total	£43,030

The budget has not yet been set for 2010/11 but we envisage similar funding levels as this year.

## **4.2 Staffing Allocation**

### **Food Safety**

4.2.1 Establishment of the Food Safety Team for the year 2010/2011 is 11.8 full time equivalent field officers plus two full time equivalent administrative Technical Support Officers and management, broken down as follows:-

- 1 x Environmental Health Manager
- 2 x Senior Environmental Health Officers
- 5.8 x Environmental Health Officers
- 2 x Senior Technical Officers
- 1 x Technical Officer

4.2.2 Officers and external contractors have to comply with strict guidelines governing qualifications and competencies before they are permitted to undertake food safety duties. The Senior Technical Officers hold Higher Certificates in Food Premises Inspection and are able to inspect all risk categories of food businesses. All Environmental Health Officers are qualified to undertake inspections of all risk categories of food businesses.

4.2.3 Four officers within the other Environmental Health & Licensing teams retain competencies to undertake food safety inspections. All food competent officers must undergo a minimum of 10 hours food safety training per year to retain their authorisation to undertake food safety inspections. In addition to the competencies and qualifications required by the Food Safety Code of Practice, officers engaged in food safety inspections must have undergone additional 'Scores on the Doors' consistency training.

**Food Standards**

4.2.4 The Inspection and Sampling team is responsible for Food Standards Inspection. The proportion of time allocated to this function is estimated as follows

Support	0.05
Management	0.05
Food Staff	1.37
Total	1.47 FTE

**4.3 Staff Development Plan**

4.3.1 The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year. Brighton & Hove City Council was awarded accreditation to Investors in People in early 2009.

4.3.2 The Food Safety Team also has team meetings every six weeks. Any training needs of the service as a whole are identified and discussed at these meetings.

4.3.3 Through this system, the service ensures that all food competent officers receive sufficient good quality focused food safety training to comply with relevant codes of practice and professional membership schemes.

4.3.4 The service currently has three staff undergoing part time of distance learning to become Environmental Health Officer and three working towards a Higher Certificates in Food Premises Inspection

**5.0 Quality Assessment**

**5.1 Quality Assessment and Internal Monitoring**

**Food Safety**

5.1.1 The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute.

5.1.2 The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. The most recent data available covers the first six months of 2008/2009. 65 businesses returned the questionnaires. The key findings of these returns were:-



- 92.3% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
- 100% of respondents understood the purpose of the visit to their premises.
- 96.9% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous five years.

5.1.3 Information from these returns are also incorporated in Brighton & Hove City Council's return in respect of national performance indicator NI 182 'Satisfaction of Businesses with Local Authority Regulatory Services'.

5.1.4 The Environmental Health & Licensing department volunteered to take part in the national Regulatory Services Peer Challenge during 2009. The report produced by the external Peer Challengers congratulated the service for its excellent delivery of core services and its dedicated, committed and ambitious staff. The challengers added that *'we feel confident that the service will be successful in maintaining the momentum provided by the peer challenge process in improving what is already a very good service'*. The resulting Improvement Plan identified seven areas for improvement that the Management Team were already working on and three areas of best practice that have been submitted to LACoRS for inclusion on a national database.

### **Food Standards**

5.1.5 We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

## **6. Review**

### **6.1 Review Against the Service Plan.**

#### **Food Safety**

6.1.1 In addition to the quality checks detailed in 5.1, performance is reviewed against the service plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year. Any problems are promptly identified and resolved through management reviews, team meetings and monthly one to one's between field staff and their line manager.

- 6.1.2 Official Feed and Food Controls Service Plans are produced and reviewed on an annual basis by management review, consideration by the Environment and Community Safety Overview and Scrutiny Committee and Full Council.
- 6.1.3 In the year 2008/2009 99.6% of the due food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. In addition, 267 interventions were undertaken of new businesses or premises that had changed ownership. The 2009/2010 service plan predicted that a total of 1176 food safety interventions would take place in this year. To the end of December 2010, 285 inspections of new businesses were undertaken and the service is on target to achieve the goal of carrying out interventions in at least 98% of the businesses due.
- 6.1.4 From April 2009 to the end of January 2010 the Food Safety team served two Hygiene Emergency Prohibition Notices, 30 Hygiene Improvement Notices, accepted two voluntary closures of establishments, undertook four successful prosecutions and two simple cautions. The prosecutions attracted total fines of £ 10,150 and costs of £ 9,112. One owner was prohibited from managing a food business
- 6.1.5 Charts in section 3 give a detailed break down of service activity from April 2005 to March 2009 and an estimation of the activity for the remainder of the current and coming year.
- 6.1.6 The two areas for improvement identified in the 2009/2010 plan, to draft a departmental Enforcement Policy and take part in the national Regulatory Services Peer Challenge were completed during 2009.

**Food Standards**

- 6.1.7 Service reviews are carried out on a quarterly basis to check that our inspection programme is on target and to ensure that projects are being completed in the agreed timescale.
- 6.1.8 The Service Reviews indicate that we are on target to achieve our interventions programme. We undertook an additional LACORS project on mince in December.
- 6.1.9 During staff 1:1's, each officer's performance is monitored, to identify good performance and any areas of improvement.

Complaints are responded to within the stated timescales.

## 6.2 Identification of Any Variation from the Service Plan

### Food Safety

6.2.1 As at the end of December 2008, 92.4% of the food establishments in the city were graded 'broadly compliant' or better with food hygiene law, see 1.2.6 of this plan for further guidance on this outcome measure, NI 184 and 3.1 for further details. Since the production of the 2009/2010 Service Plan the Food Standards Agency has clarified that those establishments registered but not yet inspected must be counted as 'not broadly compliant. Consequently the level of 'broadly compliant' food businesses has fallen to 88.9%. To take account of this the aim of 90% of food business being broadly compliant has been lowered to 85%.

### Food Standards

6.2.2 There was no significant variation from the plan except that one project was not completed.

## 6.3 Areas of Improvement

### Food Safety

6.3.1 In addition to the programme of work detailed in this plan the service currently has a number of improvements it wishes to implement through 2010/2011:

- Stage local Curry Chef and Oriental Chef of the year competition to build on the good working relations with ethnic food businesses and enhance the standing of small local businesses with the public;
- Incorporate the areas of improvement identified during the Peer Challenge process;
- Ensure that good practice identified in the recently published Food Standards agency guidance document 'Making Every Inspection Count' is incorporated into service delivery; and
- Ensure that the relevant recommendations of the Pennington report following the *E.Coli* food poisoning outbreak in South Wales acted on.

### Food Standards

6.3.2 Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and cooperation where coordinated sampling programmes and officer training feature highly. However there are still areas for improvement. They are as follows:

- Improved use of the Environmental Health newsletter to provide businesses with information.

## **Agenda Item 12 Appendix A**

- Increasing the number of voluntary contacts by businesses
- Developing the access to on line business advice.
- Better publicity for the healthy eating education message.
- Developing links with the schools
- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflect in local activity.

**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT CABINET  
MEMBER MEETING HELD ON THE 25 MARCH 2010**

**ENVIRONMENT CABINET MEMBER MEETING**

**4.00PM 25 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor G Theobald (Cabinet Member)

**Also in attendance:** Councillors Mitchell (Opposition Spokesperson, Labour) and Davey (Opposition Spokesperson, Green)

**Other Members present:** Councillors Bennett, Brown, Cobb, Davis, Fallon-Khan, Kennedy, Oxley, Randall and Taylor

**105 OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2010/2011**

105.1 The Cabinet Member considered a report of the Director of Environment concerning the Official Feed and Food Controls Service Plan.

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

- (1) That the Official Feed and Food Controls Service Plan 2010/2011 be endorsed and recommended to Council for approval.



**EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT & COMMUNITY  
SAFETY OVERVIEW & SCRUTINY COMMITTEE MEETING HELD ON THE 19  
APRIL 2010**

**ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY  
COMMITTEE MEETING**

**4.00PM 19 APRIL 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Morgan (Chairman); Davis, Drake, Rufus, Smart, Wells and Duncan

**57 OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2010/2011**

- 57.1 The Environmental Health Manger (Food Safety) presented the Official Feed and Food Controls Service Plan 2010 – 2011. This annual plan forms a part of the council's Policy Framework and therefore is considered by overview and scrutiny before being formally approved by full council.
- 57.2 Members noted that there had been two voluntary and two mandatory food business closures during the year 2009/2010 and five food business operators prosecuted for hygiene offences. At 99.4% of the 2008/2009 programme completed the performance was above the national average for similar unitary authorities.
- 57.3 A total of 68 improvement notices had been issued in 2009/2010 and 88% of businesses were deemed broadly compliant; ie scoring at least two stars on the Scores on the Doors scheme.
- 57.4 The Environmental Health Manger (Food Safety) answered questions as follows; new food business were legally required to register with the local authority. Almost all would be inspected, though not childminders serving low risk foods such as biscuits and squash to children in their own homes, inspection of whom is the responsibility of OFSTED.
- 57.5 Members praised the scores on the doors scheme, welcomed the work being done and thanked the officers.
- 57.6 **RESOLVED:** That the above comments be incorporated in the report to Full Council.





**Subject: Overview and Scrutiny Annual Report 2009 – 2010****Date of Meeting: 15 July 2010****Report of: Director of Strategy and Governance****Contact Officer: Name: Tom Hook Tel: 29-1110**

E-mail: Tom.hook@brighton-hove.gov.uk

**Wards Affected: All****FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Appendix 1 of this report details the work undertaken by the Overview and Scrutiny Committees and Panels from May 2009.

**2. RECOMMENDATIONS:**

- 2.1 That Members note the Overview and Scrutiny Annual Report.

**3. BACKGROUND INFORMATION:**

- 3.1 The attached report summarises the work of each Overview and Scrutiny Committee along with the work of Scrutiny Panels.
- 3.2 During the year scrutiny panels have looked at:
- Street Access Issues
  - Support Services for Victims of Sexual Violence
  - Winter Service Plan
  - 20 mph Speed limits
  - School Exclusion
  - Environmental Industries
  - Older People and Community Safety
  - Reducing Alcohol Related Harm to Children and Young People
  - Dignity at Work
  - Staff Disabilities
  - GP Led Health Centre
  - Dementia

- 3.3 Appendix 1 also outlines the call-in requests considered and development areas for 2010/2011.

#### **4. CONSULTATION**

- 4.1 Consultation has taken place with OSC Members and Panel Chairs.

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

##### Financial Implications:

- 5.1 There are no direct financial implications arising from the report.

Finance Officer Consulted: Anne Silley      Date: 15 July 2010

##### Legal Implications:

- 5.2 The constitution requires that the work of overview and scrutiny is reported to council on an annual basis. This report fulfils this requirement.

Lawyer Consulted: Oliver Dixon      Date: 15 July 2010

##### Equalities Implications:

- 5.3 Equality issues form an important part of the work of a number of ad hoc panels; additionally the OSC has a remit to look at equality issues and receives six monthly updates.

##### Sustainability Implications:

- 5.4 Sustainability falls within the remit of the OSC and a panel has been established to investigate Adaptation to Climate Change.

##### Crime & Disorder Implications:

- 5.5 ECSOSC is the Council's designated Crime and Disorder Committee. Liaison between the Community Safety Forum (CSF) and ECSOSC ensures that there is no duplication of effort and good communication. The Chairman of ECSOSC sits on the CSF.

##### Risk and Opportunity Management Implications:

- 5.6 O&S is developing links with partners to take advantage of the opportunities afforded by legislative changes.

Corporate / Citywide Implications:

- 5.7 Overview and scrutiny has a remit to look any issue that affects the quality of life of people in Brighton and Hove, this extends beyond just Council run services.

**SUPPORTING DOCUMENTATION**

**Appendices:**

- 1) O&S Annual Report 2009/2010

**Documents in Members' Rooms:**

None

**Background Documents:**

None



Brighton & Hove City Council  
Overview and Scrutiny

# Annual Report 2009/2010



Brighton & Hove  
City Council

# Foreword by Cllr Gill Mitchell

Chair of the Overview and Scrutiny Commission

I'm delighted to present the 2009/2010 annual report of Brighton and Hove City Council's scrutiny function.

Throughout the year scrutiny has been looking at some of the key issues facing residents in the city. Whether the challenge posed by a changing climate, the immediate issues raised by the severe snow that so badly affected the city or what support we offer to victims of sexual violence, scrutiny councillors have been working with experts in the field, local delivery partners and residents to develop innovative recommendations to improve local services.

Whilst there have been a number of excellent pieces of work during the year the scrutiny function must continue to develop and respond to the challenges we face as a council and city. Tightening public finances and significant change within the council itself mean that Overview and Scrutiny has a more important role than ever in ensuring decisions taken on behalf of our residents are robust.

On behalf of all members involved in Overview and Scrutiny I would like to thank residents, local partners and witnesses who have freely given their time over the course of the year.



Cllr Gill Mitchell  
OSC Chair

**“...the scrutiny function must continue to develop and respond to the challenges we face as a council and city”**

# Overview and Scrutiny Committees



## **Overview and Scrutiny Commission (OSC)**

Gill Mitchell  
Chair OSC



## **Adult Social Care and Housing**

### **Overview and Scrutiny Committee (ASCHOSC)**

Anne Meadows Chair  
ASCHOSC



## **Health**

### **Overview and Scrutiny Committee (HOSC)**

Garry Peltzer Dunn  
Chairman HOSC



## **Children and Young People**

### **Overview and Scrutiny Committee (CYPOSC)**

Averil Older  
Chairman CYPOSC



## **Environment and Community Safety**

### **Overview and Scrutiny Committee (ECSOSC)**

Warren Morgan  
Chair ECSOSC



## **Culture, Tourism and Enterprise**

### **Overview and Scrutiny Committee (CTEOSC)**

Bill Randall  
Chair CTEOSC

## The Commission (OSC)

Balancing the role of overall scrutiny coordination with an overview of equalities, sustainability and central services the Overview and Scrutiny Commission has looked at a range of issues during 2009-2010.

**‘Pre-decision is the key. The more items we get prior to Cabinet, the more value scrutiny adds. It really is that simple! This happened really well with the new budget scrutiny process but could be expanded to all Cabinet decisions.’**

– Cllr Gill Mitchell, Chair of the Commission

OSC has been able to comment upon and inform drafts of the Volunteering Strategy, Third Sector Recovery Plan, Single Equality Scheme and the Sustainable Community Strategy.

OSC has also led on the implementation of a new and more thorough budget scrutiny system, which was able to influence the final budget agreed by council.

Chairs of each Overview and Scrutiny Committee are invited to update OSC on their work-programme, share good practice and discuss areas of concern. OSC also receives regular updates on the work of the scrutiny panels – information on which is contained throughout this report.



## Scrutiny Review – Street Access Issues

Following concern from Councillors, interest groups and members of the public, a review was undertaken into the accessibility of the city’s highways. Focusing mainly on items such as advertising boards placed upon the highway by traders, the review has recommended improved enforcement practices and tighter conditions for licenses.

**‘We’ve sought to strike a balance between business interests and accessibility needs of the public. The current policy seems reasonable to us so long as there is increased enforcement to back it up.’**

– Cllr Sven Rufus

## Scrutiny Review – Staff disabilities

How does the council support its disabled workers? What are their concerns and how can they be addressed?

## Scrutiny Review – Dignity at Work

This panel was convened to support the development of a comprehensive policy to eradicate bullying and harassment in the council.

**‘This is a real step forward for the council. Those responsible for its development should be congratulated; it now must be fully integrated into the standard workings of the council.’**

– Cllr Gill Mitchell

**‘There’s lots of good practice already evident within the council; this report aims to support efforts to make us excellent. This is a challenge the council can and should meet.’**

– Cllr David Watkins

## Health (HOSC)

HOSC members have continued to work on developing excellent relationships with our counterparts in neighbouring authorities. The past year has seen the successful conclusion of the major joint scrutiny of the 'Fit For the Future' plans to reconfigure hospital services across West Sussex and Brighton & Hove. Local NHS Primary Care Trusts eventually agreeing to retain their current level of hospital capacity in line with Joint HOSC recommendations.

**'We have sought to develop our work-plan with partners to ensure we get the right mix of policy development initiative and service reviews. We enjoy a good relationship with the PCT which means we do get to input into key policy areas. However where necessary we're not afraid to ask challenging questions. We're enjoyed strong support from LINK representatives who are actively involved in the work of HOSC and a number of the scrutiny panels'**

– Cllr Garry Peltzer Dunn, HOSC Chairman

### **Scrutiny Review – GP-Led Health Centre**

Locally, the HOSC has continued to progress its positive, but sometimes challenging, relationship with city NHS trusts. Specifically, HOSC has carried out a thorough examination of NHS Brighton & Hove's procurement of a Brighton & Hove GP-Led Health Centre.

**'Really valuable piece of work, providing informed and robust challenge to the PCT'**

– Amanda Fadero, Chief Executive of NHS Brighton & Hove

**'This was a good example of the PCT positively responding to the challenge from scrutiny'**

– Cllr Trevor Alford

# Adult Social Care and Housing (ASCHOSC)

ASCHOSC has a very wide scope and is responsible for a diverse range of services. Therefore each meeting starts with a succinct training session, linked into items that are scheduled for review later on in the work-programme. ASCHOSC has looked at some big issues including safeguarding, personalisation, the council's housing strategy and the carers strategy; it has also had 'question and answer' sessions with the Cabinet Members for both Adult Social Care and Housing.

ASCHOSC held a one-off workshop that heard from learning disability service users and providers. Members split into groups and visited a series of stalls to create an environment conducive to informal and productive discussion.

**'We deal with services supporting some of the most vulnerable groups in the city and have looked at those issues that make a real difference to people's quality of life'**

– Cllr Anne Meadows, Chair of ASCHOSC

## Scrutiny Review – Dementia

The Dementia Select Committee has examined the issue of dementia in terms of the care pathway, following people's journey from diagnosis, through various types of treatment and support, to end of life care and family bereavement.

The Committee has made a number of practical recommendations to help make the dementia care pathway easier to navigate. These include suggestions for improving diagnosis, providing better sign-posting to support services, valuing and supporting carers and ensuring that services for people are locally available. The recommendations are intended to inform the work of health and social care professionals, who are currently involved in a re-design of the dementia care pathway.

**'The Select Committee on dementia has made a number of practical recommendations, designed to make it more straight-forward for people with dementia to be supported in the ways which will best enable them and their carers to live lives of quality and dignity'**

– Cllr Pat Hawkes

# Environment and Community Safety (ECSOSC)

ECSOSC provided comments on the Draft Waste Management Strategy and held a joint workshop with CTEOSC to enable scrutiny input prior to public consultation on the London Road Supplementary Planning Document.

ECSOSC also has responsibility under new legislation as the Crime and Disorder Committee from April 2009.

The Committee receives regular updates from the Community Safety Forum and holds twice-yearly discussions with the Environment Cabinet Member.

The Committee also looked at, and praised outstanding achievements in, a number of areas including:

- Night-time economy (Beacon status)
- Roadworks (joint working arrangements)
- Policing the use of drugs (Operation Reduction)
- Young people and concessionary bus fares

## Scrutiny Review – Older People and Community Safety

What are the concerns of older people? What makes them feel safe? How can the council and partners support them more effectively? Evidence heard indicated that communication, knowing where to go for help, combating doorstep crime and community support schemes are key factors.

**‘There are some very practical and positive steps that have been identified as a result of this report that mean the council and other agencies working with older people can enhance their quality of life and make them feel safer’**

– Cllr Mo Marsh

## Scrutiny Review – Support Services for Victims of Sexual Violence

This review focused on how victims of sexual violence are supported across the city and whether there is adequate provision of the necessary services. This has given us the chance to work closely with partners in the public and third sectors. The review has identified that there is a need for an increased channelling of resources to this area, and that partners in the city need to work together to support victims further.

**‘A very valuable piece of work which will challenge the council and its partners to develop the support offered to victims of sexual violence’**

– Cllr David Watkins

**‘A really thorough and positive experience, they took the time to contact and gather a very broad range of knowledge and experiences’**

– Lisa Dando, Director of Brighton’s Women’s Centre

## Scrutiny Review – Winter Service Plan

(How we responded to the snow)

This short sharp scrutiny review looked at our response to the severe winter weather and has put forward ideas on how to improve things for next time. Many of these ideas have built upon the changes already implemented between the snowfalls of Christmas and the New Year.

These include more flexible staffing arrangements to support the gritting crews and call centre staff; improved communication with residents both before and during the heavy snowfall and how we can work better with partners to identify key hotspots within the city.

**‘We’ve come up with a number of recommendations designed to increase the capacity of council services at key times, provide residents with more information as to what’s happening, and we are asking for investment in more up-to-date equipment’**

– Cllr Warren Morgan

## Scrutiny Review – 20 mph Speed Limits

The panel concluded that there should be an increase in the number of areas that have a speed limit of 20mph. The panel found that when introduced in the right areas 20 mph speed limits and 20 mph zones can be used to not only increase safety for all road users, preventing accidents and reducing speeds, but bring about benefits in health and quality of life.

Therefore 20 mph speed limits should be introduced on all residential roads, on roads where there are high numbers of vulnerable road users such outside schools, routes to schools, on roads next to parks and playgrounds, sports and leisure facilities, community buildings, older people's care homes, local shops, on roads which are primarily for residential use, as well as on busy shopping streets.

**'We're supporting a general increase in the number of areas within the city that have 20mph limits but only where they meet set criteria and following extensive consultation with local residents. We have received wide ranging support for decreasing speed limits to help reduce accidents and to make roads safer and more welcoming for all road users'**

– Cllr Pete West

# Culture, Tourism and Enterprise (CTEOSC)

CTEOSC has been involved in policy development on the Royal Pavilion Garden Strategy, Mobile Libraries, Economic Strategy, and the Cultural Strategy. Other issues looked at include VisitBrighton contact arrangements, golf course contract tendering, sports facilities in the city, and major projects. External speakers included Andrew Comben, Chief Executive, Brighton Dome and Festival, Fred Hasson, of the digital gaming company Redbedlam, and Tim Hutchings who organised the Brighton Marathon.

**‘The development of environmental industries is seen as one of the key drivers for ending the world recession’**

– Cllr Bill Randall

## **Scrutiny Review – Environmental Industries:**

**Seeking to capture the potential and economic benefits of environmental industries**

The Panel heard from 21 organisations, local and national experts, including the city’s two universities, the Brighton & Hove Economic Partnership and key businesses in this growing sector such as BioRegional. It was able to conclude that the growing sector provides an important enterprise and employment opportunity for the city, with specific recommendations as to how the council and other partners could support the growth of the sector. The review was described as:

**‘An impressive piece of partnership working... a model for how to tackle other knotty issues facing the city’**

– Tony Mernagh, Executive Director of the Brighton and Hove Economic Partnership

**‘Delighted that the Scrutiny Panel and the University were able to work so constructively together’**

– Colin Monk, Pro-Chancellor University of Brighton

# Children and Young People (CYPOSC)

**‘We’ve sought to more closely align CYPOSC’s agenda with those major issues upon which the CYPT and Cabinet Member are focusing in order to influence policies as they are developed.’**

– Cllr Averil Older, Chair of CYPOSC

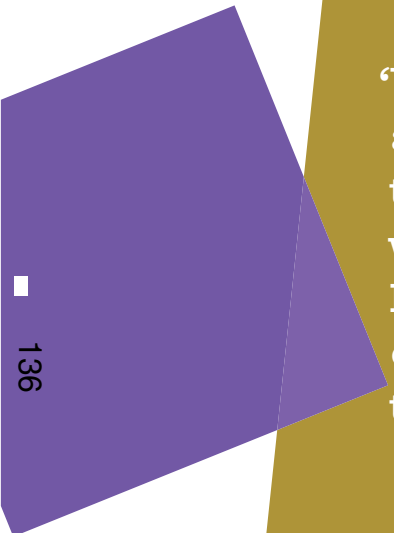
CYPOSC enjoyed early input into the drafts of the Children and Young People’s Plan and has been grappling with a number of the key issues facing the CYPT such as safeguarding and budget constraints.

Following requests from the Community & Voluntary Sector Forum (CSVF) in relation to therapeutic services for disabled children CYPOSC reviewed the issue, raising its profile and leading to a business case for extra investment being developed and a subsequent injection of funding.

Five members of the Youth Council have joined CYPSC, (with two members sitting on the committee on a rotating basis) providing a strong voice for the youth of the city, offering a fresh perspective on a wide number of issues and undertaking demanding questioning. Youth Council representatives on CYPOSC said:

**‘We work together as youth councillors to come up with questions that are important to young people and we feel our contribution is taken very seriously’**

**‘I have been a member of CYPOSC for the past year and love being part of it. I have learnt so much from it. I love the debating, enjoy attending the meetings and am encouraged to ask questions that are important to young people’**





## Scrutiny Review – Reducing alcohol related harm to Children and Young People

Councillors investigated the reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove and the availability, and consumption, of alcohol by those aged under 18 in the city.

Evidence was taken from the police, trading standards and licensing officers, CYPT representatives, public health professionals from NHS Brighton & Hove, a consultant paediatrician, head-teachers, and representatives of the major supermarket and off-licence chains. The 11 recommendations have been agreed by the CYPT Board and Licensing Committee.

**‘ This panel stimulated  
debate on a very  
complex issue.  
Parents, teenagers,  
retailers & public  
services all have a role  
in the solution’**

– Cllr Anne Norman

## Scrutiny Review – School Exclusions

The panel sought to review links between exclusions from school and a range of issues, including how schools manage interventions for children at risk of exclusions and the experience of those excluded and their parents.

**‘There is some very good practice evident  
with schools across the city; however more  
focus is required on children with SEN who  
are at much higher risk of being excluded’**

– Cllr Rachel Fryer

# Call-in requests

Call-in is a process by which Overview and Scrutiny Committees can recommend that a decision made, but not yet implemented, be reconsidered by the body which made the decision. Call-in does not provide for the Overview and Scrutiny Committee to substitute its own decision, but merely to refer the matter back to the decision-maker. During 2009/10 there were four call-in requests; details of these are outlined below.

## **ECSOSC - Pedestrian Network Phase 2**

Members were concerned over the consultation that had been carried out in relation to an extension of pedestrian network. Whilst not referring the decision back to Cabinet, ECSOSC did want extra informal consultation undertaken.

## **ECSOSC - City Parks Downland Management**

This decision was challenged and referred back to cabinet on the basis of:

- Lack of consultation with local conservation & wildlife groups;
- Lack of information in the CMM report relating to cutting and composting of sites not being grazed;
- Lack of analysis in the CMM report on the lack of impact of the Downland Mowing Policy on a site by site basis.

Having taken into account ECSOSC's recommendations and the additional information the Cabinet Member confirmed his original decision.

## **OSC - Three-Year Strategic Grants 2010-13: Decisions on Full Bid Applications**

The Overview & Scrutiny Commission recommended that a policy and methodology review should be undertaken of the Three Year Grants by the Communities Team, with the Member Advisory Group, and this should be referred to Scrutiny in advance of commencement of the next Three Year Grant process. Also that the Communities Team and other relevant officers explore, as a matter of urgency, alternative sources of funding for the Crew Club, the Bridge, and other projects which had received no funding via this round of grants.

## **ECSOSC - Hangleton Bottom – whether the decision should have been put on the Forward Plan**

The decision was not referred back to the Cabinet Member Meeting.

## Focus for 2010/11

### Scrutiny Review Consultation

Consultation is currently underway to produce a priority list of scrutiny reviews to run from September 2010. Partners, residents, Members and officers are all being asked to suggest topics for scrutiny reviews.

### Intelligent Commissioning

Under the Intelligent Commissioning Model the role of scrutiny will change, as it seeks to influence policy and service development through the commissioning process. To meet this challenge scrutiny ways of working will have to become more flexible.

### Partnership Focus

Scrutiny will also continue to develop as a more external looking service with stronger links into partnerships, greater

use of co-optees on committees and panels, and increased opportunity for partners to influence the scrutiny work programme.

### Working with the Universities

The scrutiny function has been developing links with the City's universities. Throughout 2009/10 Professor Gordon MacKerron has been chairing a scrutiny panel on climate change and MA students have used the scrutiny process as a case study on decision-making and resident involvement in democratic processes. Additionally from January 2011 final year undergraduate students will be offered the chance to undertake internships within the scrutiny team. Initially two students will provide research and policy support to scrutiny panels from January – May 2011. If successful the number of placements offered may be increased.



**Subject:** Reducing Alcohol Related Harm for Children and Young people : Overview & Scrutiny Report

**Date of Meeting:** 29 April 2010

**Report of:** The Director of Strategy & Governance

**Contact Officer:** Name: Sharmini Williams Tel: 29-0451

E-mail: Sharmini.Williams@brighton-hove.gov.uk

**Wards Affected:** All

## FOR GENERAL RELEASE

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council's Constitution (Part 6, Paragraph 15.4) requires reports from Overview & Scrutiny Ad Hoc Panels and Select Committees, together with the Executive response to these reports, to be reported to full Council for information.
- 1.2 The Children and Young People's Overview and Scrutiny Committee (CYPOSC) set up a Reducing Alcohol Related Harm to Children and Young People Panel at the 24 September 2008 meeting, after considering the 2008 Annual Report of the Brighton & Hove Director of Public Health: "Brighten Up! Growing Up in Brighton & Hove 2008".
- 1.3 CYPOSC endorsed the report on the 17 June, 2009 and the Overview and Scrutiny Commission endorsed the report on the 14 July 2009.

The report was heard at the Children and Young People's Trust (CYPT) on the 7 September 2009.

The report was heard at Licensing Committee on the 26 November, 2008 and was deferred to the next Licensing Committee date of the 4 March, 2010, where it was endorsed.

- 1.4 The CYPOSC ad hoc panel report is included as **Appendix 1** to this report. The CYPT response to the ad-hoc panel recommendations is included as **Appendix 2**. The minutes of the CYPT Board meeting are included as **Appendix 3**. The Licensing Committee response to the ad-hoc panel recommendations is included as **Appendix 4A** and **4B**. The draft minutes of the Licensing Committee meeting are included as **Appendix 5**.

## **2. RECOMMENDATIONS:**

- 2.1 That members note the CYPOSC ad hoc panel report on Reducing Alcohol Related Harm for Children and Young people and the responses to this report.

## **3. BACKGROUND INFORMATION**

- 3.1 Councillor Ann Norman chaired the Panel, which also consisted of Councillors Juliet McCaffery and Ben Duncan.

- 3.2 The Panel's terms of reference were to;

“Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.

Such a Panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.

Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city.”

- 3.3 The Panel held five evidence gathering meetings in public, talking to a number of witnesses including representatives of the NHS trusts, the Police, alcohol retailers, Trading Standards and Licensing, local schools, local authority drugs and alcohol services and the Youth Council.
- 3.4 Further details can be found in the main body of the report, see **Appendix 1**.
- 3.5 The report makes 11 recommendations, 6 of the recommendations are to Licensing and Trading Standards, the remaining recommendations are to the Children and Young People's Trust and the Police.

## **4. CONSULTATION**

- 4.1 No formal consultation has been undertaken in relation to this report.

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

### Financial Implications:

- 5.1 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

### Legal Implications:

- 5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

### Equalities Implications:

- 5.3 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

### Sustainability Implications

- 5.4 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

### Crime & Disorder Implications:

- 5.5 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

### Risk and Opportunity Management Implications:

- 5.6 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

### Corporate / Citywide Implications:

- 5.7 No specific implications for this report, as this report is purely for the Council to note. See the implications on the attached CYPT Board and Licensing Committee reports.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Report of the CYPOSC ad hoc panel on Reducing Alcohol Related Harm to Children and Young People.
2. CYPT response to the report of the Children and Young People's Overview and Scrutiny Committee Report: Reducing Alcohol Related Harm to Children and Young People
3. Extract from the Proceedings of the CYPT Board meeting held on the 7 September, 2009.
- 4A. Cover report from Licensing - Reducing Alcohol Related Harm to Children and Young People – CYPOSC referral
- 4B. General Licensing Response re: Considering Issues Raised by Recommendations within Statement of Licensing Policy Review during 2010.
5. Draft Extract from the Proceedings of the Licensing Committee (Licensing Act 2003 Functions) meeting held on the 4 March, 2010.

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

None

### **Background Documents:**

None



**Children and Young People Overview and  
Scrutiny Committee (CYPOSC)**

**Reducing Alcohol  
Related Harm  
To Children and Young  
People  
Ad Hoc Panel**

**Overview and Scrutiny**

**Brighton & Hove City Council**

**June 2009**

## Table of contents

A	Introduction	page 3
B	Recommendations	page 9
C	Appendices:	
	Appendix 1: Dates of public meetings and witnesses who attended plus dates of private meetings	page 31
	Appendix 2: Minutes of the meetings	page 33
	Appendix 3: Digest of recommendations	page 62
	Appendix 4: Background papers	page 64

## A Introduction

This section explains the decision to establish an ad hoc panel, as well as providing general background to issues relating to underage drinking (in both national and local terms) and to the 2003 Licensing Act.

### 1. Establishment of the Ad Hoc Panel

1.1 At its 24 September 2008 meeting, the Children and Young People's Overview and Scrutiny Committee (CYPOSC) considered the 2008 Annual Report of the Brighton & Hove Director of Public Health: "Brighten Up! Growing Up in Brighton & Hove 2008". The 2008 report (which doubles as a Joint Strategic Needs Assessment for city services) focuses on children's health issues.

1.2 CYPOSC members decided that the committee should investigate some aspect of this public health agenda in greater depth, and after discussion it was determined that the committee's focus should be on the subject of young people and alcohol.

1.3 More specifically, it was proposed that an ad hoc should be established to:

"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.

Such a panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.

Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."

1.4 Committee members agreed to adopt this wording as the ad hoc Panel's Terms of Reference.

1.5 Councillors Juliet McCaffery and Ann Norman agreed to sit on the Panel alongside Councillor Duncan. Councillor Norman was subsequently appointed as Chairman of the Panel.

1.6 Panel members held a scoping meeting, where they were advised by the Director of Public Health and by officers from the council's Children and Young People's Trust (CYPT).

- 1.7** The Panel subsequently held a series of evidence gathering meetings in public. Witnesses included police officers, Trading Standards officers, officers representing the council's Licensing team, CYPT officers, public health professionals from NHS Brighton & Hove, a consultant paediatrician, head-teachers, and representatives of the major supermarket and off-licence chains.<sup>1</sup> The Panel also invited a number of independent alcohol retailers to give evidence. However, none of these potential witnesses agreed to appear before the Panel.
- 1.8** Panel members also met on two occasions with members of the Brighton & Hove Youth Council in order to elicit young people's views on this issue.

## **2. The 2008 Annual Report of the Director of Public Health**

- 2.1** The 2008 Annual Report of the Director of Public Health makes several references to alcohol-related issues. In particular the report states that:

“It appears that children in Brighton and Hove drink slightly more than their national counterparts and some key alcohol indices among 14-15 year olds in Brighton and Hove show high levels of drinking. Drinking is on the increase and a substantial number of children drink more than fourteen units, the recommended weekly maximum for adult women.

While boys drink more than girls, the culture of binge drinking appears to be more common among girls who are much more likely than boys to get drunk. Overall a quarter of boys and a third of girls report getting drunk in the previous week and in the east of the city the figures for drinking and getting drunk are much higher.

Mental and behavioural disorders due to alcohol were the highest cause of admission to hospital compared to other mental health disorders in 2005/6 and 2006/7.

The number of ambulance calls related to drinking among young people has been steadily increasing and between 10 and 25 children and young people aged less than 18 years attend A&E with alcohol related problems every month.”

- 2.2** In an attempt to address these problems, the Director of Public Health proposed that:

“The CYPT and the PCT [i.e. NHS Brighton & Hove] should take further action to tackle the increasing levels of drinking among young people, especially the apparent culture of binge drinking among young girls. This should be explored as part of the Joint Strategic Alcohol Needs Assessment currently underway.

---

<sup>1</sup> A full list of witnesses is contained in Appendix 1 to this report.

The CYPT should work with the ambulance service and A&E Services in order to ensure appropriate treatment and referral for children and young people presenting with alcohol related conditions. This work should be coordinated with the Joint Strategic Alcohol Needs Assessment.”

### **3. Background**

#### **3.1 Population statistics**

- Brighton and Hove has a rather lower proportion of children aged less than 16 years (16.65%) than the average for the South East (19.93%) and for England and Wales (20.16%).
- In mid-2005 there were an estimated 255,022 residents in Brighton and Hove, of whom 53,500 were aged between 0-19 years.
- Population trends and projections suggest that the proportion of children in the city is set to rise somewhat in the next few years, with a concomitant increase in demand for children’s services.
- The east and central areas of Brighton & Hove have proportionately more children and young people than the west.
- Brighton and Hove has relatively high levels of deprivation, higher than both regional and national averages. In the more deprived parts of the city (e.g. in parts of East Brighton) up to 45% of children live in families with parents/carers who are out of work.

#### **3.2 Alcohol statistics and further information**

- Nationally the proportion of pupils aged 11-15 years who had drunk alcohol in the last seven days fell from 26% in 2001 to 21% in 2006.
- However, those young people who did drink were generally drinking more than hitherto: boys drank an average of 12.3 units per week and girls 10.5 units per week. Girls are more likely to get drunk than boys.
- Of the young people who did drink, 49% consumed more than four units on the days they drank; 22% consumed three or four units; and 28% consumed an average of two units or fewer.
- Half of the young people who drank claimed that they purchased their own alcohol.
- 20% of young people said they had been drunk in the last four weeks and 35% had deliberately tried to get drunk.

### 3.3 Local statistics

- In Brighton & Hove, 11% of boys and 14% of girls claim that they purchase alcohol from off licences. Children in the east of the city are most likely to purchase alcohol from an off license and drink it in a public place<sup>2</sup>.
- Underage drinking in public spaces (e.g. parks) is very common across Brighton & Hove. Young people who consume alcohol in public spaces are often implicated in anti-social behaviour. They are also at risk of becoming victims of crime, physical injury (i.e. via accidents or assault) or of being exposed to other harmful substances (e.g. illicit drugs). Young people drinking in public spaces often do so in large groups, and this increases the risk of anti-social behaviour and poses serious problems for policing.
- It is estimated that there are 12-20 young people who present at Brighton Accident & Emergency (A&E) each month with overdoses or injuries directly caused by alcohol, and of these, 4-5 young people are consequently admitted for treatment<sup>3</sup>. The number of young people presenting at A&E with conditions indirectly related to excessive alcohol consumption (e.g. people who engage in risky behaviour and consequently suffer injuries because they are drunk) is almost certainly far higher than this, although these statistics are not necessarily collated.

## 4 The Licensing Act (2003)

- 4.1 The ad hoc Panel Terms of Reference proposed by Councillor Duncan (see **point 1.3** above) make reference to the 2003 Licensing Act. It may therefore be helpful to give a brief explanation of aspects of the Act and of how it has been incorporated into local licensing policy.
- 4.2 The Licensing Act (2003) represented a major revision and rationalisation of licensing law, replacing the 22 existing Acts which determined licensing issues (including the 1964 Licensing Act – the principle vehicle for alcohol licensing).
- 4.3 The 2003 Act introduced flexible opening hours for licensed premises (subject to their impact upon local residents), simplified the licence application process (by replacing the existing six types of licence with one general licence), and transferred the responsibility for granting licences from magistrates to local authority Licensing Committees.

---

<sup>2</sup> This information has been extracted from the Annual Report of the Director of Public Health, Brighton & Hove City NHS Teaching Primary Care Trust (Chapter 2 & 5).

<sup>3</sup> This information is from the Health Impact Assessment (April 2009)

- 4.4** In addition to simplifying a previously very complex area of law, the 2003 Act sought to make significant changes to national licensing policy. In essence, the architects of the Act argued that the *status quo* position of tight restrictions on the number and opening hours of licensed premises was generally ineffective in controlling problems associated with the excessive consumption of alcohol, and in some instances might actually exacerbate the difficulties it sought to mitigate. For example, it can be argued that imposing an 11pm closing time on pubs and bars effectively creates ‘flash-points’ in town centres where several thousand people leaving premises at the same time can overwhelm local services, police etc. Staggering closing times may mean that some people spend longer drinking, but it also means that the police, taxi services etc. are required to cope with a regular trickle of people coming and going rather than with an 11pm deluge.
- 4.5** Similarly it can be argued that restricting the number of licensed premises does little to limit drinking, as people will readily travel to purchase alcohol. Restrictions therefore inconvenience the public and local retailers whilst doing little to mitigate the impact of excessive drinking.
- 4.6** These arguments are by no means universally accepted, with critics contending that extended opening times may reduce flash-points, but only at the expense of prolonging noise nuisance and anti-social behaviour (e.g. instead of having an hour or so when people noisily returned home from a night’s drinking, there are now people creating a disturbance all night long, as groups of drinkers come and go throughout the night). Similarly, whilst some aspects of the growth in licensed premises may not impact upon drink-related problems, others (such as the increase in late night off-licences) may have a deleterious effect (i.e. people who might formerly have stopped drinking when they ran out of alcohol can now continue drinking for as long as they please, with obvious consequences for themselves and their neighbours).
- 4.7** Brighton and Hove City Council’s response to the 2003 Licensing Act is embodied in the council’s “Statement of Licensing Policy 2003”<sup>4</sup>. This sets out the council’s licensing objectives in light of the 2003 Act. The Licensing Authority objectives are:
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 4.8** The revised Brighton & Hove Licensing Policy came into force in January 2005, and will be under constant review until January 2011.

---

<sup>4</sup> See the Licensing Act 2003, Brighton & Hove City Council, Statement of Licensing Policy, Environmental Health and Licensing Service.

## Council Agenda Item 14 Appendix 1

- 4.9** The Licensing Committee is limited in its ability to consider the impact of the granting of new licences, being authorised to consider any potential impact upon the very local vicinity, but not broader issues of harm (e.g. impact on a wider or more distant geographical area).
- 4.10** In terms of the current ad hoc panel, the obviously pertinent licensing objective is: Protection of Children from Harm. The Licensing Policy addresses this by:
- Including the moral, psychological and physical harm which may be connected with licensed and club premises (e.g. exposure at a young age to strong language and adult entertainment and films) as a factor to be considered in relation to license applications.
  - Insisting that licensees show awareness that under 18s are frequently involved in drink related disorders, and have a robust policy for checking customers' ages in place.
  - Demanding that all staff responsible for selling alcohol receive information and advice on the licensing laws in relation to children and young people in licensed premises.
- 4.11** In order to limit underage drinking and related problems, the Licensing Committee supports the following measures:
- a) (Under powers established by the Confiscation of Alcohol (Young Persons) Act 1997) the Police acting to remove alcohol from young people on the street;
  - b) The Police and Trading Standards using Police Cadets to carry out test purchasing (e.g. employing U18s to attempt to purchase alcohol from on and off-sales);
  - c) The promotion of proof of age schemes;
  - d) The development of in-house, 'mystery shopper' schemes carried out by businesses (i.e. to check whether staff are willing to sell to U18s);
  - e) Possible CRB checking of staff providing catering for events with unaccompanied children.
- 4.12** Licensing enforcement entails close partnership working involving Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council.
- 4.13** Where licensees are found to sell consistently to U18s (or to serve intoxicated people etc.), the licensing authority will take action under its statutory powers. In general, offenders are not prosecuted; the Licensing Committee has the power to attach conditions to, to suspend



or to revoke licenses, and typically employs these measures rather than using the courts (prosecution is time-consuming, expensive, and often less effective than revocation/suspension). Any action taken against licensees must be proportionate; balancing the undesirability of selling to U18s with the need to support local businesses.

## B Recommendations

This section of the report describes in more detail the particular problems faced by Brighton & Hove in relation to young people and alcohol, and makes some recommendations in terms of how city services might be improved.

### 5 On-sales and Off-sales

**5.1** The majority of adults probably associate underage drinking with evenings spent in on-sales premises: pubs and bars. However, in recent years this has changed considerably, with fewer under 18s (U18s) drinking in pubs and many more drinking in public places or at home. There has been a particularly noticeable growth in the phenomenon of ‘park drinking’ – with often very large groups of teenagers gathering in parks on Friday and Saturday nights to socialise and consume alcohol, with consequent problems of anti-social behaviour.<sup>5</sup> There are several possible explanations for this shift:

**5.1(a) Better on-sales enforcement.** Recent years have seen the introduction of ‘test purchasing’ by the police working in partnership with Trading Standards Officers (TSO). Test purchasing involves employing U18s (police cadets) to attempt to buy alcohol from licensed premises. This method of enforcement is often more effective than alternatives (which may essentially consist of observing premises in the hope of witnessing staff serving or refusing to serve customers who are clearly U18). Test purchasing for alcohol is a relatively recent development as, until 2003, it was illegal to employ people under the age of 18 for this purpose (as it is against the law for U18s to buy alcohol, not just against the law to sell it to them). If fewer U18s are drinking in pubs and bars then, it may be because bar staff are more reluctant to serve them than they were a few years ago, as there is a far greater risk of being caught out.<sup>6</sup>

**5.1(b) Pricing.** There has always been a difference between on and off-sales (off-licence and supermarket) pricing of alcohol. However, recent years have seen this gap grow to the point where it is almost invariably

---

<sup>5</sup> To a degree this shift is seasonal, with park drinking very popular in the summer months and drinking in on-sales more popular over the winter.

<sup>6</sup> See evidence from Tim Nichols (point 23.9, 16.02.09).

considerably more expensive to drink in a pub or a bar than to purchase alcohol from off-sales. Since U18s are, on average, fairly unlikely to have very much disposable income, this price differential may be a significant factor in determining where they choose to drink.

**5.1(c) 'Fashion'.** In addition to pressures 'pushing' young drinkers out of pubs and bars, it may be the case that other locations for drinking have attractive elements which act as a 'pull'. For instance, the phenomenon of park drinking may be influenced by high on-sales prices or a decreasing tolerance for U18s in pubs, but it may also be a product of active choice: young drinkers simply prefer congregating outside in large groups to using pubs and bars.

**5.2** Whatever the reasons for the change in drinking habits, it seems to be the case that most of the alcohol that U18s drink is not now obtained from on-sales.<sup>7</sup> But, if they are not purchasing from pubs and bars, where do young people get alcohol? The Panel heard that the principle sources are: U18s purchasing from off-sales; 'proxy-purchase' (over 18s buying from off-sales on behalf of U18s); theft (from off-sales or from the family home); and parents (i.e. parents knowingly providing their children with alcohol).<sup>8</sup>

**5.3** In terms of the role the statutory agencies play in enforcement, the key factor here is probably U18 purchase from off-sales.<sup>9</sup> Is the shift of underage drinking from on to off-sales a significant one? It can be argued that it is, and that there are some worrying implications to such a move:

**5.3(a)** Traditionally, U18s drinking in pubs would be informally 'monitored' by bar staff and by adult drinkers, with young drinkers who were disruptive being refused service. There need be nothing particularly altruistic

---

<sup>7</sup> It is estimated that approximately 5% of U18 drinking is via on-sales purchase by underage drinkers; 15% via off-sales purchase by underage drinkers. The remaining 80% of alcohol consumed by U18s is not purchased illegally – i.e. it is supplied by parents, by over 18s 'proxy-purchasing', or by theft. (Evidence from Inspector Andrew Kundert, Licensing Inspector, Brighton & Hove Police: point 4.15, 27.02.08). See also evidence from Tim Nichols and Cllr Carol Theobald: points 23.2 and 23.3, 16.02.09. Not everyone working in the field would regard these estimates as accurate.

<sup>8</sup> It is difficult to be sure where alcohol consumed by U18s originates, as inebriated teenagers (the obvious source of this information) may not be very lucid, and may also be inclined to lie in order to protect friends or family (evidence from Andrew Kundert and Anna Gianfrancesco: point 5.2(b), 27.11.08).

<sup>9</sup> 'Proxy-purchase' is also an enforcement issue, but this is very difficult to regulate as the obvious targets for enforcement here are the adults who agree to buy alcohol for children rather than the on or off-sales retailers (although retailers do have a duty to be observant and to refuse sales where it is apparent that proxy-purchase may be taking place). The group of potential proxy-purchasers is obviously much larger and more diffuse than that of retailers. Neither is it really possible to do anything equivalent to test purchasing here – i.e. by employing U18s to ask adults to buy alcohol on their behalf – as, legally speaking, this would be considered to amount to entrapment: meaning that no adult caught in such a 'sting' could subsequently be prosecuted (see point 5.2(a), 27.11.08).

about this monitoring – it would generally just be a case of adult drinkers only tolerating U18s who kept a low profile and did not annoy them; but the effect may well have been to provide quite a powerful lever to moderate alcohol consumption and behaviour amongst young drinkers in pubs. In contrast, young people drinking in parks or other public places are not monitored in any way, save by their peers.

- 5.3(b)** Large groups of U18 drinkers would not typically have been tolerated in pubs as such groups are bound to be noisy and attract unwanted attention (i.e. from TSO and the police). Thus even publicans who were willing to sell to U18s would probably balk at selling to large groups. Again, there is no such lever to control the size of groups gathering in parks – and there are clear links between the size of a group of drinkers and the likelihood of public disorder.
- 5.3(c)** On-sales prices have always been higher than those in off-sales, particularly so for spirits. Since U18 drinkers are not, on average, likely to have a lot of spare cash, drinking in pubs may mean that young drinkers consume with a degree of moderation and that they drink beer, cider etc. rather than spirits (generally seen as less risky behaviour as it is rather harder to drastically over-consume beer than it is vodka etc). Off-sales prices can be much cheaper, particularly for spirits (which are also far more portable than large volumes of relatively low alcohol beer), thereby encouraging greater and more hazardous consumption.
- 5.3(d)** U18s drinking in pubs would be exposed to the behaviour of adult drinkers, and (assuming that the adult behaviour they saw was relatively benign) might therefore learn to drink sensibly by observation. U18s drinking with their peers have no such role models to draw upon.
- 5.3(e)** Pubs and bars and the areas around them are generally relatively heavily policed, both by the police force and by bar security staff, council officers etc. Clearly, this degree of policing is in reaction to the dangers inherent in adult drinking environments – pubs would not warrant this level of security if they were safe places to be. However, it can certainly be argued that on-sales are still much safer places to congregate than parks or the beach, which have no comparable networks of security in place.
- 5.4** In a number of ways then, it can be argued that U18 drinking in on-sales may be preferable to U18s obtaining alcohol from off-sales (or from the parental home etc.) and congregating in large groups in parks or the like.<sup>10</sup> Given that a certain level of U18 drinking is probably

---

<sup>10</sup> These arguments do rather assume a relatively civilised pub environment - the traditional 'local' where adults meet to drink in a sensible manner. Whether or not such pubs ever formed the majority of on-sales, it's certainly questionable whether they do so in the present day; and the argument for the civilising influence of city-centre 'vertical drinking establishments' is perhaps not quite so clear-cut as that for backstreet 'locals'.

inevitable, it might in fact be preferable if this drinking took place in pubs rather than other, objectively more risky, environments.

- 5.5** Clearly, U18 drinking is illegal in most contexts, and it would not be possible at a local level, even if it was considered desirable, for underage drinking in pubs and bars to be officially tolerated. However, licensing enforcement inevitably involves prioritising certain elements of the licensing regime over others, as with any service which is required to manage finite resources. Panel members believe that the dangers posed by U18 drinking in relation to off-sales (and subsequent consumption of alcohol in public places) considerably outweigh the typical dangers of U18 drinking in on-sales, and that licensing enforcement should be prioritised accordingly.<sup>11</sup>
- 5.6** However, enforcement of off-sales is led by TSO, whilst on-sales enforcement is, in the most part, carried out by the police. It would therefore be difficult, if not impossible, to switch focus and resources from one type of enforcement to the other in a wholesale manner. The point is rather that, when working in partnership to develop strategies around U18 drinking, TSO and the police should take into account the differential impact of off and on-sales drinking as set out above, and plan accordingly.
- 5.7** In fact, there is considerable evidence that this is already happening, with, for instance, the recent concentration on park drinking via the 'Operation Parks' initiative.<sup>12</sup> The Panel commends this forward thinking and effective partnership working and trusts that city licensing enforcement agencies will continue to focus on the aspects of U18 drinking which are of most pressing concern.
- 5.8** **RECOMMENDATION 1: The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.**

---

<sup>11</sup> This assumes that on-sales premises tolerate moderate levels of U18 drinking rather than that they permit U18s to drink and act irresponsibly. On-sales which effectively facilitate anti-social behaviour by U18 drinkers (by allowing large groups to congregate, by serving people who are already drunk etc.) should remain a licensing enforcement priority.

<sup>12</sup> See evidence from Andrew Kundert: point 4.11, 27.11.08.

## 6 Best Practice in Off-Sales

- 6.1** During the course of the Scrutiny review, Panel members spoke with Trading Standards officers, with the council's Head of Licensing, with police officers responsible for licensing and with representatives of some of the city's largest alcohol retailers. The Panel learnt of a number of initiatives designed to ensure that U18s are unable to purchase alcohol from off-sales.
- 6.2** Measures in place include comprehensive training of till staff; systems for recording incidents when customers have been refused service; store by store analysis of refusals to identify potential discrepancies<sup>13</sup>; the deployment of security guards to support and reassure till staff; close co-working with TSO and the police; support for voluntary I.D. card schemes; and support for initiatives which require till staff to request identification from customers who appear to be younger than 21 or 25 (depending on the scheme in use).
- 6.3** Whilst there may sometimes be a significant gap between the theory and the practice of some of these measures, it is clear that a great deal has been done to try and avoid selling alcohol to U18s. The retailers who adopt these types of safeguards should be commended for their responsibility, as should TSO and the local police force who have done a considerable amount of work in terms of persuading and requiring city retailers to adopt best practice.
- 6.4** However, it seems to be the case that those firms adopting the measures outlined above are generally the large regional and national off-licence chains and supermarkets. Whilst these firms are responsible for a very significant part of the city off-sales market, this market also includes several hundred independent retailers.
- 6.5** Indeed, it would seem that independent off-sales have proliferated since the Licensing Act (2003) relaxed the terms under which alcohol licences are granted.<sup>14</sup> Many of these retailers are not specialist off-sales, but rather generalist shops which sell alcohol as a sideline alongside newspapers, groceries etc. This may mean that independent retailers are not always as well-trained about, or as focused on, issues of underage selling as might be wished.

---

<sup>13</sup> See evidence from Sue Dixon and Chris Denman (Area Manager for Threshers): points 17.3 & 17.5, 10.02.09, points 18.1 to 18.4 from David Solomon and Tony Rickwood, point 12.1 from Eric Price.

<sup>14</sup> In essence the 2003 Licensing Act demands that Local Authority Licensing Committees work on the presumption that a licence should be granted unless there is good reason to oppose it (and members of the public willing to protest). Therefore, applicants for licences do not have to prove that their business will not damage the community; rather, anyone opposing a licence application has to 'prove' that there will be damage.

- 6.6 Whilst there is no doubt that the great majority of independent off-sales retailers are honourable businesses which do not set out with any intention of selling alcohol to U18s, it is also clear that it can be very difficult for small business to adopt and enact the best practice evolved by the large off-sales chains. The kind of systemised approach which seems to have worked very well for Somerfield or Tesco may not be readily adopted by a small family concern, with limited capacity to pay for training, extra security, CCTV etc.
- 6.7 The Panel recognises that TSO is very active in this area, working in partnership with independent retailers to improve their practice, rather than simply assuming the role of licensing enforcer. However, Panel members believe that there would be value in taking an extra step here by compiling a best practice guide on how to avoid selling alcohol to U18s. This guide could then be distributed to all new licence applicants and could also become an important tool for the Local Authority Licensing Committee – e.g. when considering what action to take against retailers who have sold to U18s, the Licensing Committee might request that a licence holder adopted some or all of the recommendations contained within the best practice guide.
- 6.8 Although all the information contained in such a guide might already be transmitted to independent retailers via a number of avenues, there is considerable value in having it compiled and available in one place, as this would mean that retailers could not then plead ignorance of any elements of the best practice advice. A best practice guide would therefore be a tool to complement the work of TSO and the local Licensing Committee; it would not be a substitute for the face-to-face work with retailers that TSO excels in, but would augment this work.
- 6.9 **RECOMMENDATION 2 – City partners (co-ordinated by TSO) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.**

## 7 ‘Think 21’ and ‘Challenge 25’

- 7.1 It is evident that relatively few off-sales retailers deliberately sell to U18s. Ethical issues aside, the potential downsides of doing so outweigh any benefits in terms of increased sales.<sup>15</sup> However, the issue is not quite as simple as resolving not to sell to U18s, as it can be very difficult for staff to determine which customers are underage and which are not.

---

<sup>15</sup> This is perhaps particularly the case for the national chain retailers, which risk attracting adverse publicity if they are found to have sold alcohol to U18s. (See evidence from Sue Dixon, Head of Security, First Quench Retailing [Thresher]: point 17.4, 10.02.09; and evidence from Tony Rickwood, Tesco Store Manager [Portslade]: point 18.5, 10.02.09.)

- 7.2** In consequence, a number of measures have been adopted by retailers (see **point 6.2** above). Perhaps the most interesting of these are the 'Think 21' and 'Challenge 25' initiatives. Under the 'Think 21' scheme, till staff are instructed to challenge any customer who they believe may be under 21. When challenged, customers must show I.D. before being allowed to proceed with their purchase. Think 21 is heavily advertised in participating stores, with prominent checkout notices explaining that the scheme is in operation. Think 21 is designed to remedy a common problem in dealing with U18 alcohol sales: the fact that staff often struggle to accurately identify customers' ages. By setting the 'bar' at several years above the legal drinking age, the Think 21 scheme should ensure that only customers who look 21 or over will be served without an age check. The assumption is that, whilst many younger teenagers may pass for 18, relatively few will pass for 21, and that the number of inadvertent sales to U18s will consequently be reduced.
- 7.3** 'Challenge 25' is essentially Think 21 but with a higher age bar. Again, the intention is to counter ambiguities associated with making visual assessments of customers' ages, and setting a bar at 25 means that even fewer U18s are likely to get served. The introduction of Challenge 25 is perhaps testament to how difficult it can be to assess customers' ages, as it was seemingly felt that Think 21 allowed for too much ambiguity, with staff still struggling to differentiate between 16 and 21 year olds.
- 7.4** Panel members consider that these age-based schemes are an excellent idea, particularly Challenge 25. Retailers adopting this scheme should be in a position where they rarely if ever inadvertently sell alcohol to an U18.<sup>16</sup> These initiatives may also make it easier for staff to challenge customers who are under age, since they make it less likely that individuals will take offence at being singled out by till staff (i.e. it's not just you who's being asked for I.D.; it's everyone who looks under 25).
- 7.5** Almost all the major chain off-sales retailers now employ or are planning to adopt the Challenge 25 scheme.<sup>17</sup> However, it is still not widely used by independent retailers, even though it is arguably smaller businesses (or at any rate those that genuinely wish to avoid

---

<sup>16</sup> Since Challenge 25 and Think 21 rely upon customer I.D., there is an issue of the integrity of I.D. schemes to be considered here. Passports and driving licenses provide a very secure proof of identity, but few young people would wish to carry passports around with them at all times, and not everyone is a driver. This means that it is often necessary to fall back on less formal I.D. schemes. These schemes can be excellent, but people are much more likely to tamper with or forge this kind of I.D. than they are driving licenses or passports, and the police are often reluctant to prosecute this type of fraud (see evidence from Tim Nichols, Head of Environmental Health and Licensing, Brighton & Hove City Council – point 23.4, 16.02.09).

<sup>17</sup> See evidence from Sue Dixon: point 18.6, 10.02.09.

selling to U18s) which stand to benefit most from the initiative. Panel members therefore believe that Challenge 25 should be more widely encouraged, particularly in the context of the Licensing Committee granting new licences and reviewing existing licenses (i.e. in circumstances where a licensee has been found to have sold to U18s). Whilst it may not be possible for the Licensing Committee to impose the adoption of this or similar schemes, there might be considerable value in encouraging licensees to adopt this best practice.

**7.6 RECOMMENDATION 3 – Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the ‘Challenge 25’ scheme.**

**8 Discounting**

- 8.1** It may be possible, through good partnership working and effective licensing enforcement, to limit the amount of alcohol U18s obtain from off-sales. However, it seems inevitable that under age drinking, including U18 purchasing from off-sales, will continue to be a problem to some degree. It is therefore necessary to enquire whether there are other factors relating to off-sales which may encourage U18s to use them or to indulge in particularly hazardous drinking practices?
- 8.2** One factor that Panel members were particularly interested in was the price of alcohol (which is typically much cheaper in off than in on-sales), and whether price and various discounting practices affect the amount that young people drink.
- 8.3** In terms of price, some witnesses argued that pricing makes little difference to levels of consumption or to alcohol-related anti-social behaviour. One witness pointed out that France and many other European countries have very low alcohol prices, but also relatively few difficulties with excess underage drinking or alcohol-related behaviour problems. There is therefore no simple and universal correlation between the cost of alcohol and its negative impact<sup>18</sup>.
- 8.4** Other witnesses argued that price is an important factor in determining levels of consumption.<sup>19</sup> This seems to be a view which is gathering strength nationally, with several recent calls for a national minimum (per unit) price for alcohol to combat drink related problems.
- 8.5** This argument is a complex one, but perhaps rather simpler in terms of U18s than for adult drinkers. Since U18s may be assumed, on average, to have relatively little disposable income, it seems reasonable to suppose that they will be particularly sensitive to drink

---

<sup>18</sup> See evidence from Sue Dixon: point 18.10, 10.02.09.

<sup>19</sup> See evidence from Tim Nichols: point 23.18, 16.02.09.



pricing – i.e. with relatively little money to spend on alcohol, higher pricing is likely to see them buy less, and lower pricing more, alcohol.<sup>20</sup>

**8.6** Off-sales also commonly practice discounting on multiple sales: for instance offering ‘2 for 1’ or ‘2 for £10’ deals. The obvious risk here is that these offers encourage customers to buy and then drink more alcohol than they actually require. Of course, this type of discounting need not inevitably lead to excessive drinking: an adult customer might take advantage of a 2 for 1 offer by putting aside some of their purchase for a later date. However, U18 drinkers are unlikely to have anywhere to store unneeded alcohol; everything they buy, they are going to drink. It seems likely therefore, that discounting on multiples may encourage excessive drinking in young and under age drinkers, even if it does not do so for most adults.

**8.7** There are few if any local levers in relation to drink pricing, as alcohol duties are set nationally.<sup>21</sup> However, the local Licensing Committee can request that applicants for new licences or licensees whose licences are being re-considered following incidents of underage selling should consider voluntarily adopting certain measures.<sup>22</sup> These might include some or all of the following:

**(i)** retailers agree not to discount sales below cost (‘loss-leading’)<sup>23</sup>

---

<sup>20</sup> A potential complicating factor to bear in mind here is the type of alcohol which people purchase. If alcohol is made more expensive in an attempt to curb drinking, there is a danger that drinkers with little money will opt to buy very strong cider/lager or cheap spirits rather than purchasing average strength beer, ‘alco-pops’ etc (i.e. that they will switch to drinks which offer the best value in terms of units of alcohol). However, there are particular problems associated with consuming these very potent drinks (i.e. that it is much easier to drink excessive amounts of spirits/strong lager than it is of weaker drinks), and these risks need to be born in mind when considering the relationship between the price of alcohol and its consumption by young people.

<sup>21</sup> The only context in which minimum prices could be set locally would be if it were possible to prove a “clear causal link” between pricing/drinks promotions and anti-social behaviour. However, it is almost impossible to legally prove such a link (see evidence from Tim Nichols: point 23.10, 16.02.09).

<sup>22</sup> It appears that the Government is considering granting Local Authorities some powers to compel licensees to adopt more responsible pricing policies. (See point 23.17 from Tim Nichols, 16.02.09. Clearly, the Panel would encourage the use of such powers when and if they become available. In the meantime, the Licensing Committee should seek to persuade licensees to voluntarily adopt good selling practices.)

<sup>23</sup> ‘Loss-leading’ in a strict sense refers to the practice of retailers discounting a line below its actual cost in order to attract customers (who then buy other products in addition to the discounted ones, and/or remain loyal to the retailer after prices have risen again). However, it is not clear that many major retailers actually loss-lead alcohol, instead preferring to negotiate deals with suppliers which guarantee them a supply of some products at a heavily discounted price and others at the standard commercial rate (i.e. the supplier rather than the retailer takes the ‘loss’; suppliers are often willing to do this if the retailer agrees to buy enough additional products at full price, as this allows them to off-set a loss on one line with profits on others). Although this might have the same end result as loss-leading, this practice does not actually involve retailers selling anything at a loss and would therefore not be subject to any

(ii) retailers agree not to discount for multiples<sup>24</sup>

(iii) retailers agree not to stock certain types of drink<sup>25</sup>

**8.8 RECOMMENDATION 4 – Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.**

## **9 Drugs and Alcohol issues**

**9.1** Alcohol is often linked with drugs in terms being a health problem, often under the umbrella of ‘substance misuse’. This grouping is quite understandable, and may often make good sense. However, it can be argued that the drugs element of substance misuse has received a disproportionate degree of attention over the past few years, to the detriment of alcohol services.

**9.2** In part, any over-emphasis of drugs issues has been a reaction against their under-emphasis for very many years – recent improvements in drugs services have often been the result of professionals and campaigners working tirelessly to create an understanding of the damage that drugs can do and the legitimacy of seeing them as a social problem requiring public solutions rather than a minority issue which should elicit censure rather than sympathy. This has led to a number of measures, including the ‘ring-fencing’ of funding for some drugs projects, which were necessary to ensure that drugs-related issues were adequately addressed in the face of a good deal of institutional and public scepticism.

**9.3** However, now that there is a broad recognition of the value of doing drugs-related work, this prioritising of drugs issues may, in some instances, be of detriment rather than of value, particularly when it means that local substance misuse budgets are inflexibly geared towards drugs issues when there might be greater value in moving some funding into alcohol based projects. This may be of particular

---

informal agreement on loss-leading. (Smaller retailers probably do very little loss-leading of any type, as they are unlikely to be able to balance the loss with a profit from other areas of their business. This is obviously particularly the case for dedicated off-licences, which cannot sell alcohol at a loss when they do not stock a range of other products to be sold at a profit.)

<sup>24</sup> Such an agreement would have to be sensibly applied, as some discounting of multiples is established practice for off-sales retailers not associated with U18 drinking – i.e. for wine merchants who typically offer a discount for customers buying 12 bottles or more. There seems no reason for intervening in this practice, unless it is considered likely that U18 drinkers are abusing fine wines.

<sup>25</sup> Most obviously, strong lager and cider (i.e. 6% plus) and very cheap spirits.

relevance to preventative educational projects, where there may be as much to be gained in warning people of the dangers of excessive drinking as of warning about drug use.<sup>26</sup>

- 9.4** Whilst there may have always been an argument for better funding of alcohol services, the issue has moved up the agenda in recent years, as the health and social impacts of excessive drinking from an early age have become clearer.<sup>27</sup> However, there may still be something of a lag between recognising the gravity of alcohol-related harm and funding services designed to ameliorate this harm.
- 9.5** In some instances, there may be little which can be achieved at a local level, as ring-fencing has been imposed nationally (particularly in terms of NHS budgets). However, where there is a degree of local autonomy in terms of substance misuse budgets, Panel members believe that serious consideration should be given to whether alcohol services are being funded as well as they could or should be. Since the Panel's remit is to consider the impact of excessive alcohol on children and young people, this recommendation is directly addressed to children's rather than adult services, although the issue is just as relevant for adults.
- 9.6** The Panel is not necessarily proposing any general shift of budgets from drugs to alcohol. In most instances, continuing support for drugs-based education or treatments may be absolutely vital. In many cases, it may be that what is needed is better central funding for drugs and alcohol services (perhaps particularly in terms of public health/preventative services). In some other cases though, it may be that an inflexible approach, either due to structural inflexibilities (i.e. ring-fencing) or for attitudinal reasons, means that substance misuse funding is not spent in the most effective possible manner.
- 9.7** **RECOMMENDATION 5 – CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drugs issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.**

## **10 Cumulative Impact Area (CIA)**

- 10.1** The Licensing Act (2003) introduced a presumption in favour of granting licenses to sell alcohol (as well as relaxing opening time restrictions). The reasoning behind this is essentially that excess

---

<sup>26</sup> See evidence from Tim Nichols: point 23.12, 16.02.09.

<sup>27</sup> See evidence from Dr Oli Rahman, Barbara Hardcastle and Inspector Andrew Kundert: points 5.5-5.6, 27.11.08.

alcohol consumption is not generally causally linked to the number of on and off-sales premises in an area (i.e. people will still buy as much alcohol if the number of licensed premises is restricted, it will just be more inconvenient for them to do so), and that artificially restricting the supply of alcohol is likely to have little positive effect on drinking behaviour, but may have a negative impact (e.g. having an 11pm closing time creates a 'flash-point' for anti-social activity).<sup>28</sup>

- 10.2** However, even if this argument generally holds true, there are local circumstances which may contradict it. This is especially the case for urban areas, where particular localities may become the focus of local and even regional drinking activity. Brighton is a prime example of such a special case – the city is a magnet for tourists visiting the night time economy (pubs, clubs, restaurants etc.), as well as having an unusually young demographic, bolstered by the city's two universities (lots of residents in their twenties and thirties – the people most likely to binge drink in pubs and bars). Furthermore, as Brighton is a seaside resort, it is inevitable that people will tend to gravitate towards the beach and its environs for their entertainment rather than utilising the wider city.
- 10.3** The result is that there is an extremely high concentration of licensed on-sales premises around Brighton sea-front, with lots of additional public drinking from a proliferation of off-sales in and around the beach area.
- 10.4** Although the night time economy is hugely advantageous to the city in terms of the income and the employment it generates, there are also very major problems associated with such a massive concentration of drinking in such a small area. These problems most obviously relate to public order and anti-social behaviour as there is a well established correlation between having very large groups of drunk people in one place and experiencing problems with disorder. In such circumstances, the concentration of on and off-sales can be said to 'cause' crime and disorder problems, with any increase in the number of licenses likely to exacerbate the problem. Thus, although a concentration of drinking in one part of a city may not lead to any absolute increase in alcohol consumption (as people might have drunk just as much had they done so in other areas of the city), it can lead to an increase in crime and anti-social behaviour (as drunk people concentrated in very large groups tend to create many more problems than drunk people dissipated over a larger area).
- 10.5** In response to these particular issues, the council established a 'Cumulative Impact Area' – CIA (sometimes known as a 'Cumulative Impact Zone'). A CIA is essentially an area in which the normal

---

<sup>28</sup> The Panel heard evidence from the council's Head of Environmental Health and Licensing that the 2003 Licensing Act had been effective in facilitating better management of the city's night time economy. With the potential for closing-time 'flash-points' reduced via more flexible licensing, the police and the council have been able to significantly reduce incidents of public place violent crime (evidence from Tim Nichols: point 23.13, 16.02.09).

presumptions of the 2003 Licensing Act are reversed, so that new applicants for licenses must prove that their premises will not adversely impact upon the local community (rather than having their licence granted unless a detrimental impact can effectively be argued). The intention is to limit the creation of new licensed premises within this area and thus maintain some control over alcohol and public order associated problems.<sup>29</sup>

- 10.6** The Brighton & Hove CIA extends from Rock Gardens in the east of Brighton to Preston Street in the west, and stretches north to Western Road/Edward Street. Areas abutting selected CIA boundaries may be subject to some, but not all the CIA controls.<sup>30</sup>
- 10.7** Clearly, it would run counter to the intentions of the 2003 Licensing Act to have a CIA that extended over a very large part of the city (unless there was a very high concentration of licensed premises throughout), but this does not mean that the current boundaries of the local CIA are, or should be, set in stone. Panel members believe that the large number of licensed premises in the Hanover/Elm Grove and London Road areas, together with the increasing problems of public drunkenness, noise nuisance and anti-social behaviour in these localities, may justify the extension of the CIA northwards to Elm Grove to include the Hanover and London Road areas south of this line.
- 10.8** Furthermore, the serious problems posed by park drinking and its associated anti-social behaviour (in addition to a rapid growth in off-sales premises in the area) justifies extending the CIA to include Preston Park and potentially other city parks.
- 10.9** The problems in these areas may not always be as acute as in the current CIA (although in terms of say, serious drink-related anti-social and criminal behaviour in the London Road area, it can be argued that they are just as serious), but it would not be necessary to employ all the powers of the CIA in every instance to gain a considerable benefit from extending the CIA boundaries in the ways suggested.
- 10.10 RECOMMENDATION 6 – CIA boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).**

---

<sup>29</sup> See evidence from Councillor Carol Theobald, Chairman of Brighton & Hove Licensing Committee: point 23.6, 16.02.09.

<sup>30</sup> For more information see: The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy (available to download at: [http://www.brighton-hove.gov.uk/downloads/bhcc/licence\\_applications/Licensing\\_Policy\\_A4\\_2008.2.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/licence_applications/Licensing_Policy_A4_2008.2.pdf))

## 11 Policing Underage Drinking

- 11.1** Fewer underage drinkers frequent pubs and bars than was the case a generation ago, but this does not necessarily mean that U18 drinking has decreased. Rather, there seems to have been a displacement of activity to other locations, most notably to parental homes and to parks and other public places.
- 11.2** U18s drinking in parental homes should have their behaviour observed and moderated by adults (although clearly a good deal of drinking goes on when parents are away or otherwise unaware of what is happening). Drinking in parks and other public places is a more pressing problem, in part because it involves U18s consuming alcohol without adult supervision or intervention (unlike much home drinking and drinking in on-sales – see **points 5.3(a)** through **5.3(e)** above). In part also, park drinking tends to involve very large numbers of young people congregating in one place to get drunk, with obvious public order implications.
- 11.3** There are two issues of concern here: the danger posed by young people acting in an anti-social manner; and the potential risk to young people themselves (e.g. that they may accidentally hurt themselves, or that they may be targeted by other U18s or by older people – inexperienced drinkers who are intoxicated in a public place are an obvious target for assault etc.).
- 11.4** Policing park drinking also poses specific challenges for the police force. U18 drinking is, of course, illegal in most contexts, but in practical terms it may not always be possible or even desirable for the police force to stop all such drinking. The degree to which the police do intervene, and the point of intervention, are key to managing park drinking effectively.
- 11.5** The specific problem here may be described as the escalatory nature of drinking in large groups, which means that gatherings which are entirely peaceable when everyone is sober are almost certain to become disordered when drink is involved. From a policing perspective, this means that it may be necessary to intervene pre-emptively before trouble starts, rather than reactively once problems emerge – particularly as it is generally easier to communicate with sober people than drunk ones.
- 11.6** However, this may mean that teenagers who are drinking illegally, but are not otherwise engaged in any risky or anti-social behaviour, find themselves targeted by police officers and ordered to disperse etc. This can obviously cause resentment, particularly if young people do not understand why they are attracting police attention when they are not themselves acting anti-socially.

- 11.7** It is clearly undesirable for young people to develop a bad relationship with the police force, perhaps particularly in terms of teenagers who might not otherwise be negatively involved with the police (as is presumably the case with many park drinkers); but it also is evident that the police cannot permit very large groups of young people to congregate and get drunk without taking some sort of pre-emptive action in mitigation of the problems which are likely to arise as the drinking progresses.
- 11.8** There may not be any easy solution to this problem, but young witnesses to the Panel did point out that it was as much the attitude of police officers as their intervention *per se* that young people often found disconcerting, with needlessly aggressive or confrontational approaches adopted in situations where a friendly attitude might have been more appropriate and effective.<sup>31</sup>
- 11.9** Young people's perception of events are important, but they do not necessarily provide an objective evidence base, and Panel members have no actual evidence that police interventions with young drinkers are typically needlessly confrontational or aggressive (clearly there are situations when police interventions will quite properly be very assertive).<sup>32</sup> However, given the circumstances surrounding park drinking, it is obviously important that policing is conducted with a degree of sensitivity, and that, whenever possible, pre-emptive action is explained and contextualised in a friendly and non-confrontational manner. If this is not done, the danger is not only that young people may become needlessly alienated from the police force in general, but that very vulnerable young people may be reluctant to use the police force as a resource when they feel threatened by the behaviour of others (particularly in the context of U18 drinking in parks etc.).
- 11.10** Clearly, it is far easier to recommend in the abstract that the police act in a friendly manner than it is in actuality, when the situation may require that a robust attitude to potential disorder be taken. One partial solution may be to encourage the police force to reach out to young people – most obviously via schools – in order to explain why they manage park drinking as they do. This type of explanation may be a good deal more effective in the context of a classroom than at the point where a crowd is being dispersed, and might make at least some park drinkers more amenable to taking directions from the police.

---

<sup>31</sup> See Appendix 2 -Notes from the Brighton and Hove Youth Council meeting on the 31.1.09 for evidence from Youth Council representatives.

<sup>32</sup> The Panel heard that the police adopt a variety of approaches to park drinking, and may sometimes choose not to intervene in situations where young people are not engaged in anti-social behaviour (evidence from Andrew Kundert: 4.13, 27.11.08). One problem here may be that some young people define anti-social behaviour rather differently than do older people (particularly in terms of what constitutes an unacceptable level of noise), so that teenagers may feel they are doing nothing wrong in situations where their behaviour is actually causing a nuisance to local residents.

**11.11 RECOMMENDATION 7 – When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).**

## **12 Education on the Health Risks of Underage Drinking**

**12.1** The police and the licensing authorities have an important role to play in combating excessive underage drinking by limiting the retail supply of alcohol to U18s and by ensuring that when young people do drink in public, they do not get in situations which are risky for themselves or for others. However, other groups of people may have just as much influence on what young people do – these include schools and, perhaps most importantly, parents.

**12.2** The Panel heard that U18 drinking is not generally a very high profile issue for schools. Although schools do provide some education and training on alcohol-related issues, there is relatively little drunkenness in and around school premises, so the issue is not one of direct concern to most head teachers. Similarly, whilst some students do have serious issues with alcohol which intrude upon their school lives, such students are very likely to drink as a reaction to serious emotional problems: these are therefore best characterised as behavioural issues which manifest in drinking rather than drink problems *per se*. Most students, even if they are involved in alcohol-related anti-social behaviour outside school hours, are unlikely to show the effects in school to any great degree.<sup>33</sup>

**12.3** The issue of hazardous drinking by young people who have serious emotional or other problems is an important one, but is largely beyond the remit of this ad hoc panel. Schools should monitor attendance and achievement records so as to be aware of pupils who may fall into this category (pupils with serious drink problems are likely to do poorly in school and to attend on an irregular basis).

**12.4** Panel members do believe that more could be done in terms of schools educating young people about the implications of excessive alcohol use. As noted in **point 11.10** above, there may be an opportunity for the police to engage with pupils in schools to explain in strategic terms why they manage U18 drinking in public places as they do. It may also be the case (as argued in **Part 9** of this report), that some of the time and resources which schools currently devote to drugs issues might be better allocated on alcohol-related education.

---

<sup>33</sup> See evidence from Tim Barclay, Head Teacher, Hove Park School: point 11.2, 22.01.09.



- 12.5** The strand of alcohol education which might most usefully be developed relates to the health impact of U18 drinking. This is not an area which is currently very comprehensively covered, with the focus of alcohol-related education falling on the legal status of U18 drinking and the risks posed by hazardous consumption in terms of safety (accidents, criminal behaviour, teenage pregnancy etc.).
- 12.6** However, several witnesses made the point that there should be a greater focus on the long term health impact of excessive drinking. One health sector witness pointed out that if alcohol was a drug it would be banned due to its harmful side effects.<sup>34</sup> There is a growing body of evidence on the damage that alcohol can have on the developing body (i.e. excessive drinking is always problematic, but it can be far more so for adolescents than for adults, as teenagers' bodies are still in the process of developing the systems necessary to safely process alcohol).<sup>35</sup> Long term health problems associated with teenage drinking include an increased risk of early onset dementia<sup>36</sup>, serious liver damage, some cancers, heart disease, and foetal alcohol syndrome (as a result of excessive drinking in early pregnancy).
- 12.7** Clearly, effective public health education is not quite so straightforward as informing people about the dangers of the activities they indulge in and then watching their behaviour change. In particular, people do not always link their current behaviour with long term health risks, which is why it may sometimes be more effective to flag up relatively minor issues (i.e. that smoking gives you bad breath rather than that it gives you lung cancer). However, the situation with underage drinking seems to be rather different, as it is readily apparent that some of the long term health risks of excessive drinking are not very well known at all. There might therefore be considerable value in establishing these risks, even if it were unlikely that increased knowledge would necessarily lead to reduced risk taking in the short term.
- 12.8** There are also considerable short term problems with excessive U18 drinking. These can include the direct effects of over-consumption of alcohol (i.e. 'alcohol poisoning'), as well as indirect consequences of drinking, such as an increased likelihood to have accidents, to become injured in fights, to have unprotected sex, become pregnant etc.
- 12.9** It is not necessarily always clear what effect U18 drinking has on pregnancy rates, attendance at Accident & Emergency (A&E) etc. as statistics may not be collated or may not be particularly reliable.<sup>37</sup>

---

<sup>34</sup> See evidence from Anna Gianfrancesco, Service Manager, RU-OK: 5.6(b), 27.11.08.

<sup>35</sup> See evidence from Dr Oli Rahman, Consultant Paediatrician, Brighton & Sussex University Hospitals Trust: point 5.5(a), 27.11.08.

<sup>36</sup> See point 5.5(b), 27.11.08.

<sup>37</sup> Traditionally, A&E attendances were only fully recorded if they resulted in an admission/treatment, and only then in terms of the actual admission criteria. Thus, someone

However, the Panel did hear that a significant number of young people do present at A&E with alcohol-related problems, placing an additional strain on an already over-stretched system.

**12.10 RECOMMENDATION 8 – Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.**

**13 The Role of Parents**

**13.1** It is evident that parents and carers play a key role in combating excessive teenage drinking, not least because parents appear to be the source of so much of the alcohol that U18s consume. In some instances, drink may be taken from the parental home without parents' permission or knowledge, but it seems often to be the case that parents are complicit in their children's drinking. There may be several reasons for this:

**13.1(a)** Parents may see little or no harm in their children drinking – either because they are unaware of the health and public order impact of U18 drinking, because they feel the risks are exaggerated, or because they feel the risks are not really applicable to their children (who, they believe, drink and act with relative moderation).

**13.1(b)** Parents have their concerns, but would rather their children socialise with their peers (even if this involves alcohol) than risk them becoming socially isolated.<sup>38</sup>

**13.1(c)** Parents have concerns, but recognise that they cannot effectively bar their children from drinking, and would prefer to maintain some control over consumption rather than have none at all (e.g. parents may give their children a moderate amount of alcohol rather than risk them obtain an unregulated quantity from off-sales or friends; parents may chaperone parties at which U18 drinking is permitted rather than have their children drink without being monitored etc).<sup>39</sup>

**13.1(d)** Parents are unsure what common practice is with regard to U18 drinking, so may not know how to deal with children who tell

---

who had fallen down and damaged their leg whilst drunk might not have their attendance recorded as alcohol-related, whilst someone who had passed out as a result of drinking heavily would (assuming that both patients received treatment rather than being diagnosed as not requiring urgent attention). This is now changing, with a greater emphasis on recording more information about A&E admittances (although not necessarily attendances), particularly from 'at risk' groups (such as U18s, people with disabilities, mental illnesses etc.). See point 5.4(b), from Dr. Oli Rahman, 27.11.08. Panel members welcome this move to a more thorough recording system.

<sup>38</sup> See evidence from the Youth Council representative point 25.3, 11.03.09

<sup>39</sup> See evidence from Chris Owen, Healthy Schools Team Manager: point 11.5, 22.01.09 and evidence from the Youth Council representative points 25.4 and 25.5, 11.03.09.

them that their friends are permitted to drink and that they risk being ‘the odd one out’. (The ambiguous status of U18 drinking is a key factor here, as parents have always been complicit in U18 drinking to the degree that they were effectively aware that their children were frequenting pubs, even if they never overtly granted them permission to do so. What may have changed in recent years is the degree to which parents are actively complicit in their children’s drinking – i.e. actually buying them alcohol rather than tacitly permitting them to drink in pubs.)

- 13.1(e)** Parents may be willing to accept the risks (as they understand them) of U18 drinking since it provides them with respite from their teenage children, particularly in situations where alternative social activities are limited.
- 13.2** Some of these problems seem rooted in a lack of information – parents can feel very isolated, particularly when the modern environment is very different to the situations that they have personal knowledge of (e.g. parents who grew up experiencing relatively moderate U18 drinking in pubs may not have much understanding of the problems caused by binge drinking and drinking in parks).
- 13.3** There is therefore an obvious need for information specifically targeted at parents, information which objectively sets out the actual dangers of U18 drinking – in terms of long and short term health risks, public disorder, teenage pregnancy, safety etc. As well as providing this basic information, any pack should include links to be more detailed resources and should also link to organisations which provide long term support to children and families with serious and ongoing alcohol-related issues.
- 13.4** There is an equally obvious need for advice to parents and carers on how to deal with the (considerable) pressure that children can bring to bear to allow them to drink, and on what a sensible approach to U18 drinking should actually look like (i.e. whether it ought to proscribe alcohol entirely, or allow teenagers to drink moderately in chaperoned situations etc). Rather than consisting of prescriptive advice from the authorities, this support might be better arranged by encouraging parent forums and similar representative bodies to develop their own resource packs, thereby utilising ‘on the ground’ knowledge of the current manifestations of U18 drinking.
- 13.5** There may be an opportunity to involve some of the city’s various community groups, residents’ associations etc. in such work
- 13.6** **RECOMMENDATION 9 – Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.**

## 14 Activities For Young People

- 14.1 Part of the problem that parents and the authorities face in terms of discouraging U18 drinking is that there may be relatively few alternative outlets available to young people, particularly at the times (e.g. Friday and Saturday nights) when they are most needed. Therefore, U18 drinking may be as much a reaction to there being nothing to do as it is a 'positive' choice.
- 14.2 Clearly, it is possible to overstate this argument: drinking alcohol is a central aspect of British culture, and many young people will surely choose to get drunk even if there are alternative activities available. However, the availability of alternatives to park drinking must surely have some impact on the numbers of young people engaged in these activities, particularly as it seems to be the case that park drinking, for many of the young people involved, is actually as much about having a shared space to socialise as it is about getting drunk.
- 14.3 It is important that activities are developed as direct alternatives to U18 drinking. There is relatively little point, for instance, in offering things to do if they are not available on Friday and Saturday nights when the great bulk of park drinking takes place, or in offering activities which appeal to an entirely different 'market' than does park drinking (e.g. activities which appear very structured and controlled by adults, when a good deal of the appeal of park drinking seems to be that it is unregulated and 'controlled' by young people).
- 14.4 One way of ensuring that these activities actually match what young people want is to ask teenagers for their opinion. This could take the form of a poll/survey of 13-18 year olds (or similar) organised via schools. This would also have the benefit of explicitly involving young people in the design of services, and could form part of an educational programme aimed at explaining the democratic process and local decision making.
- 14.5 **RECOMMENDATION 10 – Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.**

## 15 East Brighton

- 15.1 When the Scrutiny Panel was established, an element of its remit was to establish whether the problems of excessive under age drinking were a constant across the city or whether they were concentrated in any specific areas. The Director of Public Health's Annual Report (2008/9) had stated that there was a higher level of problems in East Brighton than in other parts of the city, and it was determined that this warranted further investigation.

- 15.2** Witnesses were asked about this issue, but no one thought that there was anything singular about the east of the city which might explain a higher incidence of U18 drinking problems, save for the generally higher levels of deprivation in this area.
- 15.3** It was however noted that East Brighton alcohol-related problems do not just impact upon this area of the city, as both the perpetrators and the victims of alcohol-related crime in the city centre are disproportionately likely to live in East Brighton.<sup>40</sup>
- 15.4** Panel members debated whether to include a recommendation for better funding for U18 alcohol services in East Brighton in recognition of the particular problems faced in this part of the city. However, whilst some members argued for such an approach, others felt that area based funding had not been an unqualified success in past years, and that although the allocation of funding might fruitfully track deprivation, this should be on a targeted basis rather than an area level.
- 15.5** Therefore, whilst the Panel notes the higher incidence of problems involving young drinkers in the east of the city, and Panel members recognise the correlation between alcohol problems and family deprivation, the Panel has not chosen to make a recommendation in this instance.

## **16 Scrutiny Panel Recommendations and the Sustainable Communities Act**

- 16.1** The Sustainable Communities Act (2007) seeks to make the statutory framework of government more amenable to local and community influence, by encouraging local authorities (via the Local Government Organisation) to report back to Central Government in instances where it is felt there would be value in introducing new statutory powers or varying existing powers.
- 16.2** When compiling this report, panel members were initially minded to recommend that the local Licensing Committee sought to impose certain conditions on licensees in instances where a licensee had been shown to have sold to U18s, or where an application for a new license was made in an area with particular alcohol-related problems (e.g. in the vicinity of a city centre park; in an area with many existing licensed premises etc.).
- 16.3** The conditions envisaged by the Panel included licensees being required to refrain from selling alcohol below its cost price (loss-leading), from discounting multiples (e.g. '2 for 1' offers), and from selling certain drinks strongly associated with hazardous drinking (e.g. strong cider, cheap spirits). They also included requiring licensees to

---

<sup>40</sup> Evidence from Tim Nichols: point 23.14, 16.02.09.

## Council Agenda Item 14 Appendix 1

adopt best practice in terms of under age drinking (e.g. adopting the 'Challenge 25' scheme).

- 16.4 However, on taking advice, it became clear that it is generally not the case that local Licensing Committees are able to impose such conditions on aspirant licensees, and not always the case that they can impose this type of condition on licensees facing suspension/revocation.
- 16.5 In this report, the Panel has therefore recommended that the Licensing Committee asks for a commitment from licensees that they follow the types of best practice enumerated above.
- 16.6 However, panel members believe that local problems with young people and alcohol could be much more effectively managed if Licensing Committees had the ability to compel licensees to adopt sensible approaches to selling in situations where there was an established problem – either with the particular premises itself or in the local area.
- 16.7 Therefore, the Panel would like to recommend that a proposal to allow Licensing Committees considerably more latitude in terms of imposing conditions on licensees be included amongst this council's submissions to the Local Government Association in relation to the Sustainable Communities Act (2007).
- 16.8 **RECOMMENDATION 11 – The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).**

# **Appendix 1: Dates of public meetings and witnesses who attended plus dates of private meetings** (witnesses are employed by Brighton & Hove City Council unless otherwise indicated)

## **Monday 27 October 2008**

Private Scoping meeting with the following officers:

- Dr Tom Scanlon – Director of Public Health
- Lydia Lawrence - Public Health Development and Improvement Manager
- Anna Gianfrancesco – Service Manager, RU-OK
- Chris Owen – Healthy Schools Team Manager

## **Wednesday 26 November**

Private meeting – to plan the questions for the witnesses

## **Thursday 27 November 2008**

- Barbara Hardcastle – Brighton & Hove City Teaching Primary Care Trust (PCT)
- Andrew Kundert – Brighton & Hove Licensing Inspector, Sussex Police
- Dr Oli Rahman – Consultant Paediatrician, Brighton & Sussex University Hospitals Trust
- Anna Gianfrancesco – Service Manager for RU-OK

## **Monday 15 December 2008**

Private De-brief meeting

## **Thursday 22 January 2009**

- John Peerless– Head of Trading Standards Office
- Tim Barclay – Head Teacher, Hove Park School
- Chris Owen – Healthy Schools Team Manager
- Eric Price –Trading Standards Licensing Manager, Somerfield

## **Saturday 31 January 2009**

Brighton & Hove Youth Council meeting

## **Tuesday 10 February 2009**

- David Soloman – Store Manager, Tesco Express (Droveaway, Hove)
- Tony Rickwood –Store Manager, Tesco (Portslade)
- Chris Denman- Area Manager for Threshers and the Local
- Sue Dixon - Head of Security for First Quench Retailing (formally known as the Thresher Group)

## **Monday 16 February 2009**

- Cllr. Carol Theobald- Chairman of Licensing Committee
- Tim Nichols – Head of Environment & Licensing

**Wednesday 11 March 2009**

A private meeting was arranged with Youth Council representatives

**Friday 20 March 2009**

Private meeting to discuss the recommendations.

**Tuesday, 12 May 2009**

Private meeting to discuss the first draft of the report.

**Tuesday 26 May 2009**

Private meeting to discuss the second draft of the report.



## Appendix 2: Minutes of the meetings

- a) Thursday 27 November 2008: 2-4pm, Committee Room 1, Brighton Town Hall
- b) Thursday 22 January 2009: 2-4.30pm, Council Chamber, Hove Town Hall
- c) Saturday 31 January 2009: 12pm, Brighton Youth Centre (the Chairman was invited to speak at the Brighton & Hove Youth Council Meeting and to listen to Youth Council representatives' views)
- d) Tuesday 10 February 2009: 9.30-12.30pm, Banqueting Suite, Hove Town Hall
- e) Monday 16 February 2009: Committee Room 2, Hove Town Hall
- f) Wednesday 11 March 2009: 5pm - Private meeting the Chair and a Youth Council Representative

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC  
PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN &  
YOUNG PEOPLE**

**2.00pm 27 NOVEMBER 2008**

**COMMITTEE ROOM 1, BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillors Mrs Norman (Chairman), Duncan and McCaffery

**Other Members present:** Councillors

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1A Declarations of Substitutes**

1.1 Substitutes are not permitted on Ad-hoc Scrutiny Panels.

**1B Declarations of Interest**

1.2 There were none.

**1C Exclusion of Press and Public**

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

1.4 **RESOLVED** - That the press and public be not excluded from the meeting.

**2. MINUTES**

2.1 This was the first panel meeting and there were therefore no minutes from a previous meeting to be approved.

**3. CHAIRMAN'S COMMUNICATIONS**

- 3.1 The Chairman welcomed the witnesses giving evidence at this meeting, and noted that the panel's Terms of Reference were:

To make practical recommendations by examining the costs of social and economic outcomes of, and reasons for the increasing levels of alcohol related harm suffered by children and young people in Brighton and Hove.

To examine the impacts of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18, in the city.

These recommendations will be made by inviting and gathering evidence from Sussex Police, Council Officers, PCT, NHS and off sales licensed premises.

**4. EVIDENCE FROM WITNESSES**

- 4.1 The Chairman asked the witnesses to introduce themselves and explain how their work connected with the issue of alcohol use and young people.

- 4.2 Members then asked each witness a series of questions.

- 4.3 Barbara Hardcastle (BH), Brighton & Hove City Teaching Primary Care Trust: PCT told members that she was employed by Brighton & Hove City Teaching Primary Care Trust (PCT), and was responsible for developing and compiling a Joint Strategic Needs Assessment (JSNA) for alcohol services, covering both adult and children's services.

- 4.4 BH noted that Brighton & Hove's performance lagged behind national/regional averages in many aspects of alcohol related health, including having one of the worst performances in England in terms of male deaths from chronic liver disease.

- 4.5 In terms of children and alcohol, BH told members that national trends showed that the numbers of young people drinking were stable or declining slightly, but that those young people who did drink tended to be drinking more.

- 4.6 In Brighton & Hove, BH noted that young people's drinking rates are slightly above the national averages. It seems that more girls than boys are engaged in 'binge-drinking', and that drinking rates are highest in the east of the city (and lowest in the west).

- 4.7 Dr Oli Rahman (OR), Consultant Paediatrician, Brighton & Sussex University Hospitals Trust informed members that he was a consultant

## Council Agenda Item 14 Appendix 1

paediatrician working at the Royal Alexandra Children's Hospital. Dr Rahman also works closely with colleagues in the Royal Sussex County Hospital Accident & Emergency (A&E) department.

- 4.8 OR told members that it was difficult to gauge the proportion of young people attending A&E with alcohol related conditions, as, whilst admissions obviously linked to alcohol use would be coded as such, other admissions might not be, even if alcohol was probably a contributory factor (e.g. an alcohol-related fall resulting in injury might just be recorded as a fall).
- 4.9 In addition, OR informed the panel that the great majority of A&E attendances do not result in admission to hospital (i.e. patients are discharged without treatment or are treated without requiring admission as in-patients). Recording the role of alcohol in attendances which do not result in admission can be very challenging.
- 4.10 Inspector Andrew Kundert (AK), Licensing Inspector, Brighton & Hove Police told the panel that he was the Licensing Inspector for Brighton & Hove, and that the Brighton & Hove police force was committed to reducing levels of public place violence and anti social behaviour – both of which were alcohol (and licensing) related matters.
- 4.11 AK noted that, whilst in previous years the police had concentrated on the city's 'night time' economy, there had been a more recent focus on other areas where alcohol related disorder was an issue, particularly in terms of the effective policing and management of young people drinking and socialising in parks and green spaces.
- 4.12 AK told the panel that three localised initiatives had recently been combined to form 'Operation Parks' which sought to address problems associated with the phenomenon of groups of young people meeting up to drink in city parks (particularly on Friday and Saturday nights).
- 4.13 AK noted that effective policing of this issue required a variety of approaches: if young people were not engaging in anti social behaviour, there might be no police intervention; if there was anti-social behaviour, the police might seek to disperse those on the periphery of incidents and to target 'ring-leaders' (e.g. to escort them home to their parents/guardians).
- 4.14 AK informed the panel that it was not always clear whether groups of young people were drinking or not, as young people would typically 'disguise' alcoholic drinks in soft drinks bottles.
- 4.15 AK told members that (in very approximate terms) around 5% of underage drinking involved underage drinkers purchasing alcohol in pubs and bars; approximately 20% involved alcohol purchased by underage drinkers from shops and off licenses. However, around 75% of alcohol was not purchased illegally – i.e. it was bought by parents,

## Council Agenda Item 14 Appendix 1

by 'proxy buyers' (over 18s buying alcohol at the request of under 18s), was stolen etc.

- 4.16 AK informed the panel that a good deal of work was done to try and ensure that under 18s were not able to purchase alcohol from either on or off sales. The police work closely with Trading Standards to arrange 'test purchasing' (under 18s will try to purchase alcohol in closely monitored operations). Test purchasing is not at random; it is targeted at businesses where there is intelligence of selling to minors.
- 4.17 AK told members that the citywide 'fail' rate for test purchasing was currently around 20% (i.e. one in five test purchasers was actually served alcohol). This is a very encouraging rate.
- 4.18 AK informed members that if business do fail test purchasing, they will be re-tested. Persistent offenders may have their alcohol licences suspended or revoked.
- 4.19 Anna Gianfranceso (AG), Service Manager, RU-OK? told the panel that she was the Service Manager for RU-OK?, the Children & Young People's Trust specialist substance misuse service, and that she was also heavily involved in the local implementation of the new national alcohol strategy.
- 4.20 AG informed members that she worked closely with the police, and had developed a Care Pathway for young people referred from the police. She is currently seeking to develop a similar pathway to channel referrals from A&E, and eventually hopes to combine the pathways.
- 4.21 AG noted that targeting alcohol use amongst young people was a fairly recent initiative, as drugs misuse had traditionally been prioritised.
- 4.22 AG told the panel that Operation Parks had been very successful in terms of reducing young people drinking in public. However, it was not clear whether this reduction in public drinking actually indicated lower levels of drinking (i.e. it might be the case that young people were simply drinking at home rather than in public places).
- 4.23 AG noted that there had been recent national guidance on alcohol education in schools and that she would pass this guidance on to the panel members.
- 4.24 AG told members that Operation Parks had not identified a large number of 'repeat offenders' in terms of young people drinking and behaving anti-socially in public: fewer than 20% of people escorted home by police are subsequently picked up again.

**5. FURTHER QUESTIONS**

5.1 Panel members then jointly asked the witnesses a series of questions. The witness responses are detailed below.

5.2(a) In answer to a question as to whether action was taken against adults supplying children with alcohol, members were told (by AK) that Operation Parks had tried to address the issue of 'proxy purchasing'. For example, an operation had been arranged in which under 18s tried to persuade passing adults to purchase alcohol from off-licenses on their behalf. However, such an initiative could not realistically lead to prosecution, as the act of encouraging adults to purchase alcohol for under 18s would probably be viewed as a form of entrapment by the courts.

5.2(b) AK and AG added that it was often difficult to ascertain where an underage drinker had obtained alcohol, as drunk people might not be very lucid, and might lie to protect friends or retailers. However, there was now more focus on tracking back the supply of alcohol, and city partners would share this type of information if they were successful in obtaining it.

5.2(c) John Peerless (JP), Head of Trading Standards, Brighton & Hove City Council, told members that an initiative had been planned for under age drinking in Moulsecoomb, which would have included trying to ascertain the origin of the alcohol being consumed – possibly via an analysis of litter.

This scheme would also have sought to encourage off-licenses not to sell to people who looked under 21.

The council failed to get Government funding for this initiative, but does still intend to undertake it at some point.

5.2(d) AG noted that schemes seeking to restrict sales to under 21s had been effective in other localities.

5.3(a) In response to a question about whether the recent proliferation of off licences had led to an increase in drink-related problems, AK replied that the city Cumulative Impact Zone (CIZ) assumed that there was indeed such a causal link.

AK noted that the CIZ had been very successful, particularly in terms of empowering local communities (i.e. individuals felt that their representations were taken seriously and could have a practical effect).

5.3(b) BH added that there had in fact been a very large increase in the number of off-licenses in recent years.

## Council Agenda Item 14 Appendix 1

- 5.4(a) In answer to a question regarding repeat A&E attendances, OR told members that very few young people repeatedly attended A&E for alcohol-related issues (unless they were self-harming).
- 5.4(b) OR also noted that A&E record keeping was not perfect in this respect, and that whilst incidents where drink was the primary cause of injury would almost certainly be recorded as alcohol-related, incidents where drink was only a potential contributory factor might not be recorded. Efforts were being made to improve recording, although this needed to be carefully handled as there were issues of patient confidentiality to take into account.
- 5.5(a) In response to a question regarding the physical damage caused by excessive drinking in young people, OR told members that teenagers' bodies were still developing which might mean that they were less able to process alcohol than adults.
- 5.5(b) BH noted that there was growing evidence that excessive drinking from an early age would lead to an increase in alcohol related-dementia in the future.
- 5.6(a) In answer to a question regarding the relative threat posed by alcohol or drugs, OR told members that a significant number of teenage drink or drug hospital admissions were drink related (unless self-harm was a factor).
- 5.6(b) AG added that alcohol could be very dangerous and certainly would not be licensed if it was not so socially established.
- 5.6(c) AK noted that alcohol was a major contributory factor in most public disorder offences, as well as many Domestic Violence incidents.
- 5.6(d) OR added that drunkenness also created major problems for A&E services, particularly at weekends.
- 5.7(a) In answer to questions concerning prosecution of licensees, JP told members that prosecution was rare, as it was a relatively ineffective method of taking action. This was generally the case in Brighton & Hove and across Sussex, where a consistent strategic approach had been adopted by a number of authorities.
- 5.7(b) AK added that the police in Brighton & Hove would generally seek to take action through the city Licensing Committee (e.g. seeking suspension or revocation of a license) rather than via prosecution.
- 5.7(c) JP also noted that most local businesses do not wish to sell to under 18s and are keen to work together with the police and the local authority. Suspension or revocation of the licenses of co-operating businesses is rarely a sensible option.

5.7(d) AK noted that suspension was quite rarely used, and questioned whether the Licensing Committee would welcome attempts to employ this power more widely, particularly in situations where a premises had only failed one or two times.

5.8 In response to a query about supermarkets, JP told members that supermarkets could be a source of alcohol for under 18s. Supermarkets have a specific problem in that their scale means that it can be difficult for them to properly train and monitor staff (in contrast with small off-licenses where the person making sales may well also be the licensee). Trading Standards have done a lot of work with large local alcohol retailers such as Somerfield and Threshers and are now involved in these organisations' staff training.

5.9(a) Asked what could be done to improve the situation in Brighton & Hove, AK noted that one possibility was to take action against under age drinkers buying alcohol rather than focusing entirely on those selling alcohol (as both selling and buying are offences).

AK also told the panel that it was important to recognise that Brighton & Hove was much safer than formerly – much has been done to tackle alcohol-related anti social behaviour and violence.

5.9(b) AG noted that young people replicate adult behaviour, and that children are bound to see adults drinking to excess. This is particularly so given the effects of the smoking ban in pubs and a general modern attitude amongst adults of not being ashamed of being inebriated in public. Adult attitudes to drinking need to change if there is to be any realistic hope of changing children's behaviour.

5.9(c) JP added that messages to children about alcohol harm needed to be consistent – which they currently are not.

5.9(d) OR suggested that children should be given much more credit for being able to understand information about how their own behaviour might impact upon their health, and that providing an honest assessment of the risks associated with excessive drinking might be effective.

## **6. ANY OTHER BUSINESS**

6.1 There was none.



**Council Agenda Item 14 Appendix 1**

The meeting concluded at 4.00pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC  
PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN &  
YOUNG PEOPLE**

**2.00pm 22 JANUARY 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mrs Norman (Chairman), Duncan and McCaffery

**Other Members present:** Councillors

**PART ONE**

**7. PROCEDURAL BUSINESS**

**7a. Declaration of Substitutes**

7.1 No substitutes are permitted on Ad-hoc Scrutiny Panels

**7b. Declarations of Interests**

7.2 There were none.

**7c. Declaration of Party Whip**

7.3 There was none.

**7d. Exclusion of Press and Public**

7.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

7.5 **RESOLVED** – That the press and public be not excluded from the meeting.

**8. MINUTES OF THE PREVIOUS MEETING**

- 8.1 RESOLVED** – That the minutes of the meeting held on the 27 November 2009 be agreed.

**9. CHAIRMAN'S COMMUNICATION**

9.1 The Chairman announced that Mark Whitby (Head of Advisory Centre for Education - ACE) had been obliged to send his apologies for this meeting. Mark Whitby will be invited to attend the next meeting of the panel.

9.2 John Peerless (Head of Trading Standards) kindly agreed to give evidence at this meeting at late notice.

**10. EVIDENCE FROM JOHN PEERLESS (JP)- HEAD OF TRADING STANDARDS OFFICE (TSO)**

**10.1** JP told members that the council was currently being evaluated on its approach to regulating alcohol sales to children. A copy of the report would be forwarded to the panel when it was published.

**10.2** JP informed the panel that work on limiting alcohol sales to under 18s altered significantly in 2001, when changes to licensing law permitted 'test purchasing' (using under 18s to try and purchase alcohol).

**10.3** JP noted that the TSO has a very broad remit and limited resources (amounting to 15 Full Time Equivalent officers). The Brighton & Hove TSO considers under-age drinking to be a city priority and has allocated its resources accordingly. In the past few years the local TSO has developed initiatives such as 'Too Young to Buy' and 'Think 21', and has promoted the use of an identity card scheme for young people.

**10.4** JP told members that a major piece of work had been undertaken in 2004 in which local authorities, working together with the Home Office Alcohol Standards Unit, had developed a campaign to encourage co-working between regulators of licensed premises. Test purchasing conducted as part of this work showed very high levels of non-compliance for both on and off licences. Partly as a result of this, local authorities have subsequently been strongly encouraged to incorporate work to limit under-age drinking as part of their core business, rather than relying upon time-limited initiatives. Experience suggests that a good rate of compliance is reliant upon constant reinforcement: as soon as a time-limited initiative ends, rates of non-compliance soar.

**10.5** Non-compliance rates are still around the 35% mark. Problems are particularly associated with newly licensed premises or those with a very high turnover of staff, managers or licensees. The TSO attempts to 'risk assess' newly licensed premises, offering advice on how best to train staff so as to minimise sales to under 18s.

- 10.6** JP told members that eliminating off sales to under 18s would not stop under-age drinking as there are several sources of alcohol: co-ordinated action from other services is required for any initiative to be successful.
- 10.7** TSO initiatives to counter under age drinking are not always effective, as targeting a particular location can result in displacement of drinking activity to neighbouring areas. Informal intelligence networks used by teenage drinkers (via texting, Face Book etc) are often very efficient. To some degree this may be a resource-related issue, as displacement might be less of a problem if a greater geographical area could be targeted by TSO, although better planning and co-working between agencies rather than extra resources *per se* might produce good results.
- 10.8** JP confirmed that prosecution of licensees is very rarely considered, as the licence review/revocation process is far more effective. JP stressed that this approach is intended to help retailers sell alcohol responsibly: it is not meant to be punitive.
- 10.9** In answer to a query about the spread of problems across the city, JP told members that the TSO had not encountered any particular problems in East Brighton. However, if there was a spike in figures in the East of the city, it probably reflected other problems encountered here, as problematic under age drinking could often be a symptom/result of other problems.
- 10.10** JP informed the panel that the way forward for his work may well lay in encouraging local partners to work together to tackle under age drinking. JP referred to ongoing work in Moulescoomb, which he identified as embodying good practice in this area.
- 11. EVIDENCE FROM CHRIS OWEN (CO)- HEALTHY SCHOOLS TEAM MANAGER & TIM BARCLAY (TB)-HEAD OF HOVE PARK SECONDARY SCHOOL**
- 11.1** CO presented to the Panel “A summary of the learning opportunities delivered by schools and local data about school age children and young people”
- TB explained what is done in his school in terms of drug and alcohol education, how this programme is reviewed in the light of emerging data from students, surveys etc.
- 11.2** TB noted that there are two distinct groups of underage drinkers: the first group can be characterised as ‘risk takers’ – individuals who use alcohol (and who may display other types of risky behaviour) due to underlying emotional/social problems. The second, much larger, group uses alcohol as a way of bonding with their peers/in a celebratory

## Council Agenda Item 14 Appendix 1

manner etc. Many young people feel a sense of empowerment and safety in large groups, and this includes groups of people sitting in parks etc. drinking. This is not necessarily about a lack of facilities, youth clubs etc.

- 11.3 CO noted that the behaviour of young people frequently mirrors that of their elders, and that adult culture currently features many patterns of drinking which are reflected in teenage behaviour.
- 11.4 Recent years have seen a reduction of young people drinking in licensed premises, and this drinking has been displaced to parks etc where it can be much more visible and can lead to problems of disorder.
- 11.5 CO told members that many parents were uncertain how to deal with the issue of underage drinking – e.g. unsure whether the best approach was to try and proscribe their children’s drinking or to supply a limited amount of alcohol in the hope that this would encourage a relatively sensible approach to alcohol.
- 11.6 In answer to a question on the impact of alcohol on educational attainment, TB told the panel that there was not necessarily a link between ‘Friday night drinking’ and attainment, but that people with more serious drink problems could see their attainment fall (however this is a complex issue as excessive alcohol use is often a ‘symptom’ of other social or emotional problems rather than a discrete problem).
- 11.7 TB added that schools do lots of work with students in terms of advising on how best to deal with the stress associated with exams, and this may include advice on sensible drinking.
- 11.8 CO noted that schools may simply not be aware of problems associated with their students’ drinking as very few students actually attempt to drink in the school environment, and contact with students out of school is generally limited.

CO informed members that children of parents with problematic drinking are another group the Panel needs to be mindful of.

### **12. EVIDENCE FROM ERIC PRICE(EP) -SOMERFIELD TRADING STANDARDS LICENSING MANAGER**

- 12.1 EP told the panel that almost all Somerfield stores (859) have an alcohol license, and that the company is committed to implementing licensing law. Somerfield uses comprehensive training and re-training; till prompts for staff, maintains a ‘refusal record’ for under age sales, has a ‘three year rule’ (i.e. staff will ask for ID from anyone who doesn’t look 21), and supports ‘citizen cards.’

## Council Agenda Item 14 Appendix 1

- 12.2** EP noted that, prior to 2003, retailers were less aware of the level of their sales to under 18s, as it was not legal to conduct test purchasing. Very few if any complaints were received from the general public about sales being made to under age persons. Since test purchasing became widespread, it became clear that there was an industry wide problem with staff failing test purchases. An industry group, the Retail of Alcohol Standards Group was formed to seek ways to drive down under age sale. Great improvements were then made.
- 12.3** In recent years retailers have had to think very hard about how best to deal with this problem – this is far more involved than simply having a policy in place. Issues to be dealt with include: staff problems with identifying under 18s; staff reticence Re: challenging customers; dealing with groups of under 18s.
- 12.4** Somerfield does a lot of data analysis, looking at situations where staff actually challenge customers, and at the results of its own internal test purchasing (although it cannot use 18s for this).
- 12.5** Larger stores tend to be better performers; perhaps because young people buying alcohol are more conspicuous in this type of environment (most customers in big stores tend to be doing a large weekly shop, whereas smaller stores tend to have a higher percentage of shoppers buying only a few items).
- 12.6** In terms of the London Road, Brighton store, there are obvious problems associated with the siting of this store: on a very busy bus route, near to the level and to several nearby housing estates etc.
- 12.7** Measures introduced at the London Road store include: an increased use of door supervision (particularly reassuring for counter staff); only using over 18 counter staff; marking alcohol so that it can be traced back to the shop (although none ever has been); employing a new store manager who has a track-record of supporting staff; collaborating with TSO on training of staff. These measures have turned the situation around in this store – the store has passed its last three test purchases, and the working culture has significantly improved.
- 12.8** In response to a question regarding alcohol sales to adults, EP told members that Somerfield was increasingly concerned with facilitating sensible drinking via providing information on units, safe drinking practices etc.
- 12.9** In answer to a question about what more could be done locally to tackle the problem of underage drinking, EP told the panel that the key was to involve all elements of the community in initiatives – including police, schools, TSO etc.

**13. ANY OTHER BUSINESS**

- 13.1 It was agreed to contact St. Neots for further information on their partnership working, as mentioned by Eric Price.
- 13.2 Members agreed to find out young people's views through attending a school or sixth form college

The meeting concluded at 4.00pm

Signed

Chair

Dated this

day of

**Notes from the Brighton and Hove Youth Council meeting on the Saturday, 31 January 2009**

1. Present: Councillor Ann Norman (Chair) and Youth Council Representatives (YCR), Superintendent Grenville Wilson (from Sussex Police) and Youth Council Officers.
2. Councillor Ann Norman was asked to speak at the Youth Council meeting and was present to here Superintendent Grenville Wilson speak too.
3. Questions were asked by the YCR's why the Police disperse small groups of youths in parks when they are not being disruptive or loud. The Superintendent explained that the Police tend to work on dispersing small groups early on in the evening before any anti-social behaviour can start; working on prevention rather than waiting for situations to escalate and then dealing with the issues then.
4. A YCR privately told Councillor Norman that young people enjoyed meeting up in groups, as they felt safer and by dispersing the groups they felt more vulnerable and that young people did not see anything wrong with sitting around in small groups. They felt the dispersal technique was unfair especially when they are not causing any trouble.
5. Another YCR privately said that when she was at a party, where lots of additional young people turned up to the party (than previously planned); a Police van came to the location with dogs to disperse the large crowd and that this was seen as a very heavy handed approach and they had been dealt with unfairly.
6. Another YCR privately said that the Police do ask young people to empty their drinks. Some young people take offence to this as some young people do not drink alcohol and therefore have to empty out their soft drinks.
7. A YCR privately said how young people who do not drink alcohol tend to look after their friends that do drink alcohol.
8. A YCR privately said about a positive experience she had with the Police and how she and her friend, (who had been drinking alcohol,) had been treated as individuals and how the policewoman showed that she was concerned for their safety.
9. What upset young people the most was how most of the Police approach these situations by not explaining what they are doing and why they are doing it and not treating each young person as an individual but as a group as a whole.



**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC  
PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN &  
YOUNG PEOPLE**

**10.00am 10 FEBRUARY 2009**

**BANQUETING SUITE, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors , Duncan and McCaffery

**Other Members present:** Councillors

**PART ONE**

**14. PROCEDURAL BUSINESS**

**14a. Declaration of Substitutes**

14.1 No substitutes are permitted on Ad-hoc Scrutiny Panels

**14b. Declarations of Interests**

14.2 There were none.

**14c. Declaration of Party Whip**

14.3 There was none.

**14d. Exclusion of Press and Public**

14.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

14.5 **RESOLVED** – That the press and public be not excluded from the meeting.

**15. MINUTES OF THE PREVIOUS MEETING**

15. That the minutes of the meeting held on the 22 January 2009 need to be approved and signed by the Chairman.

**16. CHAIRMAN' S COMMUNICATIONS**

- 16.1 Apologies have been sent from the Councillor Ann Norma (Chairman).

**17. EVIDENCE FROM WITNESSES**

- 17.1 Evidence from **Sue Dixon (SD), Head of Security for the First Quench Retailing** (formally known as the Thresher Group) and **Chris Denman (CD), Area Manager for Threshers and the Local**

- 17.2 SD told members that there were 1500 branches with 4 different brand names: Threshers, Wine Rack, the Local & Hadows in Scotland; of which there were 30 stores in Brighton & Hove.

- 17.3 SD informed the panel around a million people were challenged annually and a third of these were refused. All refusals were recorded on the tills and in books and this information was collated and analysed to identify anomalies.

CD explained that any anomalies were investigated and compared with company and store averages. A “compliant” Store Manager generally meant that refusals would be lower in these stores, as young people would not shop at these branches.

- 17.4 SD informed members that the company derives no benefit from under 18 sales as it would damage their reputation which would not exceed potential income.

- 17.5 SD told members that new staff completed an induction, filled out a booklet, watched a DVD which covered mechanisms to prevent underage selling of alcohol and had to be signed off by their Manager before being authorised to use the tills. These inductions and training materials were developed by working with Trading Standards.

- 17.6 SD informed members that identification is asked for, when any customer looks younger than 21: “Challenge 21”. This is being moved to “Challenge 25”. This makes identification of under 18’s easier for staff. Accepted forms of ID are Passport, Driving Licence and any other accredited ID. Test purchases are carried out with over 18’s and over a 100 test purchases are carried out nationally per month; from this the company can identify problem areas and target their work on these.

CD confirmed that all Brighton and Hove stores were working to Challenge 25 already

## Council Agenda Item 14 Appendix 1

- 17.8 It was advised that Partnership working with local authorities, the Police and Trading Standards was the best way forward. It was noted that enforcement has a role but dealing with issues at an early stage is better and to act on any intelligence to deal with the matter swiftly worked best.
- 17.9 In answer to a question as to how many challenges Brighton and Hove had, it was estimated at around 25/30 per store, per week and challenges were higher in the summer. The exact figures would be forwarded onto the panel.
- 17.10 In relation to a question on what happens to the information about refusals, it was explained that the District Manager and Licensing Manager collate and investigate the information on a store basis.
- CD added that store visits are arranged to stores that have anomalies and an investigation would take place by speaking with staff. All stores within each area are visited on a 6 weekly basis.
- 17.11 In response to a question as to where under 18's were sourcing their alcohol and whether proxy sales were the problem, it was advised that staff are trained on proxy purchasing by looking at unusual buying patterns and that staff shouldn't sell if they are suspicious of proxy sales being undertaken.
- The Panel were informed that shoplifting was an issue and it was thought that 60% of alcohol consumed by underage drinkers came from homes.
- 17.12 In answer to a query about what information in stores is available for parents, it was noted that stores have been involved in local area schemes where leaflets were put into customers' bags. However it was noted that more education was required.
- 17.13 Tony Rickwood - Portslade Tesco's Store Manager commented that there were many instances of staff overhearing parents asking their children what alcohol they would like their parents to purchase for them. In these experiences the retailer would refuse these sales.
- 17.14 CD informed the panel that refusals do vary from store to store. Stores with higher footfall have higher refusals and smaller "community" stores have lower refusals. Under 18's do not shop at their local stores as there is more chance that they will be refused as the Retailer will probably know their parents.
- 17.15 In response to a question as to whether there are more refusals in the east of Brighton (as underage drinking is worst in the east of city), it was noted that this hadn't been identified.

## Council Agenda Item 14 Appendix 1

17.16 In response to a question from a Youth Council representative as to whether it would be possible to scan an universal ID card which could total up the amount of alcohol purchased and flag up if the individual was over a guidance level and the possibility that proxy sales may be occurring, TR explained that technically it would not be possible to collate this type of data from the different retailers.

18. Evidence from **David Solomon (DS), TESCO Express, Store Manager -Droeway, Hove** and **Tony Rickwood (TR), TESCO, Store Manager – Portslade**

18.1 DS informed members that TESCOs had a vigorous induction training programme, which included “Think 21”, a buddy system, plus training updates, refresher training, till prompts (with the date of birth information), a DVD and also regular team meetings.

TR handed out training materials that all staff including managers had to complete and noted that there was more comprehensive training for the Licensees at each store. There were “Quarterly Due Diligence Reviews” that a Designated Premises Supervisor completed which reviewed their stores compliance.

18.2 The panel noted how managers backed staff with the “you say no and we say no policy” when a transaction was refused.

18.3 DS informed the panel how the non-compliance is identified with test purchases, and explained how these stores are targeted for up skilling. It was also very important to work with the Police, Trading Standards and the community and advertise the no selling of alcohol to under 18’s policy around the store.

18.4 TR explained how there were very robust systems in place and that he had worked hard to engage with the local Police, to increase store visits which had an impact on reducing theft.

18.5 TR told members how it was not in TESCO’s interest to sell alcohol to under 18’s.

18.6 In answer to a question on how young staff challenge under 18’s, TR informed the panel that staff under 18 had to have a supervisor authorise any alcohol sales they made. This then prevents under 18 store staff selling to their under 18 friends. TR explained how TESCO is moving to the “Think 25” scheme.

SD informed members that all retailers were moving to the “Think 25” scheme, expect Waitrose. However independents would not necessarily follow.

18.7 In response to a question as to whether there was an increase in sales since the Licensing Act 2003 was implemented, SD told members that

## Council Agenda Item 14 Appendix 1

the Act had meant that a tighter regime was in operation and it was hard to determine as this is a very high profile topic and is in the press regularly.

- 18.8 TR informed the panel how there had been a significant improvement in compliance since legislation made individual staff vulnerable to prosecution as well as the retail company.
- 18.9 In answer to a question whether cheap alcohol had increased the levels of drinking, TR felt that people weren't buying more cheap alcohol.
- 18.10 TR informed the panel that by increasing the cost of alcohol it would not have any affect as customers wouldn't trade down to cheaper drinks and that when the VAT had been reduced recently; there wasn't an increase in alcohol sales.

SD noted that alcohol was cheap in France and there were no major issues there.

- 18.11 In answer to a question why young people were drinking more, TR informed the panel that alcohol is increasingly difficult for young people to get from retailers and that more adults were purchasing it for them.

SD questioned whether young people were drinking more or whether anti-social behaviour had increased.

- 18.12 In response to questions as to whether shoplifting was an issue, SD told members that it was a problem as there was little legal deterrent (fixed penalty notice for a first offence). Retailers find it challenging to balance attractive store layouts with crime prevention measures.

Shoplifting varies with different areas and different products.

TR informed the panel how alcohol is purchased with weekly shopping on a regular basis.

- 18.13 In answer to a question on whether there is information for parents about not purchasing alcohol for their underage children, TR responded he could not recall any such information and that parents had a lack of understanding on the subject.
- 18.14 In answer to a question on what recommendations would they make TR responded that the local Police are the key and their support to retailers was invaluable.

Members noted that SD recommended partnership working as retailers were committed to eliminating sales to under 18's and that any intelligence could be dealt with swiftly. Additionally direct links with the retailers Central Office would be useful for more proactive working. It

**Council Agenda Item 14 Appendix 1**

was also pointed out that enforcement does have a negative impact on retailers.

TR informed members that Trading Standards could do with engaging with Retailers more in the future.

**18. ANY OTHER BUSINESS**

19.1 No other business was discussed.

The meeting concluded at 11.00am

Signed

Chair

Dated this                      day of

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC  
PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN &  
YOUNG PEOPLE**

**2.00pm 16 FEBRUARY 2009**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mrs Norman (Chairman), Duncan

**Other Members present:** Councillors C Theobald

**PART ONE**

**19. PROCEDURAL BUSINESS**

**20a. Declaration of Substitutes**

20.1 No substitutes are permitted on Ad-hoc Scrutiny Panels.

**20b. Declarations of Interests**

20.2 There were none.

**20c. Declaration of Party Whip**

20.3 There was none.

**20d. Exclusion of Press and Public**

20.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

20.5 **RESOLVED** – That the press and public be not excluded from the meeting.

**20. MINUTES OF THE PREVIOUS MEETING**

- 21.1 That the minutes of the meeting held on the 10 February, 2009 need to be approved and signed by Chairman.

**21. CHAIRMAN'S COMMUNICATIONS**

- 22.1 Chris Parfitt (Youth Lead on Alcohol) and Mark Whitby (Head of Advisory Centre for education (ACE)) send their apologies.

**22. EVIDENCE FROM WITNESSES**

- 23.1 Evidence from **Councillor Carol Theobald (CD), Chairman of the Licensing Committee** and **Tim Nichols (TN), Head of Environment and Licensing**

23.2 CT informed the panel that there was ongoing work in schools educating pupils on the affects that alcohol has and that generally, under 18's do not obtain their alcohol from licensed premises.

23.3 TN told members that this was a national problem and that most of the alcohol is obtained from homes, off sales and proxy purchasing.

23.4 TN informed the panel that the Council supports proof of age schemes, but levels of fraud are very high. Police are also reluctant to prosecute under 18's for using false ID. The Licensing Committee is currently enacting the recent national guidelines to deal with problem licensees.

23.5 CT informed the panel that Challenge 25 was very useful, as were out of school activities. She also stated that refusal log books should be kept as evidence relating to underage sales.

23.6 CT confirmed that the Cumulative Impact Area (CIA) had also been introduced to stop further new drinking establishments from opening.

23.7 TN told members that under age drinking is a national priority and a Health impact Assessment (HIA) is being funded by the Primary Care Trust (PCT) and being undertaken by the Council. It was noted that Licensing was not to blame for this problem, and that marketing, pricing and availability were more the reason.

23.8 TN informed the panel that there was a 40% failure rate for test purchasing and it was difficult to decrease this (Subsequently TN said the current rate was 20%).

23.9 TN advised the panel that underage drinking in on licences has moved to parks in recent years as the on licenses are regulated heavily. In the past when Licenses were less heavily regulated publicans tended to tolerate underage drinking providing they didn't drink to access.



## Council Agenda Item 14 Appendix 1

- 23.10 In answer to a question as to whether there was a case to charge above a minimum level for alcoholic drinks, TM told members this would be unlawful. For any action to be taken it needs to be demonstrated that there was a “clear causal link” between price promotions and antisocial behaviour. It was noted that it was particularly difficult to establish that link and also to word such restrictions. TN referred to the “*Guidance: Department for `Culture, Media & Sport, sections 10:38 & 10:40 of the Licensing Act 2003`*”
- 23.11 TN advised the panel that it was important to be mindful of economic conditions and that most licensees were trying to earn an honest living, however it maybe useful to publicise revocations and suspensions in the future.
- 23.12 TN told members that he was looking forward to the publication of the Health Impact assessment (HIA) and possible changes to the NHS drinking and drug budgets. It was suggested that spending on preventative education might be better allocated on alcohol rather than drugs.
- 23.13 In answer to a question as to whether the Licensing Act 2003 had any impact on the worsening health figures, TN responded that the reverse was true; there had been a long term rise in consumption and disease relating to alcohol and the Licensing Act 2003 was a reaction to the situation rather than a cause. Since the Licensing Act 2003 there were declining rates of public place violent crime. The Police should also be credited for this. The Licensing Act 2003 has given city centres the ability to spread out “closing time” public disorder.
- 23.14 In relation to a question why binge drinking amongst young people was worst in the east of the city, TN responded that the analysis of information from the Police show a disproportionate volume of the postcodes from offenders and victims are in the BN25 and BN26 areas.
- 23.15 In response to a question whether it was possible to restrict the proliferation of off sales premises, TN responded that the Licensing Act 2003 assumed that most of these off sales premises are operating an honourable business; applications are granted automatically unless representations have been made. The Review Panels have more power than the initial License and have a choice of options which are to suspend/revoke the license, remove the premised licensee or take no action. Residents, Trading Standards Officers and the Police can be heard and it is more likely that the Panel would make a more effective decision based on evidence than refuse a new application.
- 23.16 In answer to a question whether smaller stores were selling to under 18’s, CT responded that there was a case where by a non-english speaking relative, who had received no training was covering a shop when the store failed a test purchase. The shop had been to the Review Panel before with a similar problem and the Owner had not

## Council Agenda Item 14 Appendix 1

acted upon the advice given by the Review Panel in the first occasion; at the next Review Panel the decision was taken to revoke the license.

TN told members that sales to underage drinkers was spread out throughout different off and on sales as there were national off licences, franchises, single operators, pubs and bars have all been subjects for reviews.

23.17 In answer to a question how Licensing laws could be tightened TN answered that the recently issued government guidance gave the Review Panel power to restrict the trading hours, or even use CCTV to record sales.

23.18 In response to a question on whether increasing the tax on alcohol would reduce underage drinking TN advised that this would reduce access for young people, should focus on off sales, stores and supermarkets and Government could hypothecate the money to alcohol treatment services and out of school activities.

### **23. ANY OTHER BUSINESS**

24.1 It was agreed to contact any Representatives from the Youth Council who had given their contact details.

24.2 It was agreed to collate written questions for Chris Parfitt (Youth Lead on Alcohol) and Mark Whitby (Head of ACE) and ask them for written statements.

24.3 The meeting with the youth offender is arranged for Thursday, 19 February and the Chairman will be attending this.

The meeting concluded at 3.00pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL**

**CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC  
PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN &  
YOUNG PEOPLE**

**4.00pm 11 MARCH 2009**

**MINUTES**

**Present:** Councillors Mrs Norman (Chairman),

**Other Members present:**

**PART ONE**

**24. EVIDENCE FROM WITNESS**

**25.1 Evidence from a Youth Council Representative (YCR)**

25.2 YCR told the Panel Member how the view of not being able to drink needs to be changed, as it makes young people want to drink and break the rules.

Her experience of her first alcoholic drink was that it was “not an amazing thing”, and she still didn’t enjoy the taste of it and would drink wine with a sweet fizzy drink to make it more palatable.

The YCR told how there was alcohol always in her parent’s house and how her parent would give wine with a mixer to drink on occasions.

25.3 It was confirmed that peer pressure was one of the reasons why young people drank.

25.4 The YCR told how house parties are popular places for young people to drink. There were varying amounts of alcohol at these parties, more being available if parents were not present. If parents were present they did supervise these parties and tended to water down the alcoholic drinks by providing punches.

At a recent party, the YCR informed the member how some young people arrived already drunk.

The YCR informed the member how at her next party her father will invite his friends to the party to help supervise. Some young people

regularly sleep at certain friends' parents' houses as these parents do not "tell" on them. The next morning the young person has slept off most of their hangover and "is not that much of a wreck" when they return home.

- 25.5 YCR informed the member how teenagers copied adults, parents and their older friends and how they had seen parents having a drink of alcohol after they had a stressful day and copy this; or it's the weekend and they learn how alcohol is consumed to celebrate this. As a result of this, young people get stressed over their exams and can turn to alcohol to relax.
- 25.6 In answer to a question whether parents are aware how much their children drink, the YCR answered, that they say to their parents they drank "smart" levels of alcohol, but didn't mention the additional amounts consumed on top of this too.
- 25.7 When asked where else young people were getting alcohol from other than parents supplying it, the YCR informed that their 18 year old friends purchased it for them.

The YCR told how she could remember that last year her friends bought bigger bottles of spirits but this year, due to the credit crunch parents have less disposable income to give their children and as a result of this, young people were purchasing smaller bottles of spirits as they found the bigger bottles too expensive to purchase.

- 25.8 The YCR recommended that adverts similar to the smoking ones would be affective, showing how it could ruin young people's lives in different ways, for example how it can "mess up your exams".
- 25.9 In response to a question whether young people were aware of what the adverse affects of underage drinking were, the YCR said she wasn't aware of these and she would recommend that these be advertised. She confirmed that in schools there is some Personal Social Health Education (PSHE) which touches on the safety issues when drunk, but not information on the negative affects of drinking alcohol.
- 25.10 The YCR advised the member that she felt it was very dangerous to be drinking on the streets and that more controlled places would be suitable, such as clubs perhaps?
- 25.11 YCR confirmed that a friend had problems at home and some young people did not want to discuss these experiences with anyone so they tended to deal with these on their own, without asking for help and drank alcohol to forget these problems. However, the YCR informed how she had a supportive group of long standing friends and they would try and help anyone they could and have been successful in

**Council Agenda Item 14 Appendix 1**

doing this, by guiding their friend away from alcohol, studying more and getting them to mix with the right crowd.

25.12 The YCR informed the member how teachers did not understand the pressures that young people were under.

The meeting concluded at 5.00pm

Signed

Chair

Dated this

day of

## Appendix 3: Digest of recommendations

- **RECOMMENDATION 1-** The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.
- **RECOMMENDATION 2 –** City partners (co-ordinated by TSO) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.
- **RECOMMENDATION 3 –** Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the ‘Challenge 25’ scheme.
- **RECOMMENDATION 4 –** Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.
- **RECOMMENDATION 5 –** CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drugs issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.
- **RECOMMENDATION 6 –** CIA boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).
- **RECOMMENDATION 7 –** When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).
- **RECOMMENDATION 8 –** Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.

## Council Agenda Item 14 Appendix 1

- **RECOMMENDATION 9** – Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.
- **RECOMMENDATION 10** – Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.
- **RECOMMENDATION 11** – The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).

## Appendix 4: Background papers

'Brighten Up! Growing Up in Brighton & Hove 2008': Annual Report of the Director of Public Health (and Joint Strategic Needs Assessment, Children and Young People. Brighton and Hove City Council and Brighton & Hove City Teaching Primary Care Trust, 2008.

'Are the kids driving you mad?': Positive Parenting Programme leaflet. Brighton & Hove Children & Young People's Trust.

Draft Alcohol Needs Assessment for Children and Young People: Brighton & Hove City Primary Care Trust (Draft 4), November 2008.

'Drug Education: An Entitlement For All': A report to Government by the Advisory Group on Drug and Alcohol Education, 2008.

Government Response to the report by the Advisory Group on Drug and Alcohol Education: Department for Children, Schools and Families.

Health Impact Assessment of the introduction of flexible alcohol hours in Brighton & Hove: Brief for consultants 2007 v2. Brighton & Hove City Council, 2007.

Licensing Act 2003: Statement of Licensing Policy. Environmental Health and Licensing Service, Brighton & Hove City Council.

Report of stakeholder responses to the Health Impact Assessment of the Introduction of Flexible Alcohol Hours in Brighton and Hove, 6th April 2009.

Setting Targets for Core, Enhanced and Intensive Services (presentation on drug use among vulnerable young people): from 'Crime & Drugs Analysis & Research,' Home Office, September 2007.

"Safe, Sensible, Social: the next steps in the National Alcohol Strategy." Department of Health, Home Office, Department for Education and Skills and Department for Culture, Media and Sport, 2007.

Scrutiny Review of Alcohol Misuse amongst Children & Young People. East Sussex County Council, March 2008.

Sustainable Communities Act 2007 : A Guide for Communities and local Government.

Young People and Alcohol, Overview and Scrutiny Review, Lancashire County Council, February 2008.



**CHILDREN & YOUNG  
PEOPLE'S TRUST BOARD**

**Agenda Item 24**

Brighton & Hove City Council

<b>Subject:</b>	<b>Response to the report of the Children and Young People's Overview and Scrutiny Committee Report: Reducing Alcohol Related Harm to Children and Young People</b>		
<b>Date of Meeting:</b>	<b>7 September 2009</b>		
<b>Report of:</b>	<b>Director of Children's Services</b>		
<b>Contact Officer:</b>	<b>Name: Steve Barton</b>	<b>Tel: 29-6105</b>	
	<b>E-mail: <a href="mailto:steve.barton@brighton-hove.gov.uk">steve.barton@brighton-hove.gov.uk</a></b>		
<b>Key Decision:</b>	<b>No</b>	<b>Forward Plan No. N/A</b>	
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 In September 2008, in response to the Annual Report of the Director of Public Health 'Brighten Up: Growing Up in Brighton and Hove', the Children and Young People's Overview and Scrutiny Committee (CYPOSC) established an ad-hoc panel to:

*"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove."*

- 1.2 This response sets out to address the recommendations of this report and to propose further action in respect to the Children and Young People's Trust (CYPT) response to the issue of young people and alcohol.

**2. RECOMMENDATIONS:**

- 2.1 That the Children & Young People's Trust Board:

- (a) Note the recommendations of the report from CYPOSC and acknowledge the work of that committee.
- (b) Request a further report from the CYPT, to set out proposals for a Youth Alcohol Action Plan as part of the Brighton & Hove Alcohol Strategy.
- (c) Agree that further work, in respect of the recommendations from the CYPOSC which fall beyond the remit of the CYPT, is taken forward through the Local Area Agreement.

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

- 3.1 Ad-Hoc Scrutiny Panels consist of cross party groups who carry out short, sharply focused pieces of work. The purpose of the panel was to:  
*“Specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to, and consumption of, alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex Police, premises license holders, the council’s own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.*

*Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city.”* (CYPOSC, June 2009)

- 3.2 The panel subsequently held a series of evidence gathering meetings and drew together the report Reducing Alcohol Related Harm to Children and Young People (Appendix 1).
- 3.3 Brighton & Hove NHS (Primary Care Trust) leads on the development and delivery of the Brighton and Hove Alcohol Strategy 2008/11, which has identified seven priority areas. The CYPT is part of the multi agency strategy group and will attend the next meeting with an update on activity and proposals for the development of a Youth Alcohol Action Plan.

#### 3.3.1 RECOMMENDATION 1:

**The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.**

Licensing and trading standard services are working closely with the CYPT to address issues of underage sales across all licensed premises and are continuing enforcement around underage sales and proxy purchasing.

#### 3.3.2 RECOMMENDATION 2:

**City partners (co-ordinated by Trading Standards Officers) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.**

Trading Standards Officers have agreed to deliver training to licensed premises and to develop education leaflets and awareness tools with Health Promotions Advisors.

#### 3.3.3 RECOMMENDATION 3:

**Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the ‘Challenge 25’ scheme.**

The CYPT understands that this is happening.

#### 3.3.4 **RECOMMENDATION 4:**

**Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.**

This may not be enforceable by the Licensing Committee under current legislation.

#### 3.3.5 **RECOMMENDATION 5:**

**CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drug issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.**

ru-ok?, Brighton & Hove's specialist substance misuse service for under-19s, is currently funded via the Local Area Agreement to address both drug and alcohol related issues, with the CDRP (Crime and Disorder Reduction Partnership) providing funding for a specialist Alcohol Worker post. However, all workers within the service will engage with young people who have alcohol related issues as a matter of course. During 2008-09, 38% of young people working with ru-ok? identified alcohol as their primary problematic substance and 34% identified alcohol as their secondary problematic substance.

As part of the local alcohol strategy, and in line with national policy, Brighton and Hove NHS has recently commissioned an Alcohol Brief Intervention service, which will offer early preventative advice, information and support to people aged 16 and over. CRI, the adult substance misuse service provider, has this tender and is working closely with the ru-ok? service to establish how the work with under-18s will take place.

There has also recently been an increase in capacity in the Health Promotions team, with an additional worker employed to focus primarily upon alcohol. This has led to an increase in the level of Health Promotions work around alcohol that is targeted at young people.

Recommendation 2.2 of this response proposes a way forward to address this issue.

#### 3.3.6 **RECOMMENDATION 6:**

**CIA (Cumulative Impact Area) boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).**

In order to extend the CIA the Licensing authority must take steps to identify concern about crime and disorder or public nuisance, consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent. It must then identify the boundaries of the area where

problems are occurring, consult with specified parties, and subject to the outcome of the consultation include and publish details of special policy in licensing policy statement. This work is reviewed by the licensing committee; the Statement of Licensing Policy is set by full Council.

**3.3.7 RECOMMENDATION 7:**

**When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).**

The ru-ok? service is currently working with schools and the police liaison office for the West Area to develop alcohol education, in partnership with the Healthy Schools Team. The IYSS (Integrated Youth Support Service) and police meet regularly to develop joint working in relation to the Youth Crime Action Plan and delivery of services. This recommendation may need to go forward to this group, through the IYSS Area Manager who is linked into the Youth Crime Action Plan.

**3.3.8 RECOMMENDATION 8**

**Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.**

The Healthy Schools Team are continuing to support schools to address the health impact of alcohol as part of PSHE (Personal, Social, Health and Economic Education) and work is being undertaken with General Practitioners and Accident & Emergency departments to support their staff in addressing the health impact of alcohol with young people.

**3.3.9 RECOMMENDATION 9:**

**Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.**

In the national Alcohol Action Plan, the Government stated that it will produce an advice and guidance leaflet for parents and carers. The CYPT is currently awaiting this leaflet to distribute locally. As part of a successful bid to address youth disorder, the CYPT will be working with city-wide partners this summer to develop a leaflet for parents, carers and those who buy alcohol for young people about the dangers and consequences of underage alcohol consumption and proxy purchasing.

**3.3.10 RECOMMENDATION 10:**

**Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.**

Under the current restructure of the CYPT, an audit of youth provision across the city is being undertaken which young people and youth advisors will feed into.

**3.3.11 RECOMMENDATION 11:**

**The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).**

The Home Office is currently proposing amendments to licensing provisions to include discretionary local conditions that can be applied by licensing authorities to groups of two or more licensed premises experiencing particular problems. These could include bans on discounted alcohol, security measures, risk reviews and operation of 'Challenge 21'. This work would be delegated to licensing committee or sub-committee.

#### **4. CONSULTATION**

- 4.1 The findings and recommendations of the CYPOSC report are based on extensive consultation.
- 4.2 Councillors Juliet McCaffery and Ann Norman agreed to sit on the CYPOSC Panel alongside Councillor Duncan. Councillor Norman was subsequently appointed as Chairman of the Panel. Panel members held a scoping meeting, where they were advised by the Director of Public Health and by officers from the council's Environment Directorate and from the CYPT.
- 4.3 The Panel subsequently held a series of evidence-gathering meetings in public. Witnesses included police officers, Trading Standards officers, officers representing the Council's Licensing team, CYPT officers, public health professionals from NHS Brighton & Hove, a consultant paediatrician, head teachers, and representatives of the major supermarket and off-licence chains. The Panel also invited a number of independent alcohol retailers to give evidence; however, none agreed to appear before the Panel.
- 4.4 Panel members also met on two occasions with members of the Brighton & Hove Youth Council in order to elicit young people's views on alcohol.

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

##### Financial Implications:

- 5.1 The CYPOSC report identifies a number of new initiatives and responsibilities for the Council and highlights a potential increase in activity over the next few years. While the resources in the budget are sufficient to cover the current workload in 2009/10, no additional funding has been identified to cover any future rise in activity. In addition, due to likely cuts in the CDRP funding next year, the budget may be reduced by £40k. Also, the Oasis project (a local charity which supports female substance misusers) has previously provided c£20k to part-fund a post providing additional support for young women, but this may no longer be possible. The potential reduction of c£60k of available funding in this area may seriously hamper the ability of Brighton & Hove City Council to successfully implement the recommendations proposed by the CYPOSC.

*Finance Officer Consulted: David Ellis*

*Date: 04/08/09*

Legal Implications:

- 5.2 There are no direct legal implications arising from the report. The body of the report refers to relevant licensing legislation. Where children are abusing alcohol they could be regarded as children in need under the Children Act 1989, and so be entitled to a range of services to assist them in addressing this. Programmes to address underage drinking of the sort identified in the report will assist the Trust in meeting its obligation to promote the well being of young people under the Children Act 2004.

*Lawyer Consulted: Natasha Watson*

*Date: 24/08/09*

Equalities Implications:

- 5.3 An Equalities Impact Assessment for Substance Misuse services in the CYPT is scheduled to be complete.

Sustainability Implications:

- 5.4 There are no immediate sustainability implications.

Crime & Disorder Implications:

- 5.5 Current partnership work around alcohol also addresses issues around crime and disorder relating to alcohol and young people. If the potential cuts in specialist service funding take place in 2010/11, this partnership work, and the focus on youth crime and disorder, will be reduced.

Risk & Opportunity Management Implications:

- 5.6 These will be dealt with in the proposed Youth Alcohol Action Plan.

Corporate / Citywide Implications:

- 5.7 These will be dealt with in the proposed Youth Alcohol Action Plan.

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

- 6.1 Consideration will be given to the added value of the Youth Alcohol Strategy and Action plan proposed in recommendation 2.1(b) of this report.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To establish the relationship between the CYPT Board and the CYPOSC as part of service improvement and quality assurance, and consequently improve outcomes for children and young people.

- 7.2 To take forward the issues raised by the CYPOSC report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. CYPOSC Report: Reducing Alcohol Related Harm to Children and Young People

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

None

### **Background Documents**

None





**EXTRACT FROM THE PROCEEDINGS OF THE CHILDREN AND YOUNG PEOPLE'S TRUST BOARD MEETING HELD ON THE 7 SEPTEMBER 2009**

**CHILDREN AND YOUNG PEOPLE'S TRUST BOARD**

**5.00PM 7 SEPTEMBER 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Brown (Chairman), Bennett, Fryer, Hawkes (Opposition Spokesperson) and Alford

**Also in attendance:** Brighton & Hove Primary Care Trust:  
Denise Stokoe, Darren Grayson and Dr Louise Hulton  
South Downs Health:  
Andy Painton, Simon Turpitt and Mo Marsh

**Other Members present:** Non-Voting Co-optees:  
David Standing, Community & Voluntary Sector Forum  
Gail Gray, Community & Voluntary Sector Forum  
Andrew Jeffrey, Parent Forum  
Eleanor Davies, Parent Forum  
Priya Rogers, Youth Council  
Rose Suman, Youth Council  
Graham Bartlett, Sussex Police Authority

**24 RESPONSE TO THE REPORT OF THE CHILDREN AND YOUNG PEOPLE'S OVERVIEW & SCRUTINY COMMITTEE ON REDUCING ALCOHOL RELATED HARM TO CHILDREN AND YOUNG PEOPLE**

24.1 The Board considered a report of the Director of Children's Services, which provided a response to the report of the Children and Young People's overview and Scrutiny Committee Report relating to reducing alcohol related harm to children & young people. The report proposed further action in respect of the CYPT response to the issue of young people and alcohol (for copy see minute book).

24.2 The Assistant Director, Strategic Commissioning and Governance, noted that the one of the functions of this report was to acknowledge the work carried out by CYPOSC. The Assistant Director pointed out that this was the first time that a report from the CYPOSC had been received at the Children and Young People's Trust Board and noted the importance of cementing the relationship between the two bodies.

24.3 Councillor Marsh and her colleagues in the NHS and PCT noted the various implications completed in the 'Financial and Other Implications' section of the report. They drew attention to the relevance of including and referencing health implications alongside all the other information provided therein. It was felt that this information would contribute to a more integrated approach in relation to the

Board's work and recognise the contribution that the different partnerships brought to it. They sought clarification about how this information could be integrated in the future.

- 24.4 The legal adviser noted the comments raised in relation to health implications. She advised that this matter needed to be resolved elsewhere, outside the Board's remit.
- 24.5 Darren Grayson, PCT, noted that this particular report had alluded to some health considerations in the information contained in its appendix. He accepted, however, that because the Board was committed to the health and well being of young people, a clearer expedition of this issue should be a matter of course on all the reports that were considered at this Board. He volunteered to work with the Director of Children's Services to take this matter forward.
- 24.6 Graham Bartlett, Sussex Police, noted that the Operations Parks, which dealt with a combination of youth related disorders, had seen a decrease in the number of interventions among the youth by 5%. He noted that this had been a result of the engagement work carried out with all partners together with parents and other agencies.
- 24.7 Members drew attention to the possibility of children drinking either with their parents or with their parents' knowledge, and sought clarification as to whether there were any statistics available about the damage caused to health as a result of drinking practices.
- 24.8 The Service Manager, RuOK, reported that officers were aware of the possibility raised above. She noted that one of indicators shown in the information collected from surveys her team conducted was that a youth was more likely to get alcohol through an adult than through off-license premises. She reported that work was being carried out around proxy-purchasing, which involved a joint work from the Police, the Licensing team and the Trading Standards Team, to target adults purchasing alcohol for children and under age individuals.
- 24.9 In terms of the statistics about health damage caused by drinking, Darren Grayson stated that he was aware that the NHS collected information relating to alcohol misuse, although he did not have all the details about that practice.
- 24.10 Councillor Fryer noted the scope of Recommendation 10 and welcomed the practice of asking young people about their views about this matters. She also enquired whether there was any research available, which taught about responsible drinking and promoted its benefits.
- 24.11 The Service Manager, RuOK, Indicated that she was aware of such reports in the USA; she was, however, unaware of such research nationally.
- 24.12 The Board welcomed the report.
- 24.13 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Board accepted the following recommendations:
- (1) That the recommendations of the report from CYPOSC be noted.

- (2) That the work of the CYPOSC Committee be acknowledged.
- (3) That a further report be requested from the CYPT, setting out proposals for a Youth Alcohol Action Plan as part of the Brighton & Hove Alcohol Strategy.
- (4) That it be agreed that further work, in respect of the recommendations from the CYPOSC which fall beyond the remit of the CYPT, be taken forward through the Local Area Agreement.



**LICENSING COMMITTEE**  
**(LICENSING ACT 2003 FUNCTIONS)**

**Agenda Item 28**

Brighton & Hove City Council

**Subject:** *Reducing Alcohol Related Harm to Children and Young People – CYPOSC referral*

**Date of Meeting:** 4 March 2010

**Report of:** *Director of Environment*

**Contact Officer:** Name: Tim Nichols Tel: 29-2163

E-mail: [tim.nicols@brighton-hove.gov.uk](mailto:tim.nicols@brighton-hove.gov.uk)

**Wards Affected:** All

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report details the findings of the Scrutiny Panel established to examine the issue of Reducing Alcohol Related Harm to Children and Young People. The report and its appendices can be found in **Appendix 3**.
- 1.2 **Appendix 1** of this report sets out the recommendations and findings of the review, along with a draft response for the Committee to consider.
- 1.3 The report makes 11 recommendations, 5 of which are directly the responsibility of Licensing and Trading Standards, (the remaining recommendations are to the Children and Young People's Trust and the Police).
- 1.4 The report has already been discussed at the CYPT Board and responses to the recommendations specifically relevant to the CYPT are also included in **Appendix 1** to help contextualise debate, relevant extracts from the minutes are also attached as **Appendix 2**.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the evidence, findings and recommendations of the Environment & Community Safety Overview & Scrutiny Committee and its scrutiny panel, in relation to Reducing Alcohol Related Harm to Children and Young People.
- 2.2 That the Committee agrees the response to recommendations 1, 2, 3, 4, 6 and 11 (those specific to Licensing and Trading Standards) as set out in **Appendix 1**.

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

3.1 The review was instigated by the Children and Young People's Overview and Scrutiny Committee (CYPOSC) on the 28 September 2008. Scrutiny panels undertake short focused enquiries into specific areas of interest, making recommendations to decision makers.

3.2 The terms of reference for the panel were to:

*“Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.*

*Such a panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.*

*Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city.”*

3.3 The Panel held five evidence gathering meetings in public, talking to a number of witnesses including representatives of NHS trusts, the Police, alcohol retailers, Trading Standards and Licensing, local schools, local authority drugs and alcohol services and the Youth Council.

3.4 CYPOSC endorsed the report at the 17 June, 2009 Committee and it was subsequently tabled at the Children and Young People's Trust on the 7 September 2009.

### **4. CONSULTATION:**

4.1 In preparing this response consultation has been carried out with CYPT and scrutiny colleagues and the police.

4.2 The scrutiny review itself undertook extensive consultation with interested parties.

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

#### **5.1 Financial Implications:**

The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime. Any changes to licensing policy

following this report would be met from existing .Environmental Health and Licensing or Trading Standards revenue budgets.

*Finance Officer Consulted: K. Brookshaw*

*Date: 18 January 2010*

## 5.2 Legal Implications:

Protection of children from harm is a licensing objective. Licensing authorities should maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under s.154 of the Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given. Relevant offences under the 2003 Act include: unaccompanied children prohibited from certain premises, sale of alcohol to children, persistently selling alcohol to children, sale of liqueur confectionary to children under 16, purchase of alcohol by or on behalf of children, consumption of alcohol by children, delivering alcohol to children, sending a child to obtain alcohol, prohibition of unsupervised sales by children.

*Lawyer Consulted: R. Sidell*

*Date: 30 December.2009*

## 5.3 Equalities Implications:

Protection of children from harm is a licensing objective. The protection of children from harm includes the protection of children from moral, psychological and physical harm.

## 5.4 Sustainability Implications:

In the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children.

## 5.5 Crime & Disorder Implications:

Conditions, where they are necessary, should reflect the licensable activities taking place on the premises and can include: where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made, to ensure that sales are not made to individuals under 18 years (whether the age limit is 18 or 16 as in the case of the consumption of beer, wine and cider in the company of adults during a table meal); limitations on the hours when children may be present; limitations on the presence of children under certain ages when particular specified activities are taking place; limitations on the parts of the premises to which children may have access; age limitations; limitations or exclusions when certain activities are taking place; requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.



5.6 Risk and Opportunity Management Implications:

Failure to meet licensing statutory duties would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards

5.7 Corporate / Citywide Implications:

The statement of licensing policy is a statutory requirement which enables the council, as licensing authority, to administer and enforce licensing objectives – including the protection of children from harm in premises licensed for the sale of alcohol. The 2003 Act and Licensing Guidance intends that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the 2003 Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons are recommended to focus on enforcing the law concerning the consumption of alcohol by minors.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Draft response to report recommendations.
2. Extract from the minutes of the CYPT Board meeting – 7<sup>th</sup> September.
3. The Scrutiny Panel report and its appendices.

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

1. None.

### **Background Documents**

1. None.

**GENERAL LICENSING RESPONSE RE CONSIDERING ISSUES RAISED BY RECOMMENDATIONS WITHIN STATEMENT OF LICENSING POLICY REVIEW DURING 2010.**

**RECOMMENDATION 1: The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.**

**Licensing response:**

Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and RUOK are currently undertaking work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

**CYPT response**

Licensing and trading standard services are working closely with the CYPT to address issues of underage sales across all licensed premises and are continuing enforcement around underage sales and proxy purchasing.

**RECOMMENDATION 2: City partners (co-ordinated by Trading Standards Officers) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.**

**Licensing response:**

Trading standards have a programme of business support for local businesses to avoid under-age sales.

The Local Better Regulation Office cite Brighton & Hove City Council Trading Standards "improving compliance through business support" in its document: "Better Regulation: Supporting Businesses Towards Recovery" June 2009.

**CYPT response**

Trading Standards Officers have agreed to deliver training to licensed premises and to develop education leaflets and awareness tools with Health Promotions Advisors.

**RECOMMENDATION 3: Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.**

**Licensing response:**

In determining applications and reviews, applications can only be dealt with on their individual merit. Use of schemes like Think 21 and Challenge 25 are appropriate on a case by case basis

**RECOMMENDATION 4: Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.**

**Licensing response:**

Licensing authorities may not standardise conditions promoting fixed prices. Where appropriate, voluntary industry codes of practice can be encouraged. Applications must be dealt with on individual merits. A clear causal link between price discounting and disorder may lead to the imposition of conditions prohibiting irresponsible promotions.

Policing and Crime Act 2009 will have key implications for Licensing Authorities. Originally it proposed a mandatory code and local discretionary conditions. Although the local element of the code has been removed from the legislation, the Home Office is still analysing the results from the formal consultation and has yet to publish a summary. The mandatory element of the code has been retained, and the Home Office may choose to move some of the proposed elements of the local discretionary conditions into the mandatory part. This may impact on discounting.

**RECOMMENDATION 5: CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drug issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.**

**CYPT response**

ru-ok?, Brighton & Hove's specialist substance misuse service for under-19s, is currently funded via the Local Area Agreement to address both drug and alcohol related issues, with the CDRP (Crime and Disorder Reduction Partnership) providing funding for a specialist Alcohol Worker post. However, all workers within the service will engage with young people who have alcohol related issues as a matter of course. During 2008-09, 38% of young people working with ru-ok? identified alcohol as their primary problematic substance and 34% identified alcohol as their secondary problematic substance.

As part of the local alcohol strategy, and in line with national policy, Brighton and Hove NHS has recently commissioned an Alcohol Brief Intervention service, which will offer early preventative advice, information and support to people aged 16 and

over. CRI, the adult substance misuse service provider, has this tender and is working closely with the ru-ok? service to establish how the work with under-18s will take place.

There has also recently been an increase in capacity in the Health Promotions team, with an additional worker employed to focus primarily upon alcohol. This has led to an increase in the level of Health Promotions work around alcohol that is targeted at young people.

Recommendation 2.2 of this response proposes a way forward to address this issue.

**RECOMMENDATION 6: CIA (Cumulative Impact Area) boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).**

#### **Licensing response:**

The cumulative impact area boundaries and supporting evidence is reviewed on an annual basis and was last reviewed by this committee on 24 April 2009. The statement of licensing policy is reviewed on a three year cycle next due in 2010. The CIA is recommended for review as part of the statement of licensing policy, informed by:

1. Sussex Police report of public place violent crime 09/10
2. Environmental health noise statistics for 09/10
3. This CYPOSC report: Reducing alcohol related harm to children and young people.
4. Health impact assessment of licensing report
5. Consolidation of licensing enforcement policy (following Home Office & DCMS advice on problem premises) and dealing with films not BBFC certified.
6. EU Services Directive (cross border trade in services between countries in the EU allowing on line applications for some licences within Europe)
7. New Licensing Guidance 10 December 2009.

**RECOMMENDATION 7: When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools)**

#### **Police response**

Police engage with young drinkers primarily through operation Park. This is an initiative aimed very much at preventing alcohol misuse and anti-social behaviour in young people. It adopts a multi agency approach and refers young people to our partner agencies for support when appropriate. Officers are also aware of the need to educate young people at the same time as policing them. Op Park is a successful operation and only a very small proportion of those stopped get stopped

on successive occasions. In conjunction with this operation the police work with the ASB team to make home visits to discuss issues with parents as well.

Alongside this operation, police work through the Neighbourhood Schools Officers and Safer Schools Partnership Officers to identify and address problems with alcohol at school. The Safer School Partnership takes a strategic overview of this.

The issue of engagement with young people is a bigger one than this and the Neighbourhood Teams are looking at ways of better improving communication with this group. The Operational Targeted Youth Support meeting (chaired by the police) should take this recommendation on board to look at ways of addressing this point. It should be noted that there are occasions where policing needs to be slightly more confrontational in order to resolve the problem faced at the time.

#### **CYPT response**

The ru-ok? service is currently working with schools and the police liaison office for the West Area to develop alcohol education, in partnership with the Healthy Schools Team. The IYSS (Integrated Youth Support Service) and police meet regularly to develop joint working in relation to the Youth Crime Action Plan and delivery of services. This recommendation may need to go forward to this group, through the IYSS Area Manager who is linked into the Youth Crime Action Plan.

**RECOMMENDATION 8: Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.**

#### **CYPT response**

The Healthy Schools Team are continuing to support schools to address the health impact of alcohol as part of PSHE (Personal, Social, Health and Economic Education) and work is being undertaken with General Practitioners and Accident & Emergency departments to support their staff in addressing the health impact of alcohol with young people.

**RECOMMENDATION 9: Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.**

#### **CYPT response**

In the national Alcohol Action Plan, the Government stated that it will produce an advice and guidance leaflet for parents and carers. The CYPT is currently awaiting this leaflet to distribute locally. As part of a successful bid to address youth disorder, the CYPT will be working with city-wide partners this summer to develop a leaflet for parents, carers and those who buy alcohol for young people about the dangers and consequences of underage alcohol consumption and proxy purchasing.

**RECOMMENDATION 10: Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.**

**CYPT response**

Under the current restructure of the CYPT, an audit of youth provision across the city is being undertaken which young people and youth advisors will feed into.

**RECOMMENDATION 11: The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).**

**Licensing response:**

There is a difference between how applications, variations and reviews are dealt with by licensing panels.

During progress of a recent Bill, some condition making measures were removed. Amendments to the Bill that was enacted as the Policing and Crime Act 2009 changed licensing provisions, with the effect that members of the licensing authority may in future be able to make representations or seek a review in their own right. They would not be required to live in the vicinity or have to have been asked to represent someone who does. As the bill progressed, amendments were also tabled that appeared to remove the discretionary power, originally in the bill, for local authorities to impose conditions on two or more premises in their districts. The Home Office's proposed code practice on selling alcohol responsibly was subject to consultation in 2009. The Secretary of State may be able to make up to nine new mandatory conditions for all premises licence holders although the final composition of these is unknown currently. The strengthening of local councillors' powers to seek a review is seen as a more effective remedy for irresponsible, disorderly premises. This is subject to continued national policy development.





**DRAFT EXTRACT FROM THE PROCEEDINGS OF THE LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS) MEETING HELD ON THE 4 MARCH 2010**

**LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)**

**3.30PM 4 MARCH 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**DRAFT MINUTES**

**Present:** Councillors Cobb (Chairman), Lepper (Deputy Chairman), Alford, Duncan, Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon, C Theobald, Watkins and West

**Also in attendance:**

**Apologies:** Councillors Simson and Wrighton

**28. REDUCING ALCOHOL RELATED HARM TO CHILDREN AND YOUNG PEOPLE - CYPOSC REFERRAL**

- 28.1 The Committee considered a report from the Director of Environment regarding Reducing Alcohol Related Harm to Children and Young People – CYPOSC Referral.
- 28.2 The Head of Overview and Scrutiny, Mr Hook, introduced the report and highlighted the recommendations that directly related to the Licensing Committee, which covered a range of different options for the Committee to consider.
- 28.3 Councillor Duncan stated that he had sat on the CYPOSC panel which conducted this review and felt it had been an excellent non-party analysis of the problem. He noted that children in the city were suffering increasing impact from alcohol abuse and there was evidence to suggest it was getting worse in the eastern part of the city. He highlighted the recommendations and felt that a co-operative approach to these issues needed to be taken with the trade. Recommendation six related to the proliferation of licensed establishments outside of the Cumulative Impact Area and Councillor Duncan felt that this year's review of the boundary needed to take this into consideration. He urged the Committee Members to support the recommendations.
- 28.4 Councillor Older noted that whilst recommendation eight dealt with impacts to health, this was not a licensing consideration. Mr Nichols agreed but added that this recommendation, and some others, were directed towards Children's and Young Person's Trust rather than the Licensing Committee.

- 28.5 Councillor Hawkes noted that youth workers were working with young people on many of the issues raised within the report, and added that this valuable work needed to continue and be supported.
- 28.6 Councillor West noted that the recommendations of this report could inform the Best Practice for Responsible Licensing Notice of Motion, which was being drafted by Officers in the near future.
- 28.7 **RESOLVED –**
1. That the Committee notes the evidence, findings and recommendations of the Children’s and Young People’s Overview and Scrutiny Committee and its scrutiny panel, in relation to Reducing Alcohol Related Harm to Children and Young People.
  2. That the Committee agrees the response to recommendations 1, 2, 3, 4, 6 and 11 (those specific to Licensing and Trading Standards) as set out in appendix 1 of the report.

**EXTRACT FROM THE PROCEEDINGS OF THE LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS) MEETING HELD ON THE 24<sup>TH</sup> JUNE 2010****BRIGHTON & HOVE CITY COUNCIL****LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)****4.10pm 24 JUNE 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors: Cobb (Chairman), Lepper (Deputy Chairman), Fryer, Hawkes, Kitcat, Marsh, Older, Phillips, Pidgeon, Simson, Smart, C Theobald, Watkins, West and Young

**Apologies:** Councillors Harmer-Strange, Hyde and Wrighton

**PART ONE****6. SEXUAL ESTABLISHMENT LICENSING POLICY PROGRESS REPORT**

- 6.1 The Committee considered a progress report of the Director of Environment the purpose of which was to update Members on the policy review which was being undertaken.
- 6.2 The Head of Environmental Health and Licensing, referred to the two previous update reports considered by the Committee on 5 February and 26 November 2009 which had detailed progress of the Policing and Crime Bill relating to sex establishments including lap dancing clubs. There was an existing policy on sex establishments, sex shops and sex cinemas which included standard conditions. That policy had been reviewed and extended to cover the new category of sex entertainment venues (lap dancing).
- 6.3 Councillor Simson stated that she welcomed the report. Limits were already in place to control these activities and she considered that there was a need to look at sex encounter establishments in a well governed way too. She considered that paragraph 2.2 which referred to the need for a political steer should be deleted. The Committee was non-political and there had been cross party agreement between Members in relation to the policies to be adopted, this recommendation was therefore superfluous.
- 6.4 Councillor Hawkes concurred, stating that the council should be proud of the pro-active stance it had taken in seeking to apply rigorous controls and to put down clear markers

that there was a presumption against setting up such establishments in certain locations e.g. close to schools.

- 6.5 Councillors Lepper and Marsh were also in agreement. Councillor Lepper was pleased to note how far this matter had progressed and that the policy was to be rationalised as part of the consultation process. She awaited the results of the consultation with interest.
- 6.6 Councillor Marsh agreed that paragraph 2.2 was unnecessary as all councillors gave a “steer” on various issues as part of their elected role, this did not need to be expressly stated.
- 6.7 The Head of Environmental Health and Licensing stated that recommendation had been included to facilitate debate and that he was happy to remove it if that was the wish of the Committee.
- 6.8 Councillor Kitcat stated that as this issue affected the city as whole and had wider ramifications than within the council itself, he considered that paragraph 2.2 should be retained as it could not be assumed that there was a consistent view. Councillor Cobb, the Chairman disagreed stating that the Committee itself was cross-party and non-political. A vote was taken subsequently and it was agreed by a majority of Members that paragraph 2.2 would be removed. Paragraph 2.3 then became paragraph 2.2.
- 6.9 Councillor Kitcat went on to say that he broadly welcomed the report although he considered that some of the comments contained within it were contradictory and confusing, (particularly as a fees report was not before the Committee that day). Although he was pleased to note that emerging issues for instance how this would affect LGBT premises, the need for an equalities impact assessment to be carried out and the manner in which premises putting on “burlesque” entertainment would be treated within the framework of existing policies and legislation. He cited Birmingham and Milton Keynes where the fees charged to establishments were considerably lower than in Brighton and Hove, he considered they were too high and should be considered as part of any review. He considered it was appropriate for the level of fees charged to licensed sex shops should be less than for sex entertainment venues. Councillor West concurred in that view.
- 6.10 The Chairman, Councillor Cobb stated that it would be inappropriate to discuss fees at that meeting as a report would be brought to a future meeting.
- 6.11 Councillor Kitcat whilst understanding there were timescales for consultation considered that Members needed to be fully involved in that process and was concerned that no “slippage” occurred, he was firmly of the view that Licensing Committee meetings needed to be held on a more regular basis than was currently the case.
- 6.12 The Head of Environmental Health and Licensing explained that reference to the results of the consultation process would be included in the report back to Committee at its next scheduled meeting in November 2010.

- 6.13 Councillor Simson referred to the number of sex entertainment venues currently operating in the city, querying whether there was already an extant permission for another. The Head of Environmental Health and Licensing explained that although a further permission had been given, which would make a total of 4, that permission had not been activated. In answer to further questions he explained that restricting the appropriate number to 3 would still provide sufficient flexibility for an exception to be made, if deemed appropriate.
- 6.14 Councillor Simson expressed concern regarding an adult shop situated in Ship Street where explicit material had been prominently displayed both in the shop window and on an A Board outside. The Head of Environmental Health and Licensing stated that further detailed work was taking place in relation to administration/enforcement to ensure that any restrictions applied were workable; this work would be encompassed within the overall review.
- 6.15 Councillor West stated that he was seeking to understand how this industry worked, as this was germane to formulation of the Council's policies and how they were applied. He had been informed that girls working in lap dancing and similar establishments canvassed customers for trade both within these premises and outside and that this was the nature of the trade.
- 6.16 Councillor Hawkes stated that she profoundly disagreed with such comments, given that a number of young women employed in the industry young and vulnerable, a number of the policies sought to protect them.
- 6.17 Councillor West stated that he did not hold a view regarding employment practices but considered that such matters should form part of the review.
- 6.18 Councillor Simson said that young ladies had been observed handing out cards advertising such clubs on occasion; it was more difficult to control activities once staff had left a premises. Agreed policies were intended to ensure that appropriate levels of control were in place. Councillor Smart stated that the policy document was clear on these issues.
- 6.19 Councillor C Theobald noted that the consultation period would run for 12 weeks a sufficient period for a range of comments to be received.
- 6.20 The Chairman stated that individuals had differing views and that these could be taken account of as part of the review consultation.
- 6.21 A vote was taken and it was agreed on a vote of 11 with 4 abstentions that paragraph 2.2 of the circulated report be removed, thus paragraph 2.3 would then become paragraph 2.2. A further vote was taken in respect of the remaining recommendations and Members voted unanimously that these be agreed.
- 6.22 **RESOLVED:**
- (1) That the Committee asks officers to bring the results of the consultation and the Sex Establishment Licensing Policy to the Licensing Committee in November 2010; and

- (2) That Full Council is recommended to pass a resolution specifying that amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to Brighton & Hove on a specified day at least one month after the day on which the resolution is made.

NB: The specified day will be 19 November 2010.

**LICENSING COMMITTEE  
(NON-LICENSING ACT 2003 FUNCTIONS)**

**Agenda Item 6**

Brighton & Hove City Council

<b>Subject:</b>	<b>Sex Establishment Licensing Policy Progress Report</b>		
<b>Date of Meeting:</b>	<b>24 June 2010</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name: Jean Cranford</b>	<b>Tel: 29-2550</b>	
	<b>E-mail: jean.cranford@brighton-hove.gov.uk</b>		
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 On 5 February and 26 November 2009, the committee were apprised of the Policing and Crime Bill relating to sex establishments including lap dancing clubs.
- 1.2 There is an existing policy on sex establishments, sex shops and sex cinemas which includes standard conditions. That policy has been reviewed and extended to cover the new category of sex entertainment venue which is of course, lap dancing.

**2. RECOMMENDATIONS:**

- 2.1 That the committee asks officers to bring the results of the consultation and the Sex Establishment Licensing Policy to the licensing committee in November 2010.
- 2.2 That members offer any political steerage during this period.
- 2.3 That Full Council is recommended to pass a resolution specifying that amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to Brighton & Hove on a specified day at least one month after the day on which the resolution is made.

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

- 3.1 Brighton & Hove City Council adopted Schedule 3 to the 1982 Act (Licensing of Sex Shops and Sex Cinemas). A further resolution is necessary before the provisions introduced by Section 27 of the Policing and Crime Act (Licensing of Premises as Sex Entertainment Venues) is adopted.

- 3.2 A very early draft of sex establishment licensing policy, reviewed and renewed to cover the new category of sex entertainment venue was circulated to the Licensing Strategy Group and Licensing Councillors.
- 3.3 It is likely that it will take quite a long time to come into effect because the Policing and Crime Act 2009 requires orders to be made to set first, second and third appointed days. Officers believe these probably still need commencement orders but are estimating that between May and November 2010 the council will consider adoption, between May 2010 and May 2011, we would be accepting applications and in May 2011 the Act would take effect.
- 3.4 The proposed policy and standard conditions are unchanged except numbers have been tightened by setting maximum appropriate numbers in St. James's Street (2), the station (2) and Hove (1) with nil elsewhere recognising existing arrangements and setting a standard of not normally granting more than 2 in a street. Officers have also deleted the opening times from the standard conditions as experience indicates that these serve no useful purpose and were an unnecessary obstacle to business.
- 3.5 Sex Entertainment Venues (lap dancing) – Officers suggest that committee don't take the absolute zero option (to allow our existing 3 to continue) but the policy is phrased as tightly as possible, restricting the appropriate number to three for the commercial Brighton adult leisure centre (city centre).
- 3.6 Some emerging issues include how this will affect LGBT premises and the need for an equalities impact assessment, what to do about "burlesque" which is currently fashionable and an enquiry from Lumina Leisure (the really big night clubs) about whether the new legislation catches scantily dressed podium dancers.

#### **4. CONSULTATION**

- 4.1 Early consultation was undertaken with the Licensing Strategy Group and Licensing Councillors. Brighton & Hove City Council has a new consultation portal which will be used as part of this consultation process.
- 4.2 The consultation period runs for 12 weeks starting from 15 June 2010.

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

- 5.1 Financial Implications:  
Licensing fees set at a level that officers reasonably expect will cover the cost of service provision. This will include administration and enforcement of the regime. The current sex establishment licensing fee is to be set by report elsewhere on agenda. Finance officers creating a trading account for our current sex shops consider that it is: a) justified, b) set too high and should remain static until expenditure meets income. The new sex encounter establishment licence would be part of the same regime as sex shops and it is recommended that the same fee is charged for sex shops and sex encounter establishments. There are currently 4 sex shops licensed by the council and there are 3 licensed premises that provide relevant entertainment.



Finance Officer Consulted: Karen Brookshaw

Date: 03.06.10

Legal Implications:

- 5.2 European Convention on Human Rights requires peaceful enjoyment of one's possessions and that includes licences etc and retrospective criminalization of acts, may have the same effect as protecting/grandfathering existing operators.

Lawyer Consulted: Rebecca Sidell

Date: 03.06.10

Equalities Implications:

- 5.3 New powers would allow communities more influence on location of lap dancing clubs

Sustainability Implications:

- 5.4 None.

Crime & Disorder Implications:

- 5.5 New powers would give local authorities scope to reject applications for lap dancing clubs

Risk and Opportunity Management Implications:

- 5.6 None.

Corporate / Citywide Implications:

- 5.7 Effectiveness of regulation will need monitoring. Proliferation of lap dancing clubs can affect the character of an area and concern local people.

**SUPPORTING DOCUMENTATION**

**Appendices:**

Appendix A – Draft Sex Establishment Licensing Policy

**Documents In Members' Rooms:**

None

**Background Documents:**

None

## **2010 Sex Establishment Policy**

### **Introduction**

The Council has a duty to promote gender equality, consider crime and disorder and ensure fair and rational determination of applications.

### **BRIGHTON & HOVE CITY COUNCIL POLICY FOR GRANT, RENEWAL OR TRANSFER OF LICENCES FOR SEX ESTABLISHMENTS, including sex shops, sex cinemas and sex entertainment venues (SEVs)**

These are mandatory grounds for refusal.

1.1 A licence will not be granted:-

- (a) to a person under the age of 18, or
- (b) to a person who is for the time being disqualified or
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made, or
- (d) to a body corporate which is not incorporated in the United Kingdom, or
- (e) to a person who has, within a period of twelve months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

These are obligatory grounds of refusal.

These are discretionary grounds for refusal. They would only be over-ridden in exceptional circumstances.

2.1 A licence will not normally be transferred in the following circumstances:-

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason, or
- (b) that if the licence were to be transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the transfer of such a licence if he made the application himself.

2.2 A licence will not normally be granted or renewed in the following circumstances.

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- (b) that if the licence were to be granted or renewed the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself.

The authority may determine the number of sex establishments applicable to a locality at any particular time.

### 3.0 **Sex shops and sex cinemas**

3.1 The Council will take into account:-

- proximity to schools and places of worship;
- proximity to community facilities and public buildings;
- cumulative adverse affects of existing sex establishments in the vicinity;
- proximity to areas with high levels of recorded crime;
- the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made, including where the sex establishment is part of a business, whether there is a separate street entrance to the sex establishment.

In order to discourage a proliferation of sex establishments and to ensure a concentration of sex establishments does not change the character of a neighbourhood to its detriment, licences will not normally be granted:

- (a) in a shopping centre or parade with an existing licensed sex establishment,
- (b) in an area of historic importance, or

(c) in any street with two or more licensed sex establishments.

3.2 A new licence will not normally be granted in the relevant locality at a time the application is made is equal to or exceeds the number the authority considers appropriate for the locality.

Locality	Appropriate number
St. James Street shopping parades	2
Brighton Station shopping parades	2
Hove shopping parades	1
All other residential, shopping, commercial, industrial land	Nil

### 3.3 Renewals

Licences will normally be renewed unless circumstances have changed. The following matters would be taken into account:-

- (a) levels of recorded crime and disorder linked to the licensed premises;
- (b) evidence of a demonstrable impact on neighbours' safety or amenity;
- (c) effectiveness of appropriate measures, such as conditions, to mitigate adverse impacts.

3.4 Licences will normally only be granted in predominantly commercial streets, without prejudice to considering individual applications on their merits and to the generality of paragraphs 3.0 and 3.3 above.

3.5 A sexual entertainment venue is defined as a premises where live performance or live display of nudity (pubic area, genitals, anus or women's nipples) takes place, directly or indirectly for the financial gain or the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises), provided or permitted to be provided by or on behalf of organiser, such a nature that, ignoring financial gain, must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (verbally or otherwise).

3.6 Applications for occasional events with restricted admissions are excepted or exempted from this general policy. This will allow the relevant committee or sub-committee to consider such applications on their individual merits, if objections are received.

3.7 Applications for mail order/internet sales only are excepted or exempted from this general policy, allowing the relevant committee or sub-committee to consider such applications on their individual merits.

### 3.8 Standard Conditions

All licences granted shall be subject to the Council's standard conditions.

### 4.0 Sex Entertainment Venues (SEVs)

This policy will apply to all applications for SEVs and will only be overridden in exceptional circumstances.

4.1 Licences for SEVs will not be granted within family residential areas, family leisure areas or retail areas where commercial occupiers argue plausibly that SEVs would lower the retail attraction of the area.

- Main shopping streets
- Areas with strong faith communities
- Educational areas
- Areas earmarked for regeneration
- Areas where VisitBrighton and tourism members and officers advise there should be no SEVs
- Areas with history of social difficulties
- Areas with high levels of recorded crime.

4.2 Licences for SEVs will not be granted within sightlines of:

- Schools, youth facilities and colleges
- Public buildings and community facilities

4.3 Except in exceptional circumstances, a new licence for a SEV will not be granted in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority considers appropriate for the locality, as follows:

Locality	Appropriate number
Brighton Leisure Centre	3
Hove Commercial Centre	Nil
All other areas within the City	Nil

#### **4.4 Guidelines**

- Preference is given to adult, night time leisure areas, arterial routes with high road traffic but little retail and low footfall.
- Character changes may make formerly suitable areas cease to be so.
- Whether Burlesque is considered SEV is a matter of fact and degree, use of waiver may be considered in appropriate circumstances.
- Dual regulation with the Licensing Act 2003 (licensable activities) will be avoided. Relevant entertainment will not also be considered regulated entertainment.
- Exceptional circumstances might include where an operator can identify an un-catered for market that is not unlawful.

#### **4.5 Policy and tacit authorisation**

All applications must be properly determined tacit authorisations further to EU Services Directive will not apply.

### **BRIGHTON & HOVE COUNCIL**

#### **STANDARD LICENCE CONDITIONS MADE BY REGULATION FOR SEX SHOPS AND SEX CINEMAS**

In these conditions reference to the Licensing Authority means the Brighton & Hove Council, and reference to Premises includes Vehicles, Vessels or Stalls.

1. The terms, conditions and restrictions attaching to the licence shall not be varied except by the Licensing Authority after written notice has been given to the Police and the Fire Authority.
2. All due precautions for the safety of the public and employees shall be taken and except with the approval of the Licensing Authority in writing, the Licensee shall retain control over all portions of the premises to which the licence applies.
3. Good order and decent behaviours shall be maintained in the licensed premises during the hours they are open to the public and the premises shall be conducted decently, soberly and in an orderly manner.
4. The Licensee or some responsible adult nominated by him in writing, and whose nomination has been approved in writing by the Council, shall be in charge of and present in the premises at all times when the public are on the premises. The person in charge shall not be engaged in any duties which will prevent him from exercising general

supervision. Nominations in writing, submitted to the Council for approval, shall include a photograph of the person to be nominated.

5. All parts of the premises to which the public are admitted and all passages, courts, corridors and stairways to which the public have access and which lead to the outside of the premises must, in the absence of adequate daylight, be illuminated by the general lighting when the public are present. Where artificial lighting is supplied for stairs, ramps, or passages external to the premises and is operated by a switch adjacent to an exit door, it need not be in continuous operation but it shall be maintained readily available for use. The general lighting shall be provided by electricity.
6. The Licensee shall comply with any reasonable fire preventative and safety measures that may be required of him by the East Sussex Fire & Rescue Authority or Licensing Authority.
7. All parts of the licensed premises shall be open to free ingress and inspection by:
  - (i) Duly authorised officers of the Licensing Authority;
  - (ii) Police Officers;
  - (iii) Officers of the Fire Authority.
8. The Licence, or a copy thereof, shall be exhibited on the premises and shall be available for inspection by any of the persons mentioned in condition 7 above.
9. Noise such as to cause persons in the neighbourhood to be unreasonably disturbed shall not be permitted to emanate from the premises.
10. The licensee shall at all times ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.
11. The Licensee shall take all reasonable steps to ensure that persons entering or leaving the licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and persons passing by.
12. The days and times the licensed premises are open to the public and a notice indicating those premises are open or closed may be displayed upon the door leading from the street or a public place into those premises and in letters and figures not exceeding 15 mm in height and 5 mm in thickness but on no other part of the premises. The door to which this paragraph applies shall be fitted with an effective self-closing

device and remain closed at all times other than when a person is passing through it.

13. The provisions of the Indecent Displays (Control) Act 1981 shall be complied with at all times, and the warning notice defined in Section 6 of the Act of 1981 shall not be displayed on the door leading from a street or public place into the licensed premises but instead shall be displayed on a door or screen located behind or beyond it.
14. Nothing shall be permitted to be on view or visible to members of the general public from the licensed premises which would in any way indicate that the premises are a sex establishment, or that the goods, merchandise or services available therein are those defined in Schedule 3 to the above Act of 1982 as “Sex Shop”, “Sex Article”, or “Sex Cinema” and the terms of this condition shall apply to any land premises giving access to the licensed premises and shall refer to the name or title of the premises, any advertisement or notice visible outside the premises and to any sound broadcast which can be heard outside the premises.
15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Shop by means of personal solicitation outside or in the vicinity of the premises.
16. No amusement or gaming machines of any kind, whether for prizes or otherwise, shall be kept or used upon the licensed premises at any time.
17. No person who is apparently under the age of eighteen years, or who is known to any person connected with the licensee’s business and present on the licensed premises to be under that age, shall be admitted to or allowed to remain on those premises.
18. The Licensing Authority reserve the power after the grant or renewal or transfer of this licence at any time to dispense with or modify or relax any of these terms, conditions and restrictions, and to make such additional terms, conditions and restrictions as they may deem requisite to meet the circumstances of any particular case.
19. The Licence may be revoked by the Licensing Authority if at any time the holder is convicted of any offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.



Prescribed standard conditions made by regulations for SEVs

1. No persons under 18 will be admitted to the premises. The premises will operate a 'Challenge 25' scheme, whereby anyone who appears to be aged 25 or younger is asked for photographic ID to prove their age. The only ID that will be accepted are passports, a driving licence with a photograph or Portman Group proof of age cards bearing the 'PASS' mark hologram. The above list of acceptable proof of age items may be extended to other forms of ID on the future with advance written agreement of the Police without the need to review the actual licence. The Challenge 25 rule and the stipulated forms of acceptable age identification will be clearly stated both on the premises website and on all membership applications, booking forms, customer contractual documents and promotional literature etc. In addition the licensee will provide a photographic identification system for all entrants to the premises. Recordings to be provided to the police at the request.
2. No under 18's events will be hosted anywhere on the premises at any time.
3. Whilst striptease entertainment is taking place, no customer under 18 shall be on the premises and clear notices shall be displayed at the entrance to the premises in a prominent position so that it can easily be read by persons entering the premises in the following terms:

NO PERSONS UNDER 18 TO BE ADMITTED  
ENTERTAINMENT WITHIN THESE PREMISES INVOLVES  
A FORM OF NUDITY  
IF YOU ARE LIKELY TO BE OFFENDED, PLEASE DO NOT ENTER

4. No intoxicating liquor shall be supplied for consumption off the premises
5. The only form of relevant entertainment which is approved and may be provided at the premises is striptease entertainment in the form of tableside and pole dancing by club dancers only.
6. The approved striptease entertainment shall be given only by the performers and entertainers and no audience and no audience participation shall be permitted
7. There shall be no physical contact between the customer and the dancer, with the exception of shaking hands with a customer and/or leading a customer by the hand from a seated area to a booth for a private dance. In addition and with the exception of the above, there shall be no deliberate physical contact between the customer and the dancer, either immediately before, during or after a dance.
8. Dancers shall only perform on the stage area or at a tableside to seated customers. All booths will have adequate lighting to ensure the safety of the dancer and to ensure that both the member / guest / audience and the performer are adhering to the Club rules at all times. A SIA licensed door supervisor will have a full and unrestricted view of any dancer performing in a booth at all times.
9. There shall be no physical contact between dancers whilst performing

10. Dancers may never give out personal information, including telephone numbers, email addresses or other contact details to audience members. Dancers may never accept any telephone number, addresses, business card or any other information from any customer.
11. The private booths will be designed in such a way that there can be no curtain or other visual barrier that can be pulled across the entrance, this concealing activities inside the booth area. The booths will be designed in such a way that the door supervisors / security staff can see into the booths to ensure the safety of the dancers performing inside and to ensure that the club rules are being strictly adhered to at all times.
12. All dancers / performers will be aged over 18 years of age and legally entitled to work in the UK before they perform at the Club. Copies of all dancers files will be made available to the Police Licensing for inspection upon request.
13. The licence holder shall ensure no dancers are trafficked, exploited or controlled for another's gain.
14. Where possible all dancers will be escorted from the premises at the end of each evening to their transport (eg taxis) to ensure their personal safety and security
15. Members and their guests may not at any time take photographs, film, video or mobile phone photographs or footage of performers.
16. The Licensee will ensure that there is no display outside the premises of photographs or other images that indicate or suggest that striptease or similar entertainment takes place on the premises.
17. Any promotional website for the premises must comply with A.S.A regulations and will not display photographs or other images of topless or nude performers, or show photographs or other images that may reasonably be construed as offensive. The website will include a clear requirement stating the challenge 25 proof of age.
18. Promotional literature. Any promotional literature circulated outside of the premises will not display photographs or other images of topless or nude performers, or show photographs or other images or words that may reasonably be construed as offensive. All promotional literature will include clear statements as to the requirements for challenge 25 proof of age.

## **All Sex Establishments**

### Hearing Procedures

New applications will be determined by Licensing Panel (Licensing Act 2003) (Licensing sub-committee). The usual hearing procedures for Licensing Panel will apply, accommodating provisions for objectors set out in paragraphs 9 of Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 concerning the objectors' names and addresses. Notice of hearing should be sent to all parties prior to hearing.

Applicant and objectors will have an opportunity to be heard.

A notice of hearing will be sent to all parties.

Renewal applications will normally be granted unless circumstances have changed. The Director of Environment is delegated authority to determine renewal applications.

Where there is any possibility that an application may be refused, the applicant must be given the opportunity to be heard by the Licensing Panel.

Any reasons for refusal will be notified orally as soon as possible and in a written statement within 7 days.



## COUNCIL

15 July 2010

## Agenda Item 16

Brighton & Hove City Council

<b>Subject:</b>	<b>Petitions Scheme</b>	
<b>Date of Meeting:</b>	<b>15 July 2010</b>	<b>Council</b>
	13 July 2010	Governance Committee
<b>Report of:</b>	<b>Director of Strategy and Governance</b>	
<b>Contact Officer:</b>	<b>Name: Elizabeth Culbert</b>	<b>Tel: 29-1515</b>
	<b>E-mail: elizabeth.culbert@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>	

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 ("the Local Democracy Act") sets out new statutory requirements for councils in relation to handling petitions, including a requirement to adopt a Petitions Scheme. This report explains the new provisions and makes recommendations for the adoption of a Petitions Scheme for Brighton & Hove City Council.
- 1.2 The Petitions Scheme proposed for Brighton & Hove goes much further than the minimum requirements of the legislation. The introduction of the Scheme has been taken as an opportunity to support the Council's work on improving customer engagement and to offer the public as wide access as possible to influence council decision making.

#### 2. RECOMMENDATIONS:

##### 2.1 That Governance Committee recommends to Council:-

- (1) That the Petitions Scheme attached as Appendix One be adopted as the Council's scheme for handling petitions pursuant to S11 Local Democracy Act 2009;
- (2) That the Council's constitution be amended in accordance with the draft amended Procedure Rules attached at Appendix Two.

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

- 3.1 On 22<sup>nd</sup> September 2009 Governance Committee approved the launch of a trial e-petitions scheme and agreed the guidance which would govern the scheme. This was reviewed and extended in April 2010.
- 3.2 There has been a good level of demand for the e-petitions facility which is likely to increase as, during the trial period, the availability of the online facility has not

been strongly marketed to allow time for the software and management of the system to be tested.

- 3.3 One of the drivers for introducing e-petitions for the Council was the anticipation of new statutory duties in relation to petitions. These new duties are contained in the Local Democracy Act 2009 and set minimum standards for councils in relation to handling petitions, including a requirement to have an e-petitions facility by December 2010.

### **The Petitions Scheme**

- 3.4 Councils must now publish a petitions scheme, setting out the detail of how they handle both e-petitions and paper petitions and the scheme must be available on the Council's website. Statutory Guidance has been published - "Listening to communities: Statutory Guidance on the duty to respond to petitions" which includes a model petitions scheme.
- 3.5 The proposed Petitions Scheme for Brighton & Hove City Council is attached at Appendix One. The Scheme covers all of the detail required by the Act and goes further - taking the opportunity to enable maximum use of petitions by the public as a means of engaging with the Council. A full scheme is required. In addition it is proposed that we communicate key messages and a summary of the Scheme which will be easier to pick up and use. The proposed communications plan is set out under 'Next Steps' at paragraph 4.1 below.

The key features of the new Petitions Scheme are:-

### **Who can petition?**

- 3.6 The Local Democracy Act requires that, as a minimum, anyone of any age who lives, works or studies in the authority's area can organise and/or sign a petition.
- 3.7 In Brighton & Hove it is proposed that the Council opens up the process further and allows a wider number of people to petition. Therefore the draft Petitions Scheme proposes that any person of any age who lives, works, studies or uses services in Brighton & Hove can petition the Council.
- 3.8 To be clear, this will also now include Members, who were previously not able to petition the Council on the basis that elected Members were able to engage directly in other ways.

### **E-Petitions**

- 3.9 The Act requires authorities to provide a facility for people to submit petitions electronically. The Council is only required to respond to electronic petitions that are submitted using the Council's e-petition facility and that comply with the requirements of the Petitions Scheme.
- 3.10 The legal requirement to provide an e-petitions facility does not come into force until December 2010. However, as the Council has already been trialling the e-

petitions facility, it is proposed to bring e-petitions and paper petitions together in the Petitions Scheme and bring the whole Scheme into force immediately following Council in July.

### **Responding to Petitions**

- 3.11 The Act allows flexibility for Councils to set a threshold for signatories that will receive a response. The proposed Scheme for Brighton & Hove does not include a threshold for signatories, meaning that any petition that complies with the guidelines set out in the Petitions Scheme will be acknowledged and will have the opportunity to be presented at a council meeting.
- 3.12 When considering a petition, the Act requires Councils to consider the following steps:
- Agreeing the action requested in the petition;
  - Referring the petition for consideration to a relevant decision-making meeting of the authority;
  - Holding an enquiry;
  - Holding a public meeting;
  - Commissioning research;
  - A written response to the petition organiser setting out the authority's views on the request in the petition;
  - Referring the petition to an overview and scrutiny committee

### **Exclusions**

- 3.13 The Petitions Scheme applies to petitions which relate to a function of the Council or relate an improvement in the economic, social or environmental well-being of the Council's area.
- 3.14 Petitions which are considered by the Monitoring Officer to be vexatious, abusive or otherwise inappropriate will not be accepted. The Statutory Guidance gives specific guidance on determining whether a petition should be excluded. In any case where the petition does not follow the guidelines in the Petitions Scheme, the petition organiser will receive a letter explaining the issues.
- 3.15 Consideration of petitions may also be refused if the issue is the subject of legal proceedings; relates to individual members of the community or is an excluded matter. Excluded matters are defined as:-
- Any matter relating to a planning decision;
  - Any matter relating to a licensing decision;
  - Any other matter relating to an individual or entity where there is a statutory right of recourse or appeal.

### **Petitions debates**

- 3.16 The Local Democracy Act requires that petitions which receive a significant level of support should be debated at a meeting of the Full Council. The debate would

result in a decision of the Full Council or a recommendation to Cabinet, whichever is appropriate depending on the issue.

- 3.17 Each local authority has the flexibility to set a threshold for the number of signatures required to trigger a Full Council debate, subject to a maximum threshold of 5% of the local population. In Brighton & Hove it is proposed that the threshold is set significantly lower at 1,250 signatories (approximately 0.5% of the population). The intention is to ensure that the threshold is achievable and that the power to trigger a Full Council debate is engaged. The Council can revise its thresholds at any time if either no debates or an unmanageable quantity are triggered. Any revision would require the approval of Full Council.

### **Petitions calling officers to account**

- 3.18 The Council's Petition Scheme must also allow for petitions to trigger a senior member of staff to attend a meeting of the Council's Overview and Scrutiny Committee and answer questions about their work. Again, each council has the flexibility to set an appropriate threshold for the minimum number of signatures required to trigger this action.
- 3.19 The Petitions Scheme for Brighton & Hove is proposing a threshold of 750 signatories to trigger an officer being called to account. The requirement is for this type of petition to apply to senior officers responsible for delivering council functions. In Brighton & Hove the Petitions Scheme includes the Chief Executive and Directors for this purpose. Following the implementation of the Intelligent Commissioning structure, it is proposed that the relevant officers would be the Chief Executive, Strategic Directors, Lead Commissioners and Heads of Delivery, Support and Resource Units.

### **Petition reviews**

- 3.20 An important new provision in the Petitions Scheme is the power to ask Overview and Scrutiny to review the Council's response if the petition organiser is not satisfied with it. If the Overview and Scrutiny Committee reviewing the matter is concerned about the adequacy of the response, it will have the power to carry out a full review or arrange for Full Council to do so. The Council will be required to inform the petition organiser of the outcome of the review and post the results on the council website.

## **4. Next Steps**

- 4.1 Subject to the approval of the draft Petitions Scheme by Full Council, it is proposed that the new arrangements come into effect immediately. There will be a communications plan to ensure that there is awareness of the new Scheme in the City. This will include:
- Press releases;
  - City News
  - Information on the Council's website



- An accessible summary of the scheme and key messages produced for the website and other media;
- Communication using our Community Development links and forums including attendance at meetings and use of community newsletters;
- Ongoing promotion of the scheme at Get Involved events taking place in the City.

4.2 In order to assess the impact of the scheme and its success in increasing opportunities to engage with the Council, it is proposed that a review of the scheme is considered by Governance Committee in June 2011.

## 5. CONSULTATION

5.1 Consultation has taken place internally with Democratic Services, the Communications Team, the Head of Scrutiny and the Head of Equalities and Inclusion. A review of the operation of the scheme will be considered by Governance Committee in June 2011.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

5.1 The costs associated with managing petitions and e- petitions is currently covered within the democratic services budget. If there was a significant increase in petition activity following completion of the trial additional resources would need to be identified as part of the budget process.

*Finance Officer consulted: Anne Silley Date: 28/06/10*

### Legal Implications:

5.2 As set out in the body of the report there is currently no legal requirement for the Council to provide an e-petitions facility. However, the provisions of the Local Democracy, Economic Development and Construction Act 2009 require this to be in place by December 2010. The provisions of the draft Petitions Scheme comply with the requirements of the Act.

*Lawyer Consulted: Elizabeth Culbert Date: 25/05/10*

### Equalities Implications:

5.3 The proposals increase accessibility to Council decision makers and the communications plan will ensure that awareness of the scheme is specifically targeted at harder to reach groups.

### Sustainability Implications:

5.4 The use of an on-line facility is likely to decrease the amount of paper petitions that are submitted.

Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The risks involved are that the demand for e-petitions is so high that the Modern.Gov system is not able to cope with the volume or that the number becomes unmanageable for Council meetings. The scheme includes the option of receiving a response direct from the Director which may assist in managing high numbers of petitions. To date the volume has been manageable and this will be kept under review. The scheme can be reviewed at any time with the approval of Full Council.

Corporate / Citywide Implications:

- 5.7 The initiative supports the "Get Involved" programme which is seeking to promote the Council, local democracy and active citizenship.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Draft Petitions Scheme for Brighton & Hove City Council
2. Extracts from Constitution with proposed amendments

**Documents In Members Rooms**

None

**Background Documents**

None

## **DRAFT Brighton & Hove City Council Petitions Scheme**

### **Petitions**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions should be sent to Democratic Services, King's House, Grand Avenue, Hove, East Sussex BN3 2LS at least 10 days before the meeting at which you would like the petition to be presented.

Petitions can also be created, signed and submitted online by following this link [submit a new e petition](#)

Once submitted, you will be offered the choice as to whether you wish the petition to be:-

- (i) Presented at the next full council meeting; or
- (ii) Referred directly to the appropriate public decision-making meeting for a response; or
- (iii) Responded to by the relevant Director.

If you wish to refer the petition to a full council meeting or directly to the relevant decision-making meeting, you will be invited to attend the meeting and will be offered the opportunity to either present the petition yourself or for a councillor or someone else to present it on your behalf. Dates and times of all council meetings can be found here [council meeting dates 2010](#). Alternatively, you may prefer to receive a response from the relevant Director without the petition being presented at a meeting, in which case a response will be sent to you within 21 working days of the closure of the petition and will be posted on the Council's website.

If your petition has received 1250 signatures or more it will be scheduled for a [full council debate](#) and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council. If your petition has received 750 signatures or more and is calling for a senior council officer to give evidence about something for which the officer is responsible as part of their job then it will be scheduled for a meeting of the relevant Overview and Scrutiny Committee – see [Officer Evidence](#) below.

If you would like to present your petition to the Council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on 01273 291006 at least 10 working days before the meeting and they will talk you through the process.

## **What are the guidelines for submitting a petition?**

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take; and
- the name and address and signature of any person supporting the petition.

Petitions can be signed by any person of any age who lives, works or studies in or uses services provided by Brighton and Hove City Council.

Petitions must relate to a function of the Council or relate to an improvement in the economic, social or environmental well-being of the Council's area to which any of our [Partner Authorities](#) could contribute.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

## **What will the council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here:

[Influence council decisions – make your voice heard](#)

We will not take action on any petition which considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate and, if this is the case, we will explain our reasons in our acknowledgement of the petition.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will discuss with the

petition organiser the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

## **How will the council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it. Among the options that the council may consider are:-

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee\*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

\*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners (see [here](#)) and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [Council services](#).

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

## Full council debates

If a petition contains more than 1,250 signatures, and is not a petition requesting [officer evidence](#), it will be debated by the full council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 3 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains at least 750 signatures, [the relevant senior officer](#) will give evidence at a public meeting of the council's overview and scrutiny committee.

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Tom Hook, Head of Scrutiny up to three working days before the meeting. For all overview & scrutiny committees please email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk) or call Tom Hook, Head of Scrutiny on 291110. The overview and scrutiny meeting does not have power to make or change decisions but may make a report or recommendations to the relevant decision making meeting. A copy of the overview and scrutiny report or recommendations will be sent to you.

## E-petitions

The council welcomes e-petitions which are created and submitted through our website [e-petition](#). E-petitions must follow the same [guidelines](#) as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for 4 months, but you can choose a shorter or longer timeframe, up to a maximum of 6 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days confirming what we plan to do with the petition and when you can expect to hear from us again. It will also be published on our website. If you would like to present your e-petition to a meeting of the council, or would like a Councillor to present it, please contact Democratic Services at least 10 working days before the meeting and they will talk you through the process.

### **How do I start an e-petition?**

On the [e-petitions](#) homepage, select the 'submit a new e-petition' option. You will be prompted to enter a title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently. There is also a drop down box which allows you to associate your e-petition with any existing issue in the Council's Forward Plan. The [Forward Plan](#) details all of the key decisions to be taken by the council in the coming months. You will then need to fill in the online form. This will be submitted to the Democratic Services team who may contact you to discuss your e-petition before it goes live.

### **How do I 'sign' an e-petition?**

You can see all the e-petitions currently available for signature here [current email petitions](#).

You can only sign an e-petition once. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible. From time to time, the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

## **Can I still submit a paper petition?**

You can submit petitions in both forms - you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

## **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the adequacy of the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate. Your requests for review should be sent to the Head of Scrutiny, Kings House, Grand Avenue, Hove, East Sussex BN3 2LS or by email to [tom.hook@brighton-hove.gov.uk](mailto:tom.hook@brighton-hove.gov.uk)

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

## **Alternative formats and languages**

If you would like information published by Brighton & Hove Council in large print, braille, audio tape, in pictures and symbols, or in a community language please call Democracy Service on 01273 291006.

## **Partner Authorities**

For the purpose of this scheme, each of the following is a partner authority:-

- East Sussex Fire and Rescue Authority;
- South Downs National Park Authority;
- East Sussex Police;
- a chief officer of police;



- a joint waste authority established under section 207(1);
- NHS Brighton & Hove;
- The South East England Development Agency (SEEDA);
- Surrey and Sussex Probation Trust;
- South Downs NHS Trust
- the Arts Council of England;
- the English Sports Council;
- the Environment Agency;
- the Health and Safety Executive;
- the Historic Buildings and Monuments Commission;
- the Learning and Skills Council for England;
- the Museums, Libraries and Archives Council;
- Natural England;
- the Secretary of State, but only in relation to—
- his functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);
- functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and
- functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).

**Senior officers who may be called to give evidence in response to a petition**

- Chief Executive
- Director Children's Services
- Acting Direct Adult Services
- Director Strategy and Governance
- Direct of Finance
- Director of Culture
- Director of Environment



## PART 3.2 COUNCIL PROCEDURE RULES

### CONTENTS

#### Part 1: Introduction

- Rule 1.1: Application
- Rule 1.2-1.3: Amendment of Rules
- Rule 1.4-1.5: Interpretation
- Rule 1.6: Service of Notices and other Documents
- Rule 1.7: Suspension of Rules

#### Part 2: Meetings of the Council

- Rule 2: Annual Meeting
  - 2.1: *Timing*
  - 2.2: *Agenda*
- Rule 3: Ordinary Meetings of the Council
  - 3.1: *Meeting Days*
  - 3.2: *Time and Place*
- Rule 4: Extraordinary Meetings of the Council
  - 4.1-4.3: *Called by the Mayor*
  - 4.4: *Requisitioned by Members*
  - 4.5: *Called by Council or Officers*
- Rule 5: Person Presiding at Meetings of the Council
- Rule 6: Quorum of Meetings of the Council
- Rule 7: Order of Business at Meetings of the Council
  - 7.1: *Order of Business*
  - 7.2: *Variation of Order of Business*
  - 7.3: *Urgent Items*
  - 7.4: *Withdrawal of Items from the Agenda*

#### Part 3: Notices of Motion, Questions, Petitions & Deputations

- Rule 8: Notices of Motion
  - 8.1: *Procedural Requirements*
  - 8.2-8.3: *Substantive and declaratory Motions*
  - 8.4: *Members' Right to Speak*
  - 8.5: *Reporting of Outcome of Notice of Motion*
  - 8.6: *Moving a Motion*
  - 8.7: *Relevance*
  - 8.8: *Consultation*
- Rule 9: Questions
  - 9.1: *Relevance*
  - 9.2-9.7: *Written Questions from Members*
  - 9.8: *Oral Questions from Members on Reports*
  - 9.9-9.20: *Public Questions*
- Rule 10: Petitions
  - [10.1: Presentation of Petitions](#)
  - [10.4: Action following Petitions](#)
  - [10.5: Debate on Petitions](#)
  - [10.9: Officer evidence](#)

**Deleted:** 10.1: Preliminary Requirements¶  
10.2: Notice of Petition¶  
10.3-10.4: Presentation of Petition¶  
10.5: Action following Petition

Rule 11: Deputations  
 11.1-11.2: Procedural Requirements  
 11.3: Relevance

**Rule 10: Petitions**

**Presentation of Petitions**

10.1 At a meeting of the Council any Member of the Council or a Member of the public may present a petition which is, submitted in accordance with the Council's scheme for handling petitions.

10.2 The presentation of the petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories.

10.3 Petitions shall be presented in the order in which notice of them is received by the Mayor.

**Action following petitions**

A petition with less than 1250 signatories presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet or relevant Cabinet Member, Committee or Sub-Committee. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme.

**Debate on petitions**

10.5 A qualifying petition with 1250 or more signatures will trigger a debate at full council, except where the petition is asking for a senior officer to give evidence.

10.6 A petition meeting the criteria set out at 10.5 above may be debated at the meeting at which it is presented or at a later meeting.

10.7 There shall be a quillotine on the debate on the petition of 15 minutes, after which the vote will be put, unless the Mayor at his or her discretion extends the debate.

10.8 The Council will decide how to respond to the petition and shall decide either:-

- To take the action the petition requests;
- Not to take the action the petition requests for reasons stated in the debate;

**Deleted: Preliminary Requirements¶**

**Deleted:** signed by persons other than Members of the Council, which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of the

**Deleted:** m.

**Deleted:** The Member presenting the petition shall satisfy himself/herself that the petition is proper to be received.

**Deleted:** ¶

**Deleted: Notice of Petition¶**

**Deleted:** A Member wishing to present a petition shall give notice of his/her intention to do so to the Mayor before the beginning of the meeting at which he/she wishes to present it. ¶

¶ **Presentation of Petition¶**

¶ 10.3

**Deleted:** The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories. ¶

¶ 10.4 . Petitions shall be presented in the order in which notice of them is received by the Mayor.

**Deleted: Action following petition¶**

**Deleted:** 5

**Deleted:** A petition presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet or relevant Cabinet Member, Committee or Sub-Committee. The Member of the Council presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the petition.

- To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;
- To refer the petition to Cabinet or the relevant Cabinet Member Meeting where the matter relates to an executive function, in which case the Council may make recommendations to the relevant executive decision making body.

### Officer evidence

10.9 The officers to be called to give evidence at a public meeting under section 16 Local Democracy, Economic Development and Construction Act 2009 and pursuant to the Council's scheme for handling petitions are:-

- The Chief Executive
- Directors

## **PART 4.3 CABINET PROCEDURE RULES**

### **How are Cabinet Meetings Conducted?**

#### **2.1 Who presides?**

If the Leader is present he/she will preside. In his/her absence, one of the Deputy Leaders shall preside. In the absence of both the Leader and Deputy Leaders, a person appointed to do so by those present shall preside.

In the case of Cabinet Committees (if any) the Leader shall appoint the person to preside at the meeting.

The relevant Cabinet Member shall preside at individual Cabinet Member decision-making meetings.

#### **2.2 Who may attend and speak?**

(a) All meetings of the executive are usually open to the public. The details are set out in the Access to Information Rules in part 8 of this Constitution.

(b) In addition to the rights Members may have as members of the public:

- i) the Leader/Convenor of the opposition parties or his/her nominee shall be entitled to attend and speak at the meeting of the Cabinet, its Committees and individual Cabinet Member meetings.
- ii) any other Member of the Council may, subject to the agreement of the chairman of the meeting, attend and speak at meetings of the Cabinet, its Committee and Cabinet Member meetings.
- iii) the provisions of the Council Procedure Rules regarding Member questions, presentation of petitions, deputations and Members' letters shall apply to meetings of the Executive. A Councillor or a member of the public wishing to present a petition, question or deputation shall have the option of presenting them at Full Council or the Cabinet, a Committee of the Cabinet or a Cabinet Member meeting.
- iv) where a person presents a question, petition or delegation but does not specify the forum at which he/she wishes it to be presented, the Head of Democratic Services may refer the same to the most appropriate

forum having taken reasonable steps to ascertain the wishes of the originator. There will be a presumption that any question, petition or deputation relating to an executive function shall be referred to the Cabinet meeting.

v) the protocol for public questions in Part 9 of the Constitution shall apply to meetings of the Executive.

vi) The Council's Petitions Scheme shall apply to meetings of the Executive. This includes the requirement that when deciding how to respond to the petition, the Executive will include in its consideration the following options:-

- agreeing the action requested in the petition
- not agreeing the action requested and a written response to the petition organiser setting out the authority's reasons
- referring the petition for consideration to a relevant decision making meeting of the authority
- holding an inquiry
- holding a public meeting
- commissioning research
- referring the petition to an overview and scrutiny committee

### **2.3 What business?**

At each meeting of the Executive the following business shall be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) public and Member questions;
- iv) petitions and deputations from the public;
- v) Members' letters;
- vi) matters referred to the Cabinet, Cabinet Committee or Cabinet Member (whether by an overview and scrutiny committee or by Full Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules set out in Part 6 of this Constitution, or the Budget and Policy Framework Procedure Rules set out in Part 4;

- vii) consideration of reports from overview and scrutiny committees;  
and
- viii) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 8 of this Constitution.

#### **2.4 Consultation**

All reports to the Cabinet, a Cabinet Committee or a Cabinet Member relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters shall set out the details and outcome of consultation as appropriate. The level of consultation required shall be appropriate to the nature of the matter under consideration.



## **PART 6.1 OVERVIEW AND SCRUTINY TERMS OF REFERENCE AND PROCEDURE RULES**

### **1. The number and arrangements for Overview and Scrutiny Committees**

- 1.1 The Council will appoint the Overview and Scrutiny Commission and five further Overview and Scrutiny Committees as set out in Article 6. The Overview and Scrutiny Commission will co-ordinate the Overview and Scrutiny function and work programme. The Commission will approve the appointment of Sub-Committees to carry out in depth reviews (Select Committees). Short, sharply focussed scrutiny reviews (Ad Hoc Panels) may be carried out by each Committee at its own instigation.

### **2. Terms of Reference of Committees**

#### **2.1 Overview and Scrutiny Commission – Resources and Corporate Performance**

- 2.1.1 To co-ordinate the work of the Overview and Scrutiny Committees as set out under “Functions” below.

- 2.1.2 To review and scrutinise all matters, Executive decisions and service provision relating to the specific functions of Leader of the Council as set out under Part 4.2 of the constitution.

- 2.1.3 To review and scrutinise all matters, Executive decisions and service provision relating to the Finance function, including

- Council’s annual budget; and
- the Council’s performance in relation to overall budgetary management.

- 2.1.4 To review and scrutinise all matters, Executive decisions and service provision relating to Central Services, in particular;-

- to review and scrutinise the delivery and performance of the Council’s support services including:

- Finance
- Property
- ICT
- Customer Services
- Corporate Procurement
- Legal Services
- Democratic Services
- Policy
- Communications
- Human Resources

□ Improvement & Organisational Development

- to review and scrutinise the establishment of joint working with other authorities, including the effectiveness of any shared services arrangements
- Overview and Scrutiny of council wide performance monitoring, relationships with Auditors and Regulators, Comprehensive Performance Assessment, Local Area Agreement etc.

2.1.5 To review and scrutinise all matters, Executive decisions and service provision relating to Community Affairs, Equalities and Inclusion and sustainability.

2.1.6 To review and scrutinise any other Council function not otherwise addressed by any other Overview and Scrutiny Committee.

2.1.7 To scrutinise the effectiveness of the arrangements for partnership working including the local strategic partnership and the Local Public Service Boards and the Council's contribution to them and specifically in relation to the Local Area Agreement.

2.1.8 To scrutinise the effectiveness of the Council's representation in regional/sub regional and national forums.

2.1.9 To review and scrutinise all matters relating to corporate policy and methodology for public consultation and involvement undertaken by the Council.

2.1.10 To review and scrutinise the Council's corporate communications strategy.

2.1.11 In accordance with the Council's Petitions Scheme, to receive, or refer to the appropriate Overview and Scrutiny Committee, petitions containing 750 or more signatories asking for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job.

2.1.12 The officers who may be called to give evidence are:-

- The Chief Executive
- Directors

2.1.13 In accordance with the Council's Petitions Scheme, to consider requests, or refer them to the appropriate Overview and Scrutiny Committee, for a review of the Council's response to a petition under s21(2)(a) Local Government Act 2000 (or to arrange, pursuant to s21(3)(b) for a meeting of the full council to do so).

15 July 2010

Brighton &amp; Hove City Council

**Subject: Mandatory Development for Planning Committee****Date of Meeting: 15 July 2010 Full Council**  
13 July 2010 Governance Committee**Report of: Director of Environment**  
**Director of Strategy and Governance****Contact Officer: Name: Jeanette Walsh Tel: 29-2195**  
**Caroline Banfield 29-1126****E-mail: jeanette.walsh@brighton-hove.gov.uk**  
**caroline.banfield@brighton-hove.gov.uk****Wards Affected: All****FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The council's Constitution specifies at Part 5.1 that Planning Committee exercises the council's functions in relation to development control matters. It also specifies that the council may approve a restricted pool of councillors to serve as members or substitute members of the committee, in which case any meeting of the committee must comprise only councillors from the pool and no substitution by non-pool councillors will be allowed.
- 1.2 The Council (since its inception) has required any member of that pool to undergo mandatory training prior to attending their first Planning Committee meeting, whether they do so as a full member or a substitute member. This training is organised and delivered by the Head of Development Control in conjunction with the Senior Solicitor on an as required basis. The mandatory training currently needs to be refreshed every two years. The training is essentially a three (3) hour session. Records of attendance are kept by Development Control and these are shared with Democratic Services.
- 1.3 On 27 April 2010, the Overview and Scrutiny Commission was asked to comment on a proposal that any member of the Planning pool must undertake mandatory training every six months in order to retain his/her ability to sit on the Planning Committee. This proposal was made to ensure that all members who make planning decisions remain up to date with fast changing legal and policy considerations that they need to apply when making those decisions.
- 1.4 The Overview and Scrutiny Commission welcomed and approved the proposal.

## **2. RECOMMENDATIONS:**

### **2.1 That the Governance Committee:**

- (i) Supports the proposal that:
  - (a) mandatory training for all members of the Planning pool be introduced on a six-monthly basis;
  - (b) the training be open to all other members to attend on a non-mandatory basis
  - (c) any mandatory development sessions should be offered on at least two different timeslots to take account of members' other commitments.
- (ii) Recommends to Council that the proposal be approved.
- (iii) Agrees that, subject to Council approval, the changes come into force immediately after the Council meeting of 15 July 2010.

### **2.2 That Full Council:**

- (i) Approves the proposals as set out in paragraph 2.1 (i) above.
- (ii) Authorises the Head of Law to amend the constitution to reflect the above, including making consequential drafting amendments.
- (iii) Agrees that the requirement for ongoing mandatory planning training every six months should come into force with effect from 16 July 2010 and that the first mandatory session be arranged as quickly as possible following its meeting.

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

- 3.1 Brighton & Hove City Council supports its Members through the provision of an annual development programme that is commissioned by the Member Development Working Group and organised by Democratic Services. The Working Group comprises Councillor Ken Norman (Chair), Councillor Gill Mitchell, Councillor Ian Davey and Councillor David Watkins.
- 3.2 In addition to the annual development programme produced by the Member Development Working Group, committee and/or role specific training is arranged by a number of other council teams. In relation to Planning Committee, the Head of Development Control organises a programme of events each year which all members of Planning Committee are invited to attend.
- 3.3 The Planning Committee has a duty to determine planning applications in accordance with adopted policy and relevant legislation and case law. Decisions made by the Planning Committee can be the subject of appeal and legal challenge on the basis that the Committee has or has not followed the correct procedure or has not taken into account matters that it should have or has taken

into account matters which it should not. In either case, this could leave the Council open to challenge and to the risk of costly legal action and result in decisions being quashed.

- 3.4 The Planning Committee meets every three weeks and as such is the most frequently convened meeting in the council diary. It attracts significant interest from residents, who follow its proceedings in person at meetings or via web casts of those meetings. As well as being legally and procedurally correct, it is important, therefore, that its proceedings are seen to be conducted effectively and efficiently in order to contribute to enhancing the council's reputation in the eyes of the people it represents.
- 3.5 As part of the work being undertaken by the department for Communities and Local Government (CLG) through the Killian Pretty Review there has been a significant amount of change to legislation and the way the planning policy framework is constructed. In addition there is a cultural change programme which expects planning divisions across the country to move to a model of Development Management. Essentially, this has been and will continue to be a move towards a spatial planning and partnership working.
- 3.6 As part of the ideas behind a move to Development Management there is a very real recognition of an increased role for Members to play in getting involved in pre-application discussions about development and thus having a real hand in the place shaping agenda.
- 3.7 The rationale for bi-annual, and mandatory, training for members of Planning Committee is based on the fact that planning is a fast changing area of public policy and law and will continue to be the subject of significant scrutiny in the future. Coupled with this there is a real need to include elected members into the realm of pre-application discussions. In order to do this members need to have the support of up to date training which will give them the skills to ensure they can carry out their roles to the best of their abilities.
- 3.8 In order to ensure that Members have a reasonable opportunity to attend these workshops, a choice of two sessions will be offered wherever possible, one during the day and another at a suitable time for those councillors who work or who have other day time commitments. This may not always be possible where there are external providers, but all endeavours will be made to meet members' requirements. Spare places will be offered to members who do not sit on Planning Committee but who are interested in building on their understanding of planning matters.
- 3.9 Therefore it is proposed that:
  - a) mandatory training for all members of the Planning pool be introduced on a six-monthly basis;
  - (b) the training be open to all other members to attend on a non-mandatory basis
  - (c) any mandatory development sessions should be offered on at least two different timeslots to take account of members' other commitments.

- 3.10 The Head of Development Control and the Democratic Services Manager will both keep records of the training attended by each member of Planning Committee. In the event of any non-attendance of the proposed mandatory training, the Head of Democratic Services would liaise with the relevant Group Leader to ask him/her to nominate an alternative who has completed all such training.

#### **4. CONSULTATION**

- 4.1 This matter was considered by the Member Development Working Group and the Chairman of Planning Committee on 20 April 2010, when all indicated that they would support the introduction of mandatory training for Planning Committee members.

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

##### Financial Implications:

- 5.1 There would be two sessions once every 6 months. We would ask the Planning Advisory Service or another organisation to support this training. The training would be managed and arranged by officers but with support. It is likely that each day (two sessions on the day) would cost in the region of £1,000.00. The more regularly the sessions are arranged the more likelihood that the cost would go down.

*Finance Officer Consulted: Derek Mansfield Date: 01/04/10*

##### Legal Implications:

- 5.2 Training and development of members of Planning Committee is essential in ensuring that those members are up to date regarding legal and policy considerations relevant to the planning decisions that they are asked to make. A mandatory rolling development programme will assist members with an appreciation of the relevant legal issues and assist the Council in discharging its obligations fully and in limiting potential legal challenges.

- 5.3 The decision-making route to get these changes approved is via Governance Committee to Full Council.

*Lawyer Consulted: Hilary Woodward Date: 24/03/10*

##### Equalities Implications:

- 5.4 This report does not have any specific impact on equalities.

##### Sustainability Implications:

- 5.5 This report does not have any specific impact on sustainability.

##### Crime & Disorder Implications:

- 5.6 This report does not have any specific impact on Crime & Disorder.

Risk & Opportunity Management Implications:

- 5.7 There is a risk to the council if proper training is not undertaken and challenges are made to planning committee decisions as a result.

Corporate / Citywide Implications:

- 5.8 Demonstrating to prospective councillors that there is a robust framework of relevant training and development in place will encourage more people to stand as councillors.

**SUPPORTING DOCUMENTATION**

**Appendices**

1. Extract from the proceedings of the Overview & Scrutiny Commission meeting held on 27 April 2010.

**Documents in Members' Rooms**

None

**Background Documents**

None





<b>Council</b>	<b>Agenda Item 18(a)</b>
15 July 2010	Brighton & Hove City Council

## **NOTICE OF MOTION**

### **LABOUR GROUP**

#### **A RETURN TO THE COMMITTEE SYSTEM OF GOVERNANCE FOR BRIGHTON & HOVE CITY COUNCIL**

In its document 'The Coalition: our programme for government' published in May 2010, the new government states;

"We will allow councils to return to the committee system, should they wish to do so."

Prior to its implementation in 2008, all political parties represented on Brighton & Hove City Council were opposed to the Leader and Cabinet System and accordingly this council:

- Reaffirms its desire to return to the committee system of governance;
- Requests the Chief Executive of the Council to write to the Minister with responsibility for Communities and Local Government stating that this council wishes to return to the committee system and seeks clarification of the process to be followed.

Proposed by: Cllr Gill Mitchell

Seconded by: Cllr Mo Marsh

Supported by: Cllrs Anne Meadows, Warren Morgan, Melanie Davis, Pat Hawkes, Juliet McCaffery, Les Hamilton, Bob Carden, Christine Simpson, Jeane Lepper, Craig Turton.



**NOTICE OF MOTION****GREEN GROUP****HOUSING BENEFIT**

This council recalls the period in the 1990s when Housing Benefit changes led to a crisis in rough sleeping and homelessness.

It acknowledges the excellent work of the city housing team, Brighton Housing Trust, the Sussex Central YMCA, CRI and others who have dramatically reduced the problems.

However, it fears the Coalition Government's recent proposals to cut Housing Benefit and the Job Seeker's Allowance could result in a return to the homelessness and rough sleeping levels of the 1990s, with younger single people and families with children particularly affected.

The changes could have a profound effect on Brighton and Hove, a city with double (24 per cent) the national average of private rented housing and a critical shortage of social housing.

This council therefore requests the Chief Executive to write to:

1. the Coalition Government asking the government to withdraw the proposals affecting Housing Benefit and Job Seeker's Allowance and to consult with the Local Government Association, the National Housing Federation, private landlords' organisations, the CAB and other advice agencies to find a way forward; and
2. the city's three MPs asking them to support the council's request by making a direct approach to Ministers.

Proposed by: Cllr Bill Randall

Seconded by: Cllr Georgia Wrighton

Supported by: Cllrs Ian Davey, Ben Duncan, Rachel Fryer, Amy Kennedy, Jason Kitcat, Alex Phillips, Sven Rufus, Paul Steedman, Vicky Wakefield-Jarrett and Pete West



**NOTICE OF MOTION****GREEN GROUP****OPPOSING CUTS AND 'INTELLIGENT COMMISSIONING' AS THE RESPONSE**

"This Council notes with dismay the cuts imposed upon it by the Conservative/Liberal Democrat government, amounting to £3.55 million within the current financial year. These cuts will hit services to all residents, but particularly the most vulnerable and those least able to lose the support of our public servants.

Local government including this Council, has continued to deliver annual efficiency savings and so played no part in causing the current national government's budgetary deficit. These cuts unfairly penalise this Council, put public sector jobs at risk and threaten important programmes including Connexions, housing benefit and road safety improvements.

This Council deplores the Government's willingness to hand down swingeing cuts without providing any additional powers to raise funds in a fairer way than the regressive council tax system.

This Council also notes the Conservative Administration's stated desire to adopt a process of outsourcing and privatisation labelled 'Intelligent Commissioning'.

This Council expresses full confidence in its staff and would wish to protect their pay and conditions. It expresses concerns in respect of 'Intelligent Commissioning' which it feels risks:

- Wasting time and resources on lengthy tendering processes;
- Outsourcing services to private firms who will place profit ahead of public service;
- A hugely negative impact on staff morale.

With less than a year until local elections, this Council questions the timing of this restructure and the political mandate for its implementation.

This Council also refutes the need for the high salaries of the new strategic directors proposed for this restructure.

This Council agrees that the main sources of the national deficit were:

- A huge bailout of failed banking institutions which the previous Labour government failed to properly regulate;

- The vastly expensive foreign wars pursued in Iraq and Afghanistan with the support of Tory and Labour MPs;
- Billions spent on unnecessary projects including ID cards and Trident nuclear weapons;
- A failure to address massive tax evasion by corporations and wealthy individuals.

This Council requests that:

- The Leader & Chief Executive reconsider their approach to restructuring the Council;
- The Chief Executive write to Eric Pickles, Secretary of State for Communities and Local Government, requesting he reconsider the huge cuts imposed on this Council;
- The Chief Executive write to the city's three MPs asking them to support the council's request to the Secretary of State Eric Pickles to reconsider the cuts he has imposed.

Proposed by: Cllr Jason Kitcat

Seconded by: Cllr Ben Duncan

Supported by: Cllrs Alex Phillips, Sven Rufus, Ian Davey, Pete West, Bill Randall, Georgia Wrighton, Vicky Wakefield-Jarrett, Paul Steedman, Rachel Fryer and Amy Kennedy