



Brighton & Hove
City Council

Cabinet Meeting

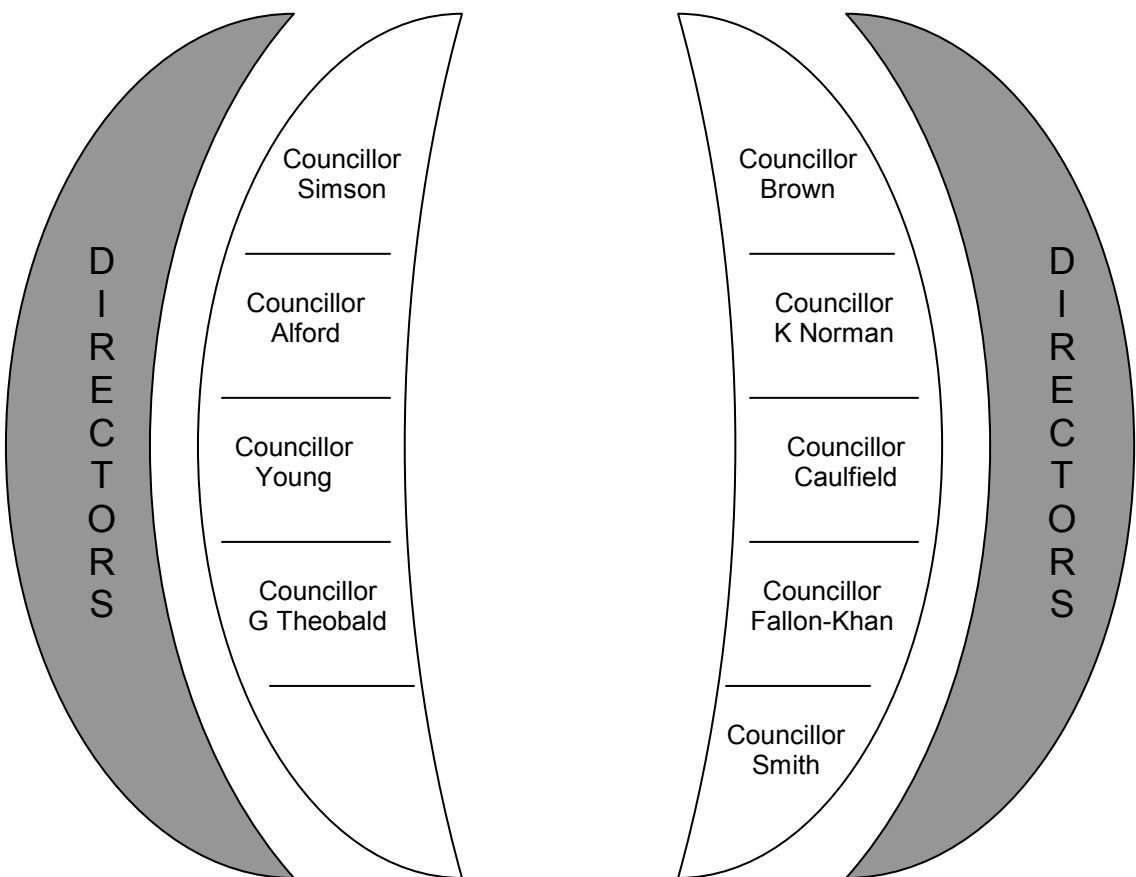
Title:	Cabinet
Date:	23 September 2010
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Mears (Chairman) Alford, Brown, Caulfield, Fallon-Khan, K Norman, Simson, Smith, G Theobald and Young
Contact:	Tanya Davies Acting Democratic Services Manager 01273 291227 tanya.davies@brighton-hove.gov.uk

	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.
	FIRE / EMERGENCY EVACUATION PROCEDURE If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none">• You should proceed calmly; do not run and do not use the lifts;• Do not stop to collect personal belongings;• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and• Do not re-enter the building until told that it is safe to do so.

Democratic Services: Meeting Layout

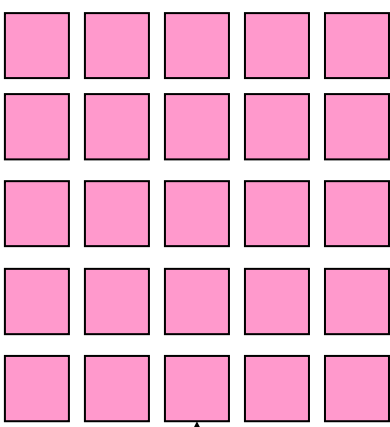
Director of Strategy & Governance Councillor Mears Chief Executive Democratic Services Officer

OFFICERS
OFFICERS



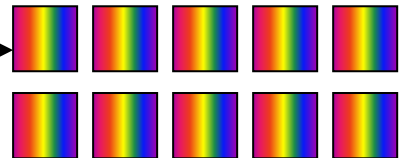
OFFICERS
OFFICERS

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



Public Seating

Members in Attendance



Press



AGENDA

54. PROCEDURAL BUSINESS

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

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

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

55. MINUTES OF THE PREVIOUS MEETING**1 - 16**

Minutes of the Meeting held on 22 July 2010 (copy attached).

56. CHAIRMAN'S COMMUNICATIONS**57. ITEMS RESERVED FOR DISCUSSION**

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

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

58. PETITIONS**17 - 18**

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

Contact Officer: Tanya Davies

Tel: 29-1227

Ward Affected: All Wards

59. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 16 September 2010)

No public questions received by date of publication.

CABINET

60. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 16 September 2010)

No deputations received by date of publication.

61. LETTERS FROM COUNCILLORS

(The closing date for receipt of letters from Councillors is 10.00am on 13 September 2010)

No letters have been received.

62. WRITTEN QUESTIONS FROM COUNCILLORS

19 - 20

(The closing date for receipt of written questions from Councillors is 10.00am on 13 September 2010)

(copy attached).

63. NOTICES OF MOTION

No Notices of Motion have been referred.

FINANCIAL MATTERS

64. Targeted Budget Management (TBM) Month 4

21 - 52

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

Contact Officer: Patrick Rice

Tel: 29-1268

Ward Affected: All Wards

STRATEGIC & POLICY MATTERS

65. Response to the recommendations of the Overview and Scrutiny Commission's Climate Change Adaptation Scrutiny Panel

53 - 156

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

Contact Officer: Thurstan Crockett

Tel: 29-2503

Ward Affected: All Wards

PROPERTY & REGENERATION MATTERS

66. Improving Brighton Centre Economic Impact

157 - 164

Report of the Acting Director of Culture & Enterprise (copy attached).

Contact Officer: Adam Bates

Tel: 29-2600

Ward Affected: All Wards

CABINET

CONTRACTUAL MATTERS

67. Waivers of Contract Standing Orders **165 - 174**

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

Contact Officer: Claire Jones *Tel:* 29-1480

Ward Affected: All Wards

68. Contract for the provision of Modern Records Storage Services to Brighton & Hove City Council **175 - 180**

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

Contact Officer: Paul Colbran *Tel:* 29-0283

Ward Affected: All Wards

69. Recruitment Advertising Marketing & Communications Contract **181 - 186**

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

Contact Officer: Lance Richard *Tel:* 29-5925

Ward Affected: All Wards

GENERAL MATTERS

70. Response to the recommendations made by the Staff Disabilities Scrutiny Panel **187 - 222**

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

Contact Officer: Charlotte Thomas *Tel:* 29-1290

Ward Affected: All Wards

71. Old Market Trust **223 - 226**

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

Contact Officer: Catherine Vaughan *Tel:* 29-1333

Ward Affected: Brunswick & Adelaide

72. Surveillance Policy **227 - 232**

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

Contact Officer: Jo Player *Tel:* 29-4086

Ward Affected: All Wards

73. PART TWO MINUTES OF THE PREVIOUS MEETING**233 - 234**

Part Two Minutes of the Meeting held on 22 July 2010 (copy circulated to Members only).

74. PART TWO ITEMS

To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

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. 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 Tanya Davies, (01273 291227, email tanya.davies@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 22 JULY 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

Other Members present: Councillors Fryer, Hamilton, Hawkes, Kemble, Marsh, Morgan, Oxley and Smart

PART ONE**31. PROCEDURAL BUSINESS****31a Declarations of Interest**

31a.1 Councillor Randall declared a personal, but non-prejudicial, interest in item 43, an report of the Director of Finance & Resources concerning in-year government grant reductions, as his grandson had been involved in making an application to the Youth Capital Fund.

31a.2 Councillor Brown declared a personal, but non-prejudicial, interest in item 43 due to her role as a Board member of Creating Futures.

31b Exclusion of Press and Public

31b.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

31b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of item 52 onwards.

32. MINUTES OF THE PREVIOUS MEETING

- 32.1 **RESOLVED** - That the minutes of the meeting held on 17 June 2010 be approved as a correct record.

33. CHAIRMAN'S COMMUNICATIONS

- 33.1 The Chairman noted that the meeting would be webcast.
- 33.2 The Chairman advised that a number of the reports on the agenda related to the economic challenges facing the council and how they would be managed and mitigated in order to work towards the priority of developing and maintaining a sustainable economy.
- 33.3 The Chairman reported that Unison had announced that they would be balloting council staff on strike action in September. She stated that while she understood that such decisions were carefully considered, the Administration could envisage no alternative to in-year grant reductions proposed.
- 33.4 The Chairman advised that, despite the economic challenges ahead, the council would do everything it could to maintain its reputation as an innovator and leading council, and that recent 'Transport Authority of the Year' and 'Recruitment Partnership' awards demonstrated this commitment.

34. ITEMS RESERVED FOR DISCUSSION

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

35. PETITIONS

- 35.1 Councillor West had submitted a petition, which had been referred from Council on 15 July, signed by 727 people concerning discretionary rate relief for Community Base.
- 35.2 Councillor West was unable to attend the meeting.
- 35.3 **RESOLVED** – That the petition be noted and a written response be provided.

36. PUBLIC QUESTIONS

- 22.1 The Chairman reported that two public questions had been received.
- 22.2 Ms Lisa Boyland asked the following question:

"Will Brighton & Hove City Council be spending the allocated money from the Playbuilder funding on our play park behind St Cuthman's Church in the centre of Whitehawk?"

22.3 Councillor Theobald gave the following response:

“We had every intention of spending the Playbuilder grant funding as planned on 11 play areas in the city in most need of funding. This includes the play area behind St Cuthman’s Church in Whitehawk. We have been working hard to complete consultations and designs in recent months with a view to commencing construction shortly.

However on 15 July the Department of Education sent a letter to all authorities in receipt of this grant funding instructing them to suspend all projects at this stage pending a spending review.

At this stage the Department for Education has not given any time-scales on a final decision regarding the grant but officers will keep communities informed of any developments.”

22.1 Ms Boyland asked the following supplementary question:

“It’s not good enough, we have no safe local park; what do we have to do to get funding for the play park?”

36.5 Councillor Theobald gave the following response:

“We will do all we can to persuade the government to give us the money, but there has been a stop on funding for many projects. The first raft of parks went through and we could not have predicted this would happen. We will do all we can.”

36.6 The Chairman added that the council would be willing to produce a letter to send to the government that all residents could sign and would lobby the government on their behalf.

36.7 Councillor Theobald added that residents could also lobby East Brighton Trust for funding.

36.8 Ms Sally Polanski, Chief Executive of the Community & Voluntary Sector Forum (CVSF), asked the following question:

“What has been the impact assessment of the proposed cuts to Third Sector grants?”

36.9 The Chairman gave the following response:

“Thank you for meeting with Councillor Simson; I know that you have both been working hard in your roles with the Voluntary Sector. You may be aware that Full Council agreed for Overview & Scrutiny to consider the proposals at their meeting last Tuesday and I will be calling Councillor Mitchell in later when we get to that item because I know there were some recommendations about the impact and looking further into that.

In-year cuts are dramatic because we’ve already gone through the budget process, but we recognise, particularly with the Voluntary Sector, the difficulties caused by immediate cuts. We were very mindful around the Youth Capital Fund, particularly as this is a grant

that children and young adults worked on to draw in match funding, of the effects that it would have right across the city. There are other parts where we were concerned about the immediate impact, particularly in the Voluntary Sector and around cuts to Connexions Services, which Councillor Brown will talk about later.

Although it's been extremely difficult for us to take in-year cuts, we've been very mindful to ensure that the hits are not dramatic. We're working with you on this and particular care is needed around the issue of grants that have been un-ringfenced; much was made of the opportunity to move money around, but we were very careful, specifically around Aids/HIV, to ensure that we protected those services.

It is an ongoing process, which doesn't stop here. We don't know what our area-based grant will be later in the year, but I know that Councillor Simson is committed and keen to ensure that she works with communities to take things forward in a transparent way so there are no surprises and that anything that we have to do is talked through with the Voluntary Sector."

36.10 Councillor Simson stated that the council needed to work closely with the Voluntary Sector to monitor the impact of the grant reductions and she reported that meetings had already taken place with a number of groups. The council had been mindful and careful to ensure that the impact on the Voluntary Sector was as small as possible.

36.11 Ms Polanski asked the following supplementary question:

"I very much welcome your response and I welcome the opportunity dialogue and I know that there is appreciation within the sector for the Youth Opportunities Fund and the Youth Capital Fund having been protected this year. For the larger contracts that the council holds, often with private sectors, it might be assumed that the legalities and the scale of those contracts would make it harder for the council to terminate those contracts than it might be for some Third Sector organisation contracts. I would ask that consideration is given to the Compact Code of Practice around Third Sector funding and commissioning and what that requires from the council, likewise impact equality assessments and public law, so that due consideration be given to those areas as well the legalities of larger private sector provided contracts, and also that service users are consulted as to what services they value most when decisions are being made."

36.12 The Chairman gave the following response:

"Communication is absolutely the key; through Councillor Simson we need to ensure that we engage and that everything is taken through the Voluntary Sector. We will also explore the possibility of incorporating priority schemes into next years budget planning to put things on a much firmed footing. As you can appreciate, in-year cuts is quite a difficult process to go through."

37. DEPUTATIONS

37.1 The Chairman reported that two deputations had been received, but that the second one had been withdrawn.

37.2 The Cabinet considered a deputation presented by Mr Duncan Hill concerning the Youth Capital Fund application by 15th Brighton Scout Group. Mr Hill explained the importance of the grant funding to the Scout Group and what it would enable them to achieve. He called for the council to honour the awards made and maintain good communication with the Voluntary Sector and community groups across the city at all times.

37.3 The Chairman stated that the Youth Capital Fund was very important for young people across the city. The council was very conscious that, by cutting its share, the opportunity for joint funding would cease to exist and so made the decision to protect the fund. The council recognised the work of young people and organisations across the city of putting bids together and understood the concerns raised. The Chairman gave assurances that the organisations would receive the funding that had been awarded.

37.4 **RESOLVED** – That the deputation be noted.

38. LETTERS FROM COUNCILLORS

38.1 There were none.

39. WRITTEN QUESTIONS FROM COUNCILLORS

39.1 There were none.

40. NOTICES OF MOTION

40.1 There were none.

41. BUDGET PROCESS AND BUDGET UPDATE 2011/12

41.1 The Cabinet considered a report of the Director of Finance & Resources concerning the budget framework for 2011/12 including the latest budget forecasts, the provisional cash limits for each service and the proposed timetable for setting a balanced budget before 11 March 2011.

41.2 Councillor Hamilton stated that he was pleased that the anticipated overspend had become an underspend and made the following comments:

- There were concerns about the impact of changes to the housing benefit system on the council's ability to raise income through the Local Delivery Vehicle (LDV)
- Much of the Dedicated Schools Grant appeared to have been spent on non-schools items and in 2008/09 £434,000 had not been spent at all.
- He noted the projected overspend of £2.3 million and was concerned that £1m of the budget had already been earmarked to meet, but he recognised that the situation may change by the end of the year.
- He noted the equal pay reserve of £13.3m and added that he hoped it would be sufficient to meet the demands.
- There were concerns over how the Children & Young People's Trust (CYPT) and Adult Social Care (ASC) would be able to achieve the required savings without there being an impact on services.

- The Budget Review Group was continuing to meet in the run up to the budget process.
 - He advised that it would be difficult to achieve the £21.1 million of savings required, but that he hoped the necessary information would be forthcoming in good time for the council to set the budget including the council's basic grant figure.
- 41.3 In response to a query from Councillor Hamilton about housing benefit and the LDV, Councillor Caulfield explained the council had planned for the reductions in housing benefit and that it was not expected to affect the viability of the LDV.
- 41.4 Councillor Fallon-Khan stated that the Administration had pledged to make 'better use of public money' and had achieved £10 million worth of savings already.
- 41.5 Councillor Randall advised that the LDV should not be affected by the changes to housing benefit given that existing arrangements for leaseholders would remain unchanged, however, the changes were a concern because of the council's reliance on housing benefit. He also highlighted the cuts made to the capital programme and funding for schemes left unfinished as a result of the recession, and called for transparency during the budget process.
- 41.6 Councillor Mitchell called for the council to write to the Secretary of State for a quick decision on changes to the housing subsidy system and advised that changes to housing benefit should be considered alongside cuts to other benefits in order to monitor the cumulative effect.
- 41.7 Councillor Caulfield reported that the Leader of the Council had already met with the Minister for Housing and been sufficiently reassured; national schemes had been scaled down in order to move towards the self-financing model, under which the council would be better off, and funding given to the Homes & Communities Agency (HCA) would be redirected to local authorities. Work had begun, with tenants attending the first meeting of the Buildings Group which was pushing forward redevelopment of the Ainsworth House site to build the first council housing in over 30 years.
- 41.8 Councillor Brown explained that a small proportion of the Dedicated Schools Grant was kept back to fund various services that were provided to the schools had to be agreed by the Schools Forum. She gave assurances that the schools did receive the money, but sometimes in different ways.
- 41.9 Councillor Young advised that the council was in a better position than some local authorities as a direct result of the Value for Money Programme.
- 41.10 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the resource and expenditure projections for 2011/12 set out in table 3, paragraph 3.30 be noted.
 - (2) That Directors and relevant Cabinet Members be instructed to produce budget strategies to provide their services within the indicative cash limits as set out in appendix 1.

- (3) That Directors to be instructed to demonstrate 4% efficiency savings within their budget strategies.
- (4) That the resource projections for the capital investment programme as shown in appendix 2 be noted.
- (5) That the timetable for budget reports set out in paragraph 3.55 be agreed.

42. TARGETED BUDGET MANAGEMENT 2010/11 AND VFM UPDATE

- 42.1 The Cabinet considered a report of the Director of Finance & Resources concerning the council's revenue forecast outturn position as at month two and providing an update on the Value for Money work programme.
- 42.2 Councillor Randall commented that the report highlighted the challenge facing the council given the existing pressures on areas such as the CYPT, which would only increase in the future.
- 42.3 Councillor Young acknowledged the challenges ahead and added that the council had tackled the previous overspend and hoped to do so again.
- 42.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
 - (1) That the provisional outturn position for the General Fund be noted.
 - (2) That the provisional outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2010/11 be noted.
 - (3) That the budget virement on the Dedicated Schools Grant of £0.434 million as set out in Appendix 1 be approved.
 - (4) That the position on the Value for Money programme be noted.

43. 2010/11 IN-YEAR GOVERNMENT GRANT REDUCTIONS

- 43.1 The Cabinet considered a report of the Director of Finance & Resources concerning the in-year grant reductions, principles for dealing with the reductions and a timetable for decision making.
- 43.2 Council Mitchell reported that the Overview & Scrutiny Commission had agreed to set up panel to monitor the societal impact of the reductions. She stated that could not support the reductions and in particular the impact on jobs, services for young people and cuts to road safety and transport budgets. She called for the council to use its £7m contingency fund to protect jobs and services.
- 43.3 Councillor Watkins asked for the scrutiny panel to begin its work immediately and continue to meet throughout the summer period. He advised that Members did not feel

fully informed and that by using the scrutiny panel as an aid, transparency and balance would be achieved.

- 43.4 Councillor Randall suggested that the wider community be asked to contribute to the work of the scrutiny panel. He welcomed the decision to protect the grant funding for HIV/Aids work, but raised concerns about the impact of cuts on the safety of pedestrians and the pressure on schools to deliver services that had been cut. He advised that job cuts would lead to increased pressure on services.
- 43.5 Councillor Young explained that the council had been forced to make difficult decisions to ensure the long-term protection of services, but had been mindful of minimising the impact on the Voluntary Sector.
- 43.6 Councillor Hamilton stated that it was not appropriate to impose grant reductions during a council year and that a more in depth debate should have taken place at Full Council. He was concerned that the information had been provided in a piecemeal way from central government and sought assurances that no further cuts would be proposed.
- 43.7 In response to questions from Councillor Mitchell, the Director of Finance & Resources explained that the Woodingdean Crossroads scheme would be funded from the sale of a capital receipt, however, as the amount to be raised was not yet certain, funding had been earmarked in the coastal protection budget. She advised the first call on reserves would be tackle any overspend and that it was too early to determine whether it would be required.
- 43.8 Councillor Smith reported that the council and the Primary Care Trust (PCT) had agreed to continue funding the free swimming initiative until the end of the summer holidays and it would continue for those aged 11 years and under until the end of the financial year.
- 43.9 Councillor Caulfield advised that the housing management 10 year repairs contract would save the council £150 million over ten years, whilst creating opportunities for residents, such as apprenticeships, and providing a better service for tenants.
- 43.10 In response to a query from Councillor Mitchell in relation to the funding of the Woodingdean Crossroads scheme, the Chairman agreed to ask officers to look into the possibility of releasing the Local Transport Plan money for use on other schemes given that it would have to spent within the designated timescales.
- 43.11 Councillor Fallon-Khan stated that the council had been put in a difficult position as a result of the previous government's increased borrowing and that the Administration did not agree with raising council tax in order to tackle the problem. He advised that the council had invested in projects that would save money in the long-term and would continue to find innovative ways to get the most from the services provided.
- 43.12 Councillor Brown explained that it had been necessary to prioritise needs in order to minimise the effect of cuts of young people. In relation to the cuts to Connexions, some parts of the service would be funded directly by schools. She advised that the effect on organisations had been carefully considered, but that some jobs would be affected and each organisation would have a process to follow with regard to this.

She reported that funding for the proposed Academy at Portslade Community College was currently being reviewed and the council hoped to know more by the end of the month.

- 43.13 Councillor Theobald advised that essential road safety schemes would be deferred to future years and that the pedestrian scheme on the Old Shoreham Road, along with other schemes, would go ahead as planned. The street lighting and the bridges and structures budgets had also been protected, along with the majority of the highways budget.
- 43.14 The Chairman reiterated that the council had difficult challenges to face and that grant reductions were inevitable. She thanked the officers for putting together the report and advised that the council had a responsibility to its staff and partner organisations to move forward; everything possible had been done to minimise the effect of voluntary groups and service users.
- 43.15 Councillor Simson added that it was appropriate to evaluate the Connexions service to determine which parts delivered the most benefit to young people before deciding how to use the remaining funding.
- 43.16 Councillor Young stated that every effort had been made to minimise the impact of the reductions, but that it had not been an easy task.
- 43.17 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the comments made by Council on 15 July and how they had been considered in the preparation of the report be noted.
 - (2) That the expenditure reductions set out in paragraphs 3.15 – 3.22 required by the in-year grant reductions announced by the government be agreed.
 - (3) That the use of alternative sources of funding as set out in Appendix 1 be agreed.
 - (4) That agreement be given for the Children and Young People Cabinet Member Meeting to make decisions as required on changes to the Education capital programme as a result of the End Year Flexibility reductions.
 - (5) That agreement be given for the Environment Cabinet Member Meeting to make decisions as required on changes to the Environment capital programme as a result of the End Year Flexibility reductions for the Playbuilder programme.
- 44. TREASURY MANAGEMENT POLICY STATEMENT (INCORPORATING THE ANNUAL INVESTMENT STRATEGY) 2009/10 END OF YEAR REVIEW**
- 44.1 The Cabinet considered a report of the Director of Finance & Resources concerning the action taken during the second half of the financial year 2009/2010 on the Treasury Management Policy Statement (TMPS), including the investment strategy.

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

- (1) That Cabinet the action taken during the second half year to meet the treasury management policy statement and practices (including the annual investment strategy) be endorsed.
- (2) That it be noted that the authorised limit and operational boundary set by the Council had not been exceeded.

45. CREATING A COUNCIL THE CITY DESERVES...AN UPDATE ON THE TRANSFORMATION PROGRAMME

45.1 The Cabinet considered a report of the Chief Executive updating member of the Intelligent Commissioning, Customer Experience and Public Engagement strands of the transformation programme.

45.2 Councillor Mitchell stated that the programme was proceeding despite considerable uncertainty about how it would operate and raised concerns about the timing, the types of services that would result and who would deliver them. She commented that there had been no opportunity to evaluate alternative models and that the plans should be delayed until after the local elections in 2011.

45.3 Councillor Randall echoed Councillor Mitchell's comments in relation to the timing of the transformation and added that he was concerned about the associated costs. He stated that he believed the proposals would lead to privatisation.

45.4 The Chairman explained that many local authorities were in the process of changing their way of working and that interesting debates had taken places at the Local Government Association (LGA) Conference; the council need to make significant changes to ensure that it could continue to deliver for the city.

45.5 Councillor Watkins advised that his Group's position on the proposals had not changed and that it was not the appropriate time to proceed with such dramatic change.

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

- (1) That progress made in the "Creating A Council the City Deserves" Programme be noted and that it be noted that key decisions would next be required at the September/October Cabinet meeting.

46. VOLUNTEERING STRATEGY FOR BRIGHTON & HOVE - 'JOINING THE DOTS'

46.1 The Cabinet considered a report of the Director of Strategy & Governance concerning a comprehensive Volunteering Strategy designed to increase the quantity and quality of volunteering opportunities in Brighton & Hove.

- 46.2 Councillor Mitchel welcomed the proposals, which would be beneficial to organisations and individuals, and help reduce loneliness and mental health problems. She warned that volunteering could not be used in place of jobs.
- 46.3 Councillor Randall echoed Councillor Mitchell's remarks and commented that volunteering was good for community cohesion. He advised that volunteering should be seen as a supplement to good public services.
- 46.4 Councillor Watkins added that the policy would show volunteers that they had the support of the council.
- 46.5 The Chairman stated that volunteering was of great value to the local community and that volunteers found it rewarding.
- 46.6 Councillor Simson thanked all those who had contributed to the policy, which had been created in partnership with many organisations, and in particular the Volunteering Centre who carried out much of the work.
- 46.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That, following the lead of the Local Strategic Partnership (LSP) in March 2010, the city Volunteering Strategy be formally adopted.
 - (2) That it be noted that an action plan and an equalities impact assessment (EIA) were currently being developed and would be completed by the autumn of 2010 to support implementation of the Volunteering Strategy.

47. EMPLOYEE VOLUNTEERING SCHEME

- 47.1 The Cabinet considered a report of the Director of Strategy & Governance concerning proposals for the council's own Employee Volunteering Scheme designed to support the "Joining the Dots" Volunteering Strategy for Brighton & Hove 2010 -2015 and encourage other organisations to get involved in the local community.
- 47.2 Councillor Mitchell welcomed the report and stated that it was an excellent concept already used by some major employers. She advised that, contrary to the report, Unison had not been consulted and she requested this be rectified.
- 47.3 Councillor Randall welcomed the proposals and advised that it would work well alongside existing schemes, such as Business in the Community.
- 47.4 Councillor Watkins reported that a number of employees already gave time to volunteering. He added that he hoped there would be a Code of Conduct to ensure all parties were protected.
- 47.5 Councillor Norman noted an example of volunteering by council officers. Democratic Services staff had repainted the basement of the Martlets shop on Blatchington Road in Hove.

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

- (1) That the new Employee Volunteering Scheme attached at Appendix 1 be approved.
- (2) That the scheme be promoted as described in section 3.6 in order to maximise take-up.
- (3) That the effectiveness of the Scheme be monitored as described in section 3.6.
- (4) That a review of the scheme takes place after it has been in place for 12 months.

48. AN ACADEMY AT PORTSLADE COMMUNITY COLLEGE: SUBMISSION OF THE EXPRESSION OF INTEREST

48.1 The Cabinet considered a report of the Director of Children's Services updating Members on the proposed Academy at Portslade Community College (PCC) and requesting approval for submission of the Expression of Interest (EOI).

48.2 Councillor Fryer raised concerns about the financing of the proposed Academy and made the following comments:

- The community had not been given a choice; real consideration had not been given to creating a National Challenge Trust School.
- The results of the consultation had not been appropriately analysed and the views of local people had been disregarded.
- The report was not a true reflection of what happened at the public meetings.
- The local community were pleased with the proposals from the new Head Teacher, Stuart McLaughlin, and wanted him to be allowed more time to implement them.

48.3 Local resident Mr Cameron Ellis had requested to address the meeting. The Chairman exercised special discretion to allow Mr Ellis to make the following comments:

- In a few months the new Head Teacher Mr McLaughlin had made significant progress towards stabilising PCC and the educational needs of the pupils, with an improved emphasis on learning and participation.
- There was uncertainty around the financing of the proposed Academy following the change of government and a decision should not be made about the future of PCC based on it.
- The expertise of the proposed sponsor was unproven with regard to running a school.
- The school should be allowed to continue in its current form for 18 months to prevent further upheaval for the pupils and to allow the present Head Teacher time to implement changes and see the outcome.

48.4 Councillor Alford, ward councillor for North Portslade, reported that he had attended all four of the public meetings that had taken place. The three meetings organised by the council were well attended, with many views aired and questions answered, while the fourth meeting was less well attended and geared towards opposing Academies in

general. He advised that the Mr McLaughlin had made good progress and that it was necessary to explore the available opportunities while keeping the needs of the children in mind.

- 48.5 Councillor Mitchell stated that supported the recommendations would prevent further ongoing uncertainty and added that although there was uncertainty around the financing, alternative funding could be made available if submission of the EOI was agreed.
- 48.6 Councillor Caulfield commented that the local community in the Falmer area had also been pleased with Mr McLaughlin during his time as Head teacher of the former Falmer High, but that the community had been in favour of the Academy created there and understood the need for change and the funding that would follow. She added that the EOI was not the final stage and that the proposals would not proceed if the local community did not support the creation of an Academy.
- 48.7 In response to a question from Councillor Mitchell, Councillor Brown confirmed that she hoped to be able to report back at the end of the month in relation to the funding and that the council had not been informed any issues with its request to be co-sponsor for the Academy.

Councillor Brown explained that the Department for Children, Schools and Families had given the council three options to choose from and the choice had been made based on what would benefit the children most.

In response to questions from Councillor Fryer, Councillor Brown advised that the notes of the community meetings were publicly available and that building works would mainly involve refurbishment of the existing buildings with a small new build for the Sixth Form. She stated that the decision on whether to proceed would be considered once the outcome of the funding review was known.

- 48.8 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Expression of Interest (EOI) regarding the development of an Academy to replace PCC be submitted to the Department for Education (DfE).
 - (2) That project management expenditure of up to £300,000 including £100,000 in advance of EOI approval, which will be a first call on the available Schools Futures project budget if EOI approval is not awarded be approved.
 - (3) That it be noted that in setting the 2011/12 revenue budget, consideration would need to be given to setting aside a financial provision to meet potential severance costs in accordance with the terms and conditions of the EOI.

49. STATUTORY LOCAL ECONOMIC ASSESSMENT DUTY

- 49.1 The Cabinet considered a report of the Director of Housing, Culture & Enterprise concerning the council's Local Economic Assessment, which would bring together and

fill gaps in existing data and intelligence in order to provide a robust analysis of the Brighton & Hove economy.

49.2 Councillor Mitchell welcomed the introduction of Local Economic Assessment and requested that she provided with an update on the Interim Work and Skills Plan.

49.3 Councillor Randall advised that the Local Economic Assessment would inform the work of the Local Economic Partnership.

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

- (1) That the contents of the report be noted and the approach outlined in the report, to work closely with partners and maximise the benefit of this timely piece of work for the future intelligent commissioning intentions, be agreed.

50. EXECUTIVE RESPONSE TO ENVIRONMENTAL INDUSTRIES REPORT

50.1 The Cabinet considered a report of the Director of Finance & Resources concerning the executive response to the report of the Environmental Industries Scrutiny Panel in relation to procurement matters.

50.2 Councillor Randall reported that he had chaired the panel and that he was happy with the outcome, but would like local sourcing to be included when in considering relevant environmental considerations in relation to procurement. He advised that it was vital for the principles to be embedded in the council.

50.3 Councillor Caulfield requested that the report be forwarded to the next meeting of the Buildings Group for council tenants to consider when developing the plans for new council housing.

50.4 Councillor Fallon-Khan stated that the council was supportive of small businesses and provided help to enable them to bid for contracts with the council. He commented that the city had a vibrant and innovative Environmental Industries sector and that it was important that the city was able to retain the most promising students in order that it could continue to flourish.

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

- (1) That the response to the Environmental Industries Scrutiny Report be noted.

51. NEW HISTORICAL RECORDS OFFICE AND RESOURCE CENTRE (THE KEEP) – PROJECT UPDATE, FUNDING ARRANGEMENTS AND FUTURE DELIVERY.

51.1 The Cabinet considered a report of the Director of Housing, Culture & Enterprise concerning progress in developing the New Historic Records Office & Resource Centre project ('The Keep') and the cost effectiveness of this option for the future management of Brighton and Hove's historic records and archives.

51.2 The Chairman advised that prior to consideration of the report; she had requested further confirmation that it was the correct approach and understood that it was vital if the city was to protect its artefacts. She welcomed the project and the benefits for residents and visitors.

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

- (1) That support be given for the work to date, particularly progression of scheme design (RIBA Stage D - detailed design), and that it be noted that the project remains within budget.
- (2) That it be noted that the Joint Project Board approved the Kier – Atkins RIBA Stage D report at its 7 June 2010 meeting.
- (3) That the city council's commitment to 'The Keep' be affirmed and support be given for continued partnership working with ESCC and the University of Sussex to further develop the project.
- (4) That a Memorandum of Understanding be agreed as the basis for continued partnership working through to RIBA Stage F (early 2011) –to be signed by all three partners prior to submission of the planning application.
- (5) That the submission of the planning application in early August 2010 be supported, subject to the satisfactory completion of pre-application discussions.
- (6) That the costs of developing the scheme through the next stages be noted agreement be given for the council's additional contribution of £0.421m (representing a 1/3 share) to support scheme progression to Stage F, thus bringing the council's committed contribution to £0.929m.
- (7) That support be given for the commencement of Stage E work following the successful completion of pre-application discussions with the Local Planning Authority and confirmation of a valid planning application, so as to minimise risk and expenditure prior to submission of the planning application.
- (8) That the key areas to be addressed as part of the next phase of development, and the timetable associated with this, be noted.
- (9) That re-confirmation be given of the 'in principle' agreement to the council's longer-term funding commitment, to a maximum of £5.345m (inclusive of the development funding shown in 2.6 above), to support the capital cost of delivering The Keep, with the final decision, based on current timetable, returning to Cabinet towards the end of 2010.

PART TWO SUMMARY

52. NEW HISTORICAL RECORDS OFFICE AND RESOURCE CENTRE (THE KEEP) – PROJECT UPDATE, FUNDING ARRANGEMENTS AND FUTURE DELIVERY - EXEMPT CATEGORY 3

52.1 The Cabinet considered a Part Two report of the Director of Housing, Culture & Enterprise concerning progress in developing the New Historic Records Office & Resource Centre project ('The Keep') and the cost effectiveness of this option for the future management of Brighton and Hove's historic records and archives.

52.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the recommendations as detailed in the Part Two confidential report.

53. PART TWO ITEMS

53.1 The Cabinet considered whether or not any of the above items should remain exempt from disclosure to the press and public.

53.2 **RESOLVED** – That item 52, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.25pm

Signed

Chair

Dated this

day of

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions have been received from Councillors and will be taken as read along with the written answer to be circulated the meeting. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion.

(a) Councillor Hamilton

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

Councillor Alford, Cabinet Member for Central Services, will respond.

Subject:	Targeted Budget Management (TBM) Month 4		
Date of Meeting:	23 September 2010		
Report of:	Director of Finance & Resources		
Contact Officer:	Name:	Patrick Rice	Tel: 29-1333
	E-mail:	Patrick.rice@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: CAB16787	
Wards Affected:	All		

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

- 1.1 This report sets out the revenue and capital forecast outturn position as at month 4.

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the provisional outturn position for the General Fund.
- 2.2 That Cabinet notes the provisional outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2010/11.
- 2.3 That Cabinet approves the changes to the capital programme, as set out in appendices 3, 4, and 5.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The table below shows the provisional outturn position for council controlled budgets within the General Fund and the outturn on NHS managed S75 Partnership Services.

Forecast Outturn Month 2 £'000	Directorate	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
413	Adult Social Care	36,304	36,616	312	0.9%
781	S75 Learning Disability Services	23,200	23,826	626	2.7%
2,791	Children & Young People's Trust	50,620	52,273	1,653	3.3%
(8)	Finance & Resources	18,826	18,477	(349)	-1.9%
-	Strategy & Governance	12,005	12,120	115	1.0%
517	Environment	37,326	38,123	797	2.1%
-	Housing, Culture & Enterprise	16,557	16,606	49	0.3%
4,494	Sub Total	194,838	198,041	3,203	1.6%
(2,125)	Centrally Managed Budgets	27,134	24,719	(2,415)	-8.9%
2,369	Total Council Controlled Budgets	221,972	222,760	788	0.4%
225	NHS Trust managed S75 Servs	12,328	12,742	414	3.4%
2,594	Total Overall Position	234,300	235,502	1,202	0.5%

3.2 The Total Council Controlled Budgets line in the above table represents the total current forecast risk to the council's General Fund. This includes all directorate budgets, centrally managed budgets and council-managed Section 75 services. The NHS Trust-managed Section 75 Services line represents those services for which local NHS Trusts act as the Host Provider under Section 75 Agreements. Services are managed by Sussex Partnership Trust and South Downs Health Trust and include health and social care services for Adult Mental Health, Older People Mental Health, Substance Misuse, AIDS/HIV, Intermediate Care and Community Equipment. The financial risk for these services generally lies with the relevant provider Trust. The forecast outturn on the HRA is as follows:

Forecast Outturn Month 2 £'000	Housing Revenue Account	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Variance Month 4 %
(104)	Expenditure	48,202	47,988	(214)	-0.4%
104	Income	(48,202)	(47,950)	252	0.5%
-	Total	-	38	38	

Corporate Critical Budgets

3.3 Targeted Budget Management (TBM) is based on the principles that effective financial monitoring of all budgets is important. However, there are a small number of budgets with the potential to have a material impact on the council's overall financial position. These are significant budgets where demand or activity is difficult to predict with certainty and where relatively small changes in demand can have significant financial implications for the council's budget strategy. These therefore undergo more frequent, timely and detailed analysis. Set out below is the forecast outturn position on the corporate critical budgets.

Forecast Outturn Month 2 £'000	Corporate Critical	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
2,156	Child Agency & In House	22,332	23,693	1,361	6.1%
467	Sustainable Transport	(1,362)	(956)	406	29.8%
(350)	Housing Benefits	175,500	175,150	(350)	-0.2%
-	Concessionary Fares	7,712	7,552	(160)	-2.1%
303	Community Care	23,125	23,378	253	1.1%
781	Section 75 Learning Disabilities	23,200	23,826	626	2.7%
3,357	Total Council Controlled	250,507	252,643	2,136	1.0%
225	S75 NHS & Community Care	12,328	12,742	414	3.4%
3,582	Total Corporate Criticals	262,835	265,385	2,550	1.0%

Value for Money Programme - Update

3.4 Efficiency savings (benefits realisation) from the council's six priority value for money projects for 2010/11 are fully incorporated in the above TBM forecast and Appendix 1. The savings planned from the Value for Money Programme over the next 4 years were set out in the 'Budget Process & Budget Update' report to Cabinet on 22 July 2010. The six priority areas are:

- **Adult Services** – introducing new models of delivery and 'Personalisation' for greater choice (e.g. Personal Budgets);
- **CYPT** – improving prevention, planning and delivery of care;
- **ICT** – improving investment decisions and reducing infrastructure costs;
- **Procurement** – making the best use of the council's buying power;
- **Sustainable Transport, Fleet and Outdoor Events** – reducing costs by organising and procuring services and fleet more efficiently;
- **Workstyles** – making more efficient use of our property estate by improving office working environments and using new IT to enable more flexible and mobile working.

3.5 Services have re-prioritised existing staffing and resources to ensure effective support for the delivery and implementation of these projects. The projects also include other 'invest-to-save' resources and costs where these are essential to lever in the substantial value for money gains. Some of these are funded from external sources, for example, the Adult Social Care Personalisation project is substantially supported by government Social Care Reform Grant in 2010/11.

3.6 Progress on individual projects to date is as follows:

Adult Social Care:

- Casework continues to be processed through the Resource Allocation System (RAS) which is now used to identify indicative allocations for Self-directed Support (e.g. Personal Budgets).
- A new RAS has been developed (SCAN) to manage low level needs cases.
- Market development continues with partners to improve the range of care and support (e.g. Personal Assistants) for those people taking up Self-directed Support.

CYPT:

- An increased number of cases are being processed through the Common Assessment Framework (CAF) to ensure that universal services and other interventions provide more cost effective care packages commensurate with needs.
- An auditing tool has been developed to provide quality assurance on CAF reviews.

ICT

- Business Engagement Manager roles have been established to improve business case development for new ICT investment decisions across the council;
- Development of Service Level Agreements are underway to ensure appropriate allocation of staffing and resources to systems and services;
- Comprehensive applications and contracts registers have now been set up to enable a review of system rationalisation possibilities. This is alongside the deployment of software to accurately assess levels of application usage;
- Exploring development of a strategic approach to EDRM (electronic document management).

Procurement

- Two 'invest-to-save' short term Category Managers have now been engaged (Fleet and ICT) to ensure delivery of procurement savings;
- A new procurement governance process has been developed to ensure tighter controls over procurement activity.

Sustainable Transport, Fleet and Outdoor Events

- Centralised Vehicle Replacement Programmes are being developed with CYPT and Adult Social Care to maximise fleet procurement, management and usage efficiencies.
- A review of commercial opportunities for increasing fees from outdoor events is now underway.

Workstyles

- Plans for the new Customer Service Centre and changes to office accommodation in Bartholomew House are progressing well and will enable the move of staff from Priory House through better flexible working arrangements and IT and will release substantial efficiency savings (i.e. reduced lease rentals).
- A strategic review of all of the council's operational property portfolio has been completed and is now being consulted on.

Capital Budget 2010/11

- 3.7 This part of the report details the expected capital programme outturn for 2010/11, highlights any programme slippage, details new schemes and budget changes and seeks approval for slippage to the 2011/12 programme. Appendices 3, 4 and 5 to this report shows in detail the proposed changes to the budget, resulting in a capital programme budget of £108.976 million.

Capital Forecast Outturn

- 3.8 As stated above, changes are proposed to the capital programme these are summarised in appendix 3.

Capital Overspends

- 3.9 Where schemes are forecast to exceed their budget, budget holders must identify additional resources to finance the shortfall. Forecast overspends of greater than £0.050 million or 10% of the original budget are required to be

reported back to Members; either in detailed reports or through this capital monitoring report. Scheme delays or 'slippage' are also monitored in an effort to ensure schemes are delivered not only on budget, but also on time. Where a scheme is forecast to slip by £0.050 million or more, the budget holder will report back to Members, on the amount and the impact of the delay on service delivery.

- 3.10 Project managers have identified that the net overspend on the capital programme amounts to £0.071 million of which the majority (£0.048 million) concerns the Horsdean Travellers site which has suffered from vandalism resulting in a overspend on the scheme. These overspends will be funded from within existing Directorate budgets.

Capital Slippage

- 3.11 No schemes have reported any slippage at this early stage.

Accounting adjustment

- 3.12 Within Housing, Culture & Enterprise and the Children & Young People's Trust there are PFI schemes for libraries and schools. Under the code of practice on local authority accounting and the introduction of International Financial Reporting Standards (IFRS) in 2010/11, the capital PFI lifecycle costs (for the replacement of components of assets as they wear out) now have to be included in the accounts. The planned programme for lifecycle replacement costs is identifiable from the operator's financial model. The amount identified for libraries is £0.027 million and for schools £0.108 million and these costs have been included in the 2010/11 budget column in appendix 2. The costs are funded by a contribution to capital from the revenue budget.

Capital Receipts

- 3.13 Capital receipts are used to support the capital programme. For 2010/11 the programme is fully funded, however, any changes to the level of receipts during the year will impact on future years' capital programmes and may impact on the level of future investment for corporate funds such as the Strategic Investment Fund, Asset Management Fund and ICT Fund. Capital receipts (excluding housing) are estimated to be £1.125 million for 2010/11 of which £0.883 million has been received to date which includes the disposal of Cedars Lodge. This leaves £0.242 million of receipts to be achieved during the remainder of the financial year. Assets are actively being marketed to achieve the level of receipts budgeted for.
- 3.14 The level of sales of council homes through 'right to buy' affected by the current market conditions in house prices and both the higher cost and availability of mortgages in the current economic climate. The Government receive 75% of the proceeds of 'right to buy sales'; the remaining 25% is retained by the council and used to fund the capital programme. The estimated useable receipts for 'right to buy' sales is £0.492 million for this financial year and to date £0.078 million has been received.

Comments by the Director of Finance & Resources

- 3.15 The forecast outturn position on the revenue budget shows an improvement since month 2, the largest factor being an improved position on the corporate critical looked after children budget. Prompt action was initiated following the month 2 forecast to ensure rigorous review of the delivery of the planned VFM

savings targets and to develop further financial recovery plans. It is expected that those financial recovery plans will further improve the forecasts on individual directorate budgets. When there is greater certainty about the robustness of the forecast recovery actions and further evidence of their delivery savings will be incorporated into the TBM projections.

4. CONSULTATION

4.1 No specific consultation was undertaken in relation to this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The financial implications are covered in the main body of the report.

Legal Implications:

5.2 In reaching its decisions in relation to its budget, the Council needs to have regard to a number of general points. It must provide the services, which, statutorily, it is obliged to provide. Where there is power to provide services, rather than a duty, it has discretion to provide such services. It must observe its other legal duties, such as the duty to achieve best value and comply with the Human Rights Act 1998. It must act in accordance with its general fiduciary duties to its Council Tax payers to act with financial prudence. Finally, it must bear in mind the reserve powers of the Secretary of State under the Local Government Act 1999 to limit Council Tax & precepts.

Lawyer consulted:

Oliver Dixon

Date: 05/09/10

Equalities Implications:

5.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

5.4 There are no direct sustainability implications arising from this report.

Crime & Disorder Implications:

5.5 There are no direct crime & disorder implications arising from this report

Risk & Opportunity Management Implications:

5.6 The council's revenue budget and Medium Term Financial Strategy contain risk provisions to accommodate emergency spending, even out cash flow movements and/or meet exceptional items. The council maintains a working balance of £9 million to mitigate these risks as recommended by the Audit Commission and Chartered Institute of Public Finance & Accountancy (CIPFA). The council also maintains other general and earmarked reserves and contingencies to cover specific project or contractual risks and commitments.

Corporate / Citywide Implications:

5.7 The Council's financial position impacts on levels of Council Tax and service levels and therefore has citywide implications.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The forecast outturn position on council controlled budgets is an overspend of £0.788 million; any end of year overspend will need to be funded from general reserves which would then need to be replenished to ensure the working balance did not remain below £9 million. Directorates have developed financial recovery plans so that a break even position is achieved.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Budget monitoring is a key element of good financial management, which is necessary in order for the council to maintain financial stability and operate effectively.

SUPPORTING DOCUMENTATION

Appendices:

1. Directorate Revenue Outturn Forecasts
2. Capital Outturn Position
3. Summary of New Capital Schemes
4. Summary of Variations to Budget
5. Internal Movements within CYPT

Documents in Members' Rooms

None

Background Documents

None

Adult Social Care

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
413	Adult Social Care	36,304	36,616	312	0.9%
413	Total	36,304	36,616	312	0.9%

Explanation of Key Variances

The forecast overspend of £0.312 million assumes the achievement of a significant service improvement programme of which the Value for Money Project is the most important element. The service improvements are expected to deliver planned savings of £1.811 million and within this the Value for Money Project is forecast to achieve its target of £1.3 million of savings in the current financial year. This is in the main due to a very successful re-ablement strategy.

The overspend is mainly attributed to the Physical Disabilities community care budget. There is an overspend of £0.253 million as a result of the complex caseload and expected 508 Whole Time Equivalent (WTE) placements compared with budget assumption of 463 WTE placements. There is also a forecast increase of 45 WTE placements in Home care. Regular monitoring and reviews are being carried out to address the in year pressures. Projected growth of 27 WTE is included which may not materialise and these assumptions are being constantly reviewed.

To date, further potential recovery actions of up to £0.175 million have been identified including vacancy management and associated agency staffing controls and maximising the use of existing grants. These will be included in future TBM forecasts when there is more certainty that they will be realised.

Children & Young People's Trust

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
(495)	Director	3,855	3,340	(515)	-13.4%
819	Area Integrated Working	28,591	29,211	620	2.2%
241	Learning , Schools & Skills	4,046	4,339	293	-7.2%
2,226	Commissioning & Governance	14,128	15,383	1,255	8.9%
2,791	Total	50,620	52,273	1,653	3.3%

Explanation of Key Variances

Director (£0.515 million underspend) - this budget area relates to the staffing budget of the Director, Assistant Directors and admin support teams. The underspend mainly relates to the decision made by Cabinet in July to reprioritise £0.434 million from unallocated Dedicated Schools Grant (DSG) money to offset the overall directorate overspend. The remaining £0.034 million of this is being used to fund Information Management within the Commissioning & Governance branch. In addition, there are savings of £0.095 million on an Assistant Director's post and £0.020 in other areas.

Area Integrated Working (£0.620 million overspend) - this branch leads on the development of integrated area working, including early intervention and prevention. Area working includes the Youth Service, Children's Centres, Education Psychology Service (EPS), Education Welfare Service (EWS), frontline social work teams; Leaving Care team and the Fostering Service.

The overspend in this branch relates to two main areas: Legal fees and Area Social Work Teams. Legal fees are currently forecast to overspend by £0.440 million. Legal expenses have increased due to changes in the law by the Public Law Outline (PLO). This is due to several factors, primarily the significant increase in the number of children being referred for care proceedings in line with national trends. In addition to this, the Court Fees have been increased by the Ministry of Justice and the cost of the Court issue Fee has increased from £175 to over £4,000 per fully contested case.

The children's social work teams continue to be under pressure because of their statutory duties around child protection and looked after children's duties. There also continues to be a churn in frontline social workers leaving from the most pressurised teams i.e. the children's social work front doors. As a result of both of these factors the majority of the projected overspend within this area of £0.474 million is mainly due to agency social work staff. The branch has a robust rolling programme of recruitment and retention including a bursary scheme to attract newly qualified social workers from the universities. We are presently recruiting to this year's bursary programme for Sept 2010. This intake of newly qualified social workers will help towards reduction on dependency on agency social workers.

Learning, Schools & Skills (£0.293 million overspend), the main area of overspend in this area relates to disability agency placements £0.285million.

Commissioning and Governance (£1.255 million overspend) - this branch is responsible for producing and monitoring the Children and Young people's Plan and the effective operation of the council's Section 75 Agreements with our health partners for the joint commissioning and provision of integrated children's services. In addition, the branch is responsible for the commissioning and procurement of fostering and residential agency placements for individual children and the oversight and monitoring of associated budgets. The number of placements, and level of expenditure, relates directly to the significant and sustained level of referrals to social care (at times up to 61%) following the Baby P case and the Laming recommendations. This has resulted in a **33%** increase in the number of children with a child protection plan and a **12%** increase in the number of looked after children between **July 2009 and May 2010**.

The forecast at month 2 showed under-achievement of £0.570 million of the budgeted Value for Money savings. At that stage it was too early to have certainty that they would be delivered, however two months further into the year and there is now sufficient confidence for the forecast to show this being achieved in full. The VFM plan focuses on strengthening preventive services and streamlining social work processes including:

- increasing the use of the Common Assessment Framework to provide universal and (lower level) tier 2 services to children and families in need
- driving the implementation of the 'Think Family' approach to plan more effective support and/or interventions for families with the most complex needs
- introducing a tiered approach to manage social care referrals from other agencies including the remodelling of social work duty systems and the reinstatement of area and specialist resource panels or similar mechanisms
- improving the commissioning and procurement of expert assessments in care proceedings, strengthening arrangements for early permanence planning and increasing the numbers of in house foster placements able to provide tier 1 care

Consistent with other areas of the council it is expected that further tight control on staffing costs, whether directly employed or through agencies will further help reduce the overspend.

Finance & Resources

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
(180)	Finance	6,019	5,831	(188)	-3.1%
50	Customers & Information	9,336	9,024	(312)	-3.3%
122	Property & Design	3,471	3,622	151	4.4%
(8)	Total	18,826	18,477	(349)	-1.9%

Explanation of Key Variances

Finance is forecasting an underspend, due to the service winning the contract to supply financial services to the South Downs National Park and savings generated from a staffing restructure.

Within Customers & Information there is a cost pressure of approximately £0.075 million on income within Bereavement Services, which is being partly offset by staff savings. Housing Benefits are expected to achieve additional income of £0.350 million based on current subsidy arrangements. This is due to a successful focus on reducing the error rates made in benefit payments and recovering overpayments.

Property and Design are forecasting a shortfall on rental income of £0.183 million mainly due to lower than expected income from rent reviews. The saving from the under 100kw site electricity contract and from the gas contract which both started in April 2010 over and above that assumed at the time the budget was set has been estimated to be approximately £0.032 million.

Strategy & Governance

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
-	Equalities & Communities	2,322	2,317	(5)	-0.2%
-	Performance & Analysis	642	642	-	0.0%
-	Legal & Democratic Services	3,107	3,107	-	0.0%
-	Policy Unit	918	918	-	0.0%
-	Human Resources	4,149	4,200	51	1.2%
-	Executive Office	379	379	-	0.0%
-	Communications	488	557	69	14.1%
-	Total	12,005	12,181	115	1.0%

Explanation of Key Variances

The directorate had a plan in place to deliver the savings of £0.412 million identified in the budget strategy. However, emerging pressures within Communications and Human Resources cannot be fully addressed as at TBM 4. Within Communications there are salary and other service pressures, it is anticipated that these will be partially offset by income surpluses, project contributions from other directorates, and from the communications Value for Money review reducing the net overspend to £0.069 million. Within Human Resources salaries service pressures are offset by income giving a net position of £0.086 million, an underspend within the Director budget of £0.35 million gives the position of £0.051 million overspend.

The directorate is reviewing all services in order to meet the £0.115 million projected overspend and the following additional management actions will be put in place to address the potential overspend.

- All services are ensuring that all internal and external income is maximised. Communications in particular is finalising the collection of payments for work streams
- Over 80% of all spend within S&G is on salaries. All service areas are actively managing vacant posts where possible in order to reduce costs. In particular HR are managing carefully the number of temporary staff as the new HR system comes into operation. The forthcoming introduction of the manager self serve will further increase the scope of greater in year savings and a reduction in the current projected overspend.
- The Communications Team are expecting to make further savings in year through their VFM program.
- All service areas are committed to reducing all non essential expenditure internal and external expenditure.

Environment

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
-	City Services	29,912	29,993	81	0.3%
-	Sport & Leisure	1,937	1,937	-	0.0%
467	Sustainable Transport	(1,362)	(956)	406	29.8%
50	City Planning	6,839	7,149	310	4.5%
517	Total	37,326	38,123	797	2.1%

Explanation of Key Variances

City Services is forecasting an overspend which is due in the main to additional security measures and rubbish clearance at the Horsdean Travellers Site.

Within Sustainable Transport there continues to be a fall in the number of Penalty Charge Notices being issued, this is in line with the nationally recognised trend for improved compliance leading to the issuing of fewer tickets. The shortfall from PCN's is forecast to be £0.620 million net of the bad debt provision. On-street parking income is also forecast to under achieve budget by £0.105 million. Off Street parking is forecast to generate £0.280 million additional income, which is due to improved usage at The Lanes and London Road Car Parks following their refurbishments. This income is over and above what was assumed in the original business case for the refurbishments which was used to finance the up front investment required.

City Planning is forecasting an overspend due to loss of grant income including SEEDA funding and a shortfall in Building Control fee income.

To date, potential recovery actions of up to £0.645 million have been identified and will be included in future TBM forecasts when there is greater certainty about their deliverability. Actions include reducing expenditure on consultants, vacancy management, controls on supplies and services expenditure, and reducing energy costs on the transport network.

Housing, Culture & Enterprise

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
0	Tourism & Venues	1,636	1,726	90	5.5%
0	Libraries & Information Services	4,172	4,172	-	0.0%
0	Royal Pavilion & Museums	2,567	2,567	-	0.0%
0	Culture & Economy	3,349	3,308	(41)	-1.2%
0	Major Projects & Regeneration	355	355	-	0.0%
0	Housing Strategy	4,478	4,478	-	0.0%
0	Total	16,557	16,606	49	0.3%

Explanation of Key Variances

The forecast overspend of £0.049 million relates to a forecast overspend on Tourism and Venues offset by vacancy management savings within Culture & Economy.

The income forecast for the Brighton Centre is on target but there is an expected shortfall of income on the Hove Centre of £0.020 million and a pressure on contract costs on the Brighton Centre of £0.070 million. Income potential will continue to be reviewed to address this pressure.

The Royal Pavilion & Museums are forecasting break even and are on target to achieve their income target for 2010/11.

Housing Strategy is on target to breakeven, the loss of Supporting People Admin grant of £0.164 million is being covered by vacancy management and one-off under-spends on the Supporting People Welfare grant.

Centrally Managed Budgets

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
(125)	Bulk Insurance Premia	3,019	2,794	(225)	-7.5%
-	Concessionary Fares	7,712	7,552	(160)	-2.1%
-	Capital Financing Costs	10,446	10,446	-	0.0%
-	Levies & Precepts	201	201	-	0.0%
(2,000)	Other Corporate Items	5,756	3,726	(2,030)	-35.3%
(2,125)	Total	27,134	24,719	(2,415)	-8.9%

Explanation of Key Variances

There is a forecast saving of £0.125 million on insurance premia as a result of the review of annual insurance arrangements for 2010/11 where decisions were made to change the level of the deductible on a number of policies particularly in relation to the motor and refuse fleet. The 2010/11 net saving will vary depending on how many claims we receive during the year and value of each claim. The saving has increased by £0.100 million in the last period, due to a reduction in claims spend and estimated time to settle.

Concessionary Fares is forecasting an underspend, due to the final settlement of additional capacity claims for 2009/10, administrative savings and reduced journey numbers for the first quarter.

Within contingency there is an ongoing risk provision of £1.5 million to cover risks identified particularly in Children's Social Care and Learning Disabilities which have been released corporately to offset the overspends in service departments. A provision of 1% had been allowed in the budget to incorporate both the pay award and the costs of ongoing modernisation of the council's pay and reward structure, based on the latest assumptions £0.500 million is being released to support the in year budget position. In addition to this there is a one off risk provision of £0.500 million to cover the impact of the continuing economic downturn and other pressures.

The costs to the council of severance for the Directors who have recently left their posts of £0.725 million has been funded from a contribution from the Restructure Redundancy Reserve. That reserve will need to be replenished by an estimated £1m at the end of this year. If the council's in-year forecast overspend continues to reduce this should be affordable within the current reserves strategy.

Section 75 Partnerships

Forecast Outturn Month 2 £'000	Division	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
781	Council managed S75 Servs	23,200	23,826	626	2.7%
225	NHS Trust managed S75 Servs	12,328	12,742	414	3.4%
1,006	Total S75	35,528	36,568	1,040	2.9%

Explanation of Key Variances

Council managed S75 services (Learning Disabilities) are forecast to overspend by £0.626 million. The forecast overspend is attributed to:

- Learning Disabilities mainstream- staffing cost pressures £0.061 million
- Learning Disabilities Community Care-forecast overspend of £0.565 million equivalent to 10 Whole Time Equivalents (WTE's) in residential care

The overspend of £0.626 million assumes the achievement the savings identified within the budget strategy.

NHS Trust managed S75 services forecast overspend of £0.414 million based on the following assumptions:

- Sussex Partnership Foundation Trust (SPFT) – Significant overspends on community care budget (Adult Mental Health £0.446 million, Older People Mental Health £0.361 million and Substance Misuse £0.044 million) due to the full year effect of 2009/10 placements offset by vacancy management savings of £0.181 million and assumes the allocation of the joint commissioning pot of £0.450 million held for the development of mental health services.
- South Downs Health Trust (SDHT) – forecast overspend of £0.124 million, due to a staffing pressures on intermediate care services. Options are being explored to deliver savings across a range of service provision.

Sussex Partnership Foundation Trust (SPFT) have developed Financial Recovery Plan to work towards a reduced overspend position. There is ongoing dialogue with SPFT on management of placements.

Generally, the S75 Partnership Agreements require the Integrated Service Providers (Sussex Partnership Foundation Trust and South Downs Health Trust) to manage in-year cost pressures and carry this risk, subject to any agreement by the partners to vary risk-sharing provisions within the agreements. Commissioners are working closely with partners to ensure that robust financial management is in place and to agree a risk share position.

Housing Revenue Account (HRA)

Forecast Outturn Month 2 £'000	Housing Revenue Account	2010/11 Budget Month 4 £'000	Forecast Outturn Month 4 £'000	Forecast Variance Month 4 £'000	Forecast Variance Month 4 %
43	Employees	9,187	9,119	(68)	-0.7%
-	Premises – Repair	11,468	11,402	(66)	-0.6%
32	Premises – Other	3,110	3,131	21	0.7%
(48)	Transport & Supplies	2,033	2,052	19	0.9%
(10)	Support Services	2,153	2,133	(20)	-0.9%
-	Third Party Payments	54	54	-	0.0%
-	Revenue contribution to capital	3,543	3,543	-	0.0%
-	Capital Financing Costs	3,729	3,613	(116)	-3.1%
(121)	Subsidy Payable	12,925	12,941	16	0.1%
(104)	Net Expenditure	48,202	47,988	(214)	-0.4%
-	Dwelling Rents (net)	(41,613)	(41,627)	(14)	0.0%
4	Other rent	(1,318)	(1,263)	55	4.2%
100	Service Charges	(4,034)	(3,882)	152	3.8%
-	Supporting People	(497)	(475)	22	4.4%
-	Other recharges & interest	(740)	(703)	37	5.0%
104	Net Income	(48,202)	(47,950)	252	0.5%
-	Total	-	38	38	

Explanation of Key Variances

The forecast for month 4 is an overspend of £0.038 million.

Further analysis of the variances as at month 4 are as follows:

- The employees forecast has reduced to an underspend of £0.068 million mainly due to vacancy management savings across the Housing Service.
- The Premises Repairs forecast underspend of £0.066 million relates to the service contracts area where various contracts are being retendered during this financial year.
- Capital Financing costs are forecast to underspend by £0.116 million due to forecast interest rates for the year being lower than the assumptions used for budget setting.
- Leaseholder service charges income is projected to underachieve by £0.121 million. This projection has been forecast following analysis of last year's outturn which has shown that the charges are likely to be less than budgeted for.

Item 64 Appendix 1

- The Temporary Accommodation budget is forecast to overspend by £0.124 million in relation to unrealised savings in the Temporary Accommodation budget due to the delay of the commencement of the LDV. The budget for 2010/11 had been set assuming that the temporary accommodation properties would be leased in batches during 2010/11 to the LDV. The forecast for Temporary Accommodation is included in the various relevant subjective headings in the summary outturn table above. The Housing Management Team have developed a cost reduction plan to identify cost efficiencies to reduce the impact of this overspend.

CAPITAL OUTTURN POSITION

Directorate	2010-11 Budget £'000	2010-11 New Schemes £'000	2010-11 Variations £'000	2011-12 Slippage £'000	2010-11 Budget £'000	2010-11 Outturn £'000	2010-11 Overspends £'000
Strategy & Governance	983				983	983	-
Housing, Culture & Enterprise	11,709	199			11,908	11,908	-
Finance & Resources	4,255	93			4,348	4,348	-
Adult Social Care	284	497			781	781	-
Housing Revenue Account	25,545	300			25,845	25,845	-
Children & Young People's Trust	49,715	141	363		50,219	50,230	11
Environment	14,344	920	(372)		14,892	14,952	60
Total Council Budgets	106,835	2,150	(9)	-	108,976	109,047	71

- 1) 15 existing family sized homes at a cost of £0.090 million.
- 2) The refurbishment of the temporary accommodation block at 58 York Road (currently 6 units) into self contained flats at a cost of £0.160 million.
- 3) 25 temporary accommodation dwellings 're-commissioned' in their existing layouts at a cost of £0.050 million.

Directorate: Housing, Culture & Enterprise

New Budget: £199,320

Project Title: Replacement of Libraries booking system

Brighton & Hove Libraries are part of the South East Library Management System (SELMS) the largest consortium in Europe that was successfully leveraged to procure the current library management system. Since joining SELMS the group has expanded from 6 to 12 members and now services a population of 6 million.

Further investment is required in Libraries services to enable Brighton & Hove Libraries to continue to deliver the excellent service and increase the value for money of those services.

Project Proposal

- i) Replacement of public PC bookings and print management system
- ii) Replacement and enhancement of self service provision within Jubilee and Hove libraries
- iii) Introduction of a digital downloads service

The implementation of the proposed projects is core to the Library Service aim to improve customer experience, drive value for money and to be part of delivering a council the city deserves. This is delivered via an enhanced customer experience through updated single point of delivery interfaces and in the reduced need for the customer to interact with staff by expanding the self service opportunities. Further customer experience improvements are derived from 24/7 access to digital holdings which can be accessed from anywhere in the world by a registered borrower.

The scheme will be funded from a combination of unsupported borrowing £0.164 million and a revenue contribution of £0.035 million. This is delivered by a reduction in the cost of annual maintenance contracts, the procurement of standards based, service enhancement without additional staffing costs and the reduction in spend on replacement media for lost or damaged audio/video stock. Failure to proceed with the project is forecast to cost the Libraries service a minimum of £0.375 million over the 5 years repayment period.

Finance & Resources

Directorate: Finance & Resources

New Budget: £93,000

Project Title: New Coroners Court

The city council has a statutory duty to provide a Coroner for the District of Brighton & Hove, which also necessitates a service to support the duties of the Coroner. As part of their duties, the Coroner must hold inquests to establish who a deceased person was, when and where the person died and how the person died.

The Coroner currently uses their own office for holding smaller inquests, but this is not satisfactory as the facilities are very limited. (for example, there is no provision or access for people with disabilities). Also, the Coroner has only limited storage capacity, for the retention of her records, in the Coroners Administrative Office and the proposed Coroners Court adjoining this Office will also provide essential storage space as well as an accessible toilet and a suitable entrance for wheelchair users.

A feasibility study has been undertaken to provide a new Coroners Court adjacent to the existing Coroners Office. This would involve rebuilding a groundsman's staffroom at a cost of approximately £0.093 million and re-siting the grounds staff to alternative existing accommodation at the Lawn Memorial Cemetery at Woodingdean. Part of this project will be met by DDA funds with the remainder being met by capital expenditure funded from unsupported borrowing to be met from within existing budgets.

Children & Young People's Trust

Directorate: Children & Young People's Trust

New Budget: £100,000

Project Title: Carlton Hill School S106 funding new gas boiler

A condition was placed on the Amex development under Section 106 which set out a £0.1 million sustainability contribution. The 'sustainability project' was to locally offset carbon emissions from the Proposed Development by the provision of an energy efficient heating system for Carlton Hill Primary School. The Authority has commissioned the replacement of the existing boiler with a new gas condensing boiler. This also necessitated some upgrading of the gas supply, plus associated professional fees. The total cost of the work is approximately £0.120 million. The balance of the expenditure will be met from the New Deal for Schools budget. Work is expected to be completed in time for the forthcoming winter.

Adult Social Care

Directorate: Adult Social Care New Budget: £148,000
 Project Title: Social Care Reform Grant

This is the final year of the Social Care Reform Grant which is to be used by local authorities to assist them with their partners in delivering the transformation of adult social care as set out in 'Putting People First: a shared vision and commitment to the transformation of Adult Social Care' (2007) , and preceding policy documents. For this coming year not only has the Government allocated revenue grant but it has also allocated an additional capital allocation to help councils with some of the associated infrastructure costs.

The grant will be utilised to procure (a) a new rostering system for in-house home care service which has the ability to plan, monitor and support a modernised re-ablement service thus producing efficiencies in both travel time and allowing enhanced contact time with service users; and (b) a partnered system that can deliver "live" rota information to mobile hand-held devices carried by Homecare staff out in the community

Directorate: Adult Social Care New Budget: £349,000
 Project Title: Adaptations for the disabled

The amount reflects the recurrent funding currently available for minor and major adaptations. The provision of adaptations within disabled people's homes contributes to the councils' priority to care for vulnerable people. It is an integral part of our personalisation agenda This expenditure enables people to live for longer within their own home and not have to move into long term residential care, it also reduces the need for the reliance upon home care. It also adds value to hospital discharges and admissions by preventing accidents..

The £349,000 will be financed by the following: £0.150 million from the Department of Health Adult Social Care Capital Allocation for 2010/11 and £0.199 million direct revenue funding contribution from Physical Disabilities budget.

Environment

Directorate: Environment New Budget: £920,000
 Project Title: Purchase of 7 Gritter Vehicles

The current gritter fleet is over 10 years and due for replacement. Maintenance costs have been increasingly high and last winter's severe snow events took their toll on the existing vehicles. The current vehicles are also not all appropriate for operating in

Item 64 Appendix 3

severe snow and ice on the city's hilly roads and are less efficient at spreading salt than more modern counterparts. The environmental impacts of the vehicles are being considered as well as health & safety and practical requirements.

Market testing is in progress to ascertain what is available and what best suits the needs of Brighton and Hove as an urban hilly area with narrow streets. Tender documents will be prepared later this year. Research is taking place into options for carrying out pavement gritting, such as a specialised machine (circa £0.040 million) and/or towable spreaders that could be attached to Cityparks tractors or seafront quad bikes.

Environmental issues as well as health & safety and practical requirements are being considered. Total expenditure will not exceed the £0.920 million reserved in capital funds for Winter Service vehicle replacement.

SUMMARY OF VARIATIONS TO THE CAPITAL BUDGET

Schemes	2010/11 Budget £'000	2011/12 Budget £'000	2012/13 Budget £'000	Total Changes £'000
Environment				
Detailed Variations in appendix 4 (over £50,000)	(372)	(10)	(11)	(393)
Children & Young People's Trust				
Detailed Variations in appendix 4 (over £50,000)	363	333		696
Total Changes to Budgets	(9)	323	(11)	303

Detailed explanations of the variations

Environment

Directorate: Environment
Project Title: Playbuilder

Approved Budget: £597,640
Revised Budget: £70,970
Variation: £(526,670)

As stated in the 2010/11 in-year government grant reductions report the Department for Education has instructed local authorities not to incur any future contractual liabilities in relation to Playbuilder. The Council had an allocation of £0.598 million allocated in 2010/11. However the funding is now being cut and this will change the position to a estimated revised budget of £0.070 million for the existing commitments. There are no budgets for Playbuilder beyond 2010/11 as the following table shows.

2010/11 £'000	2011/12 £'000	2012/13 £'000	Total £'000
(527)			(527)

There are a small number of improvements planned to play facilities that were funded from other sources for example s106 agreements and these will still go ahead.

Directorate: Environment	Approved Budget: £483,400
Project Title: Hollingdean Depot	Revised Budget: £638,410
	Variation: £155,010

Hollingdean Depot is the operational base for Cityclean and requires considerable investment over a four year period to maintain both operational and health and safety requirements. Initial works commenced in 2009/10 with the majority of works profiled for 2010/11 to 2012/13. A total of £0.638 million is identified for 2010/11 in connection with site enabling, repairs and fire safety works. A total of £0.150 million has been identified to be met from the Planned Maintenance Budget and £0.488 million from unsupported borrowing. The financing costs associated with the borrowing will be met from existing revenue budgets. The following table shows the changes for 2010/11 onwards.

2010/11 £'000	2011/12 £'000	2012/13 £'000	Total £'000
155	(10)	(11)	134

Children & Young People's Trust

Directorate: CYPT	Approved Budget: £17,176,710
Project Title: Falmer Academy	Revised Budget: £17,539,460
	Variation: £362,750

This is a combination of three funding sources. The utilisation of the budget from the Strategic Investment Funding (SIF) towards project management costs of £0.2 million. Also an increase in the budget of £0.110 million in respect of the Environment Improvement Grant for works to be carried out improving the site before September 2010. Lastly an increase in the budget in respect of additional funding from the DfE for irrecoverable VAT on the ICT contract, estimated to be £0.053 million in 2010/11 and £0.333 million in 2011/12. The following table shows the changes for these elements of the scheme over the three years.

2010/11 £'000	2011/12 £'000	2012/13 £'000	Total £'000
363	333		696

Internal movements within Children & Young People's Trust

Further to the approval by Members of the Children & Young Peoples Trust capital budgets at Cabinet Members Meeting on 26 April 2010, approval is sought for the following changes within the Directorate.

Virement Summary	From 2010/11 Budget £'000	To 2010/11 Budget £'000	Total Changes £'000
Children & Young People's Trust			
New Pupil Spaces 2010/11	(669)		(669)
Primary Programme		669	669
Basic Needs Safety Valve Funding	(5,700)		(5,700)
Primary Programme		5,700	5,700
Targeted Capital Fund	(257)		(257)
Falmer Academy		257	257
Targeted Capital Fund	(700)		(700)
Whitehawk Co-location		700	700
NDS Modernisation 2010/11	(300)		(300)
Whitehawk Co-location		300	300
Total Changes to Budgets	(7,626)	7,626	-

These changes will enable the Directorate to fully utilise the available capital resources by moving the budgets to where the need is greatest. Approval of these virements will improve monitoring of the various funding streams available for the projects scheduled for 2010/11. Adequate management information will still be available for grant claim purposes.

Subject:	Response to the recommendations of the Overview and Scrutiny Commission's Climate Change Adaptation Scrutiny Panel		
Date of Meeting:	23 September 2010		
Report of:	Acting Director of Strategy & Governance		
Contact Officer:	Name:	Thurstan Crockett	Tel: 29-2503
	E-mail:	Thurstan.crockett@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: CAB17788	
Wards Affected:	All		

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

- 1.1 In 2009, a scrutiny panel was established by Overview and Scrutiny Commission to investigate:

"..what work needs to be done to make good progress in planning for a changing local climate."

- 1.2 This response sets out to address the recommendations of this report including how the city can increase its preparedness for extreme weather events made more likely by climate change.

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the recommendations of the report from OSC and acknowledge the work of the scrutiny panel.
- 2.2 That further work in respect of the recommendations from the OSC, which fall beyond the remit of the Cabinet, be taken forward through the Brighton & Hove Strategic Partnership and the City Sustainability Partnership.

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 terms of reference agreed by this panel were:
- (1) To gain an understanding of the climate change threats and opportunities facing Brighton & Hove and the impact these will have
 - (2) To review the current preparedness of BHCC and its partners to adapt to the foreseeable consequences of a changing local climate

- (3) To identify through a gap analysis risks that need to be addressed through improved adaptation planning
 - (4) To develop a timetable for this work to be undertaken
 - (5) To consider the best means through which to monitor progress made in reaching level 4 of NI188¹
- 3.2 The panel subsequently held a series of evidence gathering meetings and drew together the report ‘Planning for a changing local climate’, a summary of which is at Appendix 2.
- 3.3 Climate change adaptation can be defined as:
‘... the process of building resilience and preparing households, businesses, infrastructure, public services and vulnerable parts of our society to cope with the impacts of climate change, and to take advantage of any new opportunities that result.

The scope of the panel recommendations on this is extensive and it is therefore right that Cabinet considers them carefully.

- 3.3.1 As a coastal city, Brighton & Hove clearly has to be very aware of coastal erosion, sea level rise and storm surges at very high tide times of year. We also need to better understand risk from flooding due to downpours and – conversely, the likely frequency and intensity of heatwaves and drought in future.
- 3.3.2 The council is currently working with the City Sustainability Partnership to revise the city’s Climate Change Action Plan and this is a timely opportunity to considerably enhance and develop the adaptation section of the plan.
- 3.3.3 The administration has considered all 13 recommendations and a fourteenth, in effect, about monitoring and is in broad agreement with them all. The recommendations and the administration’s comments in response, along with dates for implementation, are set out in Appendix 1.

4. CONSULTATION

- 4.1 Sustainable Transport, Emergency Planning & Business Continuity, Communities Team, Partnership Community Safety Team, Brighton & Hove Strategic Partnership, City Sustainability Partnership are being consulted.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The council will need to examine funding options both externally and internally available to support the development of the recommendations within this report. A number of external funding grants are currently being explored to support the climate change work that may be required to be undertaken within the council. Further work will be required alongside the Brighton & Hove Strategic

¹ Scoping report for the Panel dated September 09

Partnership to identify potential neighbouring local authorities and other bodies that will also support initiatives associated with this report. Funding through Local Public Service Agreements (LPSA) is available to support the LCLIP and UKCP09 work and this will need to be detailed to Cabinet in due course. Funding of £275,000 in total has been made available over 2009/10 and 2010/11 from DEFRA to support the development of the Surface Water Management Plan for Brighton and Hove City Council.

Finance Officer Consulted: Rob Allen

Date: 08/09/10

Legal Implications:

- 5.2 Cabinet's consideration of OSC's report and recommendations, and Cabinet's response, fulfil their duty under section 21B of the Local Government Act 2000, requiring them, within two months of receiving OSC's report or (if later) their notice to Cabinet:
- (i) to consider the report and associated recommendations, and
 - (ii) to respond to OSC, indicating what (if any) action it proposes to take

Lawyer Consulted:

Oliver Dixon

Date: 08/09/10

Equalities Implications:

- 5.3 An Equalities Impact Assessment is being undertaken by the City Sustainability Partnership but further work will be necessary to assess the equalities implications of any significant policy changes implemented as a result of

Sustainability Implications:

- 5.4 Adapting to climate change is all about sustainability and this is reflected in the plans to develop a Local Climate Impacts Profile being commissioned by the City Sustainability Partnership.

Crime & Disorder Implications:

- 5.5 None foreseeable. Issues relating to disorder and arson arose in panel evidence in connection with heatwaves and should be explored as part of the LClip work.

Risk & Opportunity Management Implications:

- 5.6 Local impacts of climate change features on the corporate risk register and risks will be assessed as a key part of the LClip process in order to get a strategic picture in each service delivery area of the impacts of different local climate change-driven severe weather events.

Corporate / Citywide Implications:

- 5.7 These are significant given the nature of severe weather events and the increased probability of greater frequency, so work with the Brighton & Hove Strategic Partnership on this will be essential.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 It would theoretically be an option not to prepare for a changing climate locally, but this would not be responsible or based on sound science and the extensive scientific consensus about climate change.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The executive has to respond to Scrutiny recommendations within two months, and given the summer break, this was the earliest realistic opportunity.
- 7.2 To take forward the issues raised by the OSC report.

SUPPORTING DOCUMENTATION

Appendices:

- 1. Table of Scrutiny panel Recommendations, with the administration’s Comments in response, with dates for implementation.
- 2. Climate change Adaptation Scrutiny Panel report summary: “Planning for a changing local climate”.

Documents in Members’ Rooms

None

Background Documents

None

Rec #	Recommendation	Comments	Date
1	<p>The Panel recommends that a more prominent role is given to the risk management of climate change adaptation and preparing for extreme weather. To reflect this, a Cabinet Member should be identified as being both responsible for the issue and accountable for the implementation of the Panel's recommendations.</p>	<p>Agreed in principle. Emergency Planning, business continuity and strategic risk management for the council are based on comprehensive risk assessment; the Council will look closely into the local climate impact projections for the city and at whether this means widening the depth and reach of assessment to more service areas. Given the extensive potential impacts across a broad range of services and functions it makes sense for the Cabinet Member for Central Services to take on this responsibility.</p>	<p>September 23, 2010</p>
2	<p>The Panel welcomes the identification of resources to undertake a Local Climate Impact Profile (LCLIP). The Panel believes that resources also need to be identified to carry out an analysis of the implications of the UK Climate Projections data (UKCP09) for the city of Brighton & Hove.</p>	<p>Agreed in principle. It may be possible to undertake this work in partnership – for example, with East Sussex County Council – though the work could be achieved with the resources identified through LPSA funding as part of the Local Climate Impacts Profile work. We have made a start on the LCIP and these external funds have been secured for an officer for six months, to develop this further, starting in early October.</p>	<p>January 31, 2011</p>

3	<p>The Panel welcomes the development of a revised Climate Change Action Plan (CCAP), which addresses both mitigation and adaptation in the city. The Adaptation Section of the Plan should be based on the work of this Scrutiny Panel. The Panel recommends that the Brighton & Hove Strategic Partnership monitors the progress of the outcomes of the CCAP.</p>	<p>Agreed, though the final decisions on this will rest with the City Sustainability and Strategic partnerships.</p>	<p>December 31, 2010</p>
4	<p>The Panel recommends that the Climate Change Action Plan is monitored on a biennial basis (every 2 years), including an assessment of where we are and how well the city is adapting. This would include a report back to the Cabinet Member who is responsible for climate change adaptation (see recommendation 1).</p>	<p>Agreed</p>	<p>December 31, 2012</p>

5	<p>The Panel believes National Indicator 188 (NI188) is a worthwhile indicator, because it can effectively measure the progress of local areas in assessing and addressing the risks and opportunities of climate change. The Panel recommends continued use of the process outlined in NI188, even if the National Indicators and Local Area Agreements (LAAs) are changed or scrapped, unless a better method of assessing progress replaces it. The Panel recommends that NI188 is placed within the LAA, if it continues post 2010/11. This would demonstrate the importance of this issue to the city. It would also provide a focus on the need to set, and meet, a challenging timetable for taking the city through the stages of the indicator as it pro-actively prepares to adapt to climate change.</p>	<p>Agreed in principle. The council will need to see what changes to the use of national indicators are introduced by the Government, but we accept the principle that the climate change adaptation process in NI 188 is a good one to use in the meantime.</p>	<p>November 30, 2010</p>
---	---	--	--------------------------

6	<p>The Panel believes that the challenges of adaptation cannot be met by statutory agencies alone. The Panel recognises the importance of existing mechanisms such as Local Area Action Teams and the voluntary sector, to develop the capacity of communities to adapt to increasingly extreme weather in the city. A learning and development programme needs to be produced to assist these champions. This work could be linked to the Climate Connections project.</p>	<p>Agreed in principle. Climate change adaptation should include a strong element of community engagement to ensure that local people and communities are able to respond and adapt to the issues – this would also strengthen volunteer and self help activity, all of which can provide low cost, more sustainable solutions. External funding is being explored to start this work.</p>	<p>March 31, 2011</p>
7	<p>The Panel recommends that climate change resilience and business continuity needs to be a high level outcome which is built into the new Intelligent Commissioning Model.</p>	<p>Agreed in principle. The new Director of Place will be asked to consider this.</p>	<p>January 31, 2011</p>

8	<p>The Panel recommends that an Adaptation Test^[1] should be developed for publicly commissioned services. These services would be required to use the test to demonstrate how they are planning to face the challenges of adaptation. This test could contain a set of questions, such as: <i>‘Have you identified the possible range of impacts of climate change on the activities and responsibilities of your institution or business, and their timescales?’</i>^[2]</p> <p>The Panel believe it would also be useful to encourage other businesses in the city to use this test. (Please note: The panel members discussed this recommendation and while three of panel members approved it, Councillor Tony Janio wanted to record his dissent on this particular recommendation).</p>	<p>Agreed in principle, for high level use. It may make sense to adapt this test for use at strategic commissioning level only, and this will be explored, while ensuring that the reporting burden does not get passed down the chain to front-line service providers and their organisations. The test is not suitable for lower tiers, as for them it would be over-prescriptive and could over-burden service delivery units, especially small, local businesses competing for contracts.</p>	June 1, 2012
---	---	---	--------------

9	<p>The Panel welcomes Planning proposals to ensure that developments can adapt to future climate changes. This will be achieved by implementing planning policies which require that new developments in the city must demonstrate that they can adapt to climate change through addressing such issues as flooding, overheating, rain events, storm surges and other climate related impacts. Any new planning documents will be fully informed by relevant studies about climate impacts now and in the future.</p>	<p>Agreed. Key Planning documents will be updated to take into account latest science and projections.</p>	<p>September 23, 2010</p>
10	<p>The Panel recommends that BHCC, and the Brighton & Hove Strategic Partnership, approach neighbouring local authorities and other bodies to identify areas of good practice, undertake a peer review and identify potential areas for cross working.</p>	<p>Agreed. Officers are involved in a Sussex Sustainability Network and there are also strong connections to build on in shoreline management, planning and other disciplines.</p>	<p>October 31, 2010</p>
11	<p>The Panel recognises that the universities and colleges in the city could be used as a valuable resource in building up knowledge about adaptation and engaging with the community. The Panel recommends that this be further explored.</p>	<p>Agreed. The council will continue to develop its relationships with both Universities, in particular, to ensure that we make the most of opportunities to share knowledge and its practical application.</p>	<p>December 31, 2010</p>

12	<p>The Panel welcomes the awarding of funds for BHCC to develop a Surface Water Management Plan (SWMP). It recommends that the work on the SWMP is developed as a matter of urgency and used, where possible, to bid for funding in this vital area.</p>	<p>Agreed. We have made a start on the Surface Water Management Plan work and have made contact with the Environment Agency. Next steps include formation of a working group with the EA, adjacent local authorities, and Southern Water etc. The Plan will help inform the City's needs, so there may be potential to use it as the basis of a bidding document - though DEFRA and the agency have given no guarantees of any future funding streams for SWMP works. Brighton and Hove is one of 77 authorities receiving additional funding from DEFRA to support the development of surface water flood risk management plans and other early actions and our allocation is the second highest behind Birmingham. An allocation totalling £275,000 has been given to support the additional burden necessary to develop a surface water management plan for Brighton and Hove and other surface water management risk actions. Payment will be made over two financial years with £180,310 allocated for 2009/2010 and £95,000 allocated for 2010/11. The funding will be included as part of the Area Based Grant (ABG).</p>	September 23, 2010
13	<p>The Panel believes that it is essential that sufficient resources are identified to be able to carry out the work recommended in this report.</p>	<p>Agreed in principle. The resource implications need to be understood in more detail and integrated into the budgeting process. External funding sources are also being explored.</p>	September 30, 2011

*	Monitoring of these recommendations: On completion of the work recommended by the Panel, if further resources are needed to address adaptation these should be reported in any further revisions of the Climate Change Action Plan or other relevant strategy documents.	Agreed. This role should be picked up by the City Sustainability and Strategic Partnerships.	December 31, 2010
	[1] An example of an Adaptation test and 10 indicative questions can be found in The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf		
	[2] Ibid, page 111		



July 2010

Climate Change Adaptation Scrutiny Panel
Volume 1: Summary of Panel

'Planning for a changing local climate'

Panel Members

Professor Gordon MacKerron (Chairman)
Councillor Gill Mitchell
Councillor Tony Janio
Councillor Vicky Wakefield-Jarrett

CONTENTS

- 1. Chair's Introduction**
- 2. Executive Summary and list of Recommendations**
- 3. How, and why, the Panel was set up**
- 4. Climate change – an overview**
- 5. Adapting Brighton & Hove**
- 6. Recommendations and key findings**

Glossary

Appendices

- A. Guidance on NI188**
- B. Brighton & Hove's proposed framework to deliver improvements to Level 3 of NI188**
- C. UCKP09 Key Findings for SE England 2050s**

1. Chair's Introduction

- 1.1 'Climate change' sounds a very abstract idea, and it can seem a long way off. But if we re-cast it as 'extreme weather', it becomes much more immediate and vivid. Climate change is not just the prediction that average temperatures will gradually rise: it also involves expectations of much more extreme weather, including some very cold spells, but also and more commonly long periods of drought, unprecedented heat waves and greater storminess. Some of these extremes are already becoming visible – and they will get worse.
- 1.2 This is why Brighton & Hove City Council decided it was time to set up a Scrutiny Panel with the task of asking how far the city is prepared for these extremes and advising on how it can better develop the capacity to respond when these (individually unpredictable) extreme weather events occur in future. The Panel rightly spent most time on the problems that extreme weather can bring, but it also looked at opportunities that will come as well, for example in tourism.
- 1.3 Asking how we can all adapt to climate change is not at the expense of continuing the very considerable efforts that the city is already making to mitigate climate change, for example by promoting renewable energy and making our buildings more energy efficient. We are already locked in to some degree of climate change, so mitigation and adaptation are complementary to each other, not competitive. The more successfully we mitigate, the less we will have to adapt, so mitigation remains just as important as ever.
- 1.4 Adapting better to climate change is not just an environmental issue, or even just a sustainability issue. It pervades all areas of social and economic life, business continuity being an important and obvious one. It also required us to look at the preparedness of the emergency services and of the city's capacity to manage public health issues that extreme weather makes of vital importance. This pervasiveness meant that we had to call for evidence from an exceptionally wide range of witnesses, and in the end we received evidence, all of it of high quality, from 24 people representing 15 organizations. The pervasiveness of the issue also means that we think it vital that capacity to adapt is an issue for not just the Council but also for the Brighton & Hove Strategic Partnership and for a wide range of voluntary organizations. And because the consequences of extreme weather will not always be confined to the city boundaries, and may often have origins outside the city (for example flooding) it is also vital that the city aims to develop co-operative and sometimes common arrangements with neighbouring local authorities.
- 1.5 My thanks go the Panel members [named] who gave a great deal of time and thought to the task, and to the many expert witnesses who were also unfailingly helpful, often including providing post-interview

information. Finally, thanks are due to the council officers who gave their support and especially to Karen Amsden, who has done a first-rate job in the Scrutiny team.

Professor Gordon MacKerron
Director SPRU (Science & Technology Policy Research)
University of Sussex

2. Executive Summary and list of Recommendations

2.1 This section provides a summary of the report and lists the full set of recommendations arising from this scrutiny review.

A. Executive Summary

What is climate change adaptation?

2.2 The breadth of the issue is shown in the following description of adapting to climate change:

*'... the process of building resilience and preparing households, businesses, infrastructure, public services and vulnerable parts of our society to cope with the impacts of climate change, and to take advantage of any new opportunities that result.'*¹

The key focus of this report

2.3 The Panel was established to investigate what work needed to be done to prepare Brighton & Hove (B&H) for the possible effects of a changing local climate.

Why is adaptation important to the city?

2.4 Evidence to the Panel stressed that while this is a vital issue for the whole world, there is a need to develop local solutions.

2.5 Brighton & Hove because of its location by the sea, as well as other characteristics, is vulnerable to wide range of risks which could result from a changing climate and more extreme weather. These include:

- Flooding
- Heat waves
- Coastal erosion

2.6 The city also needs to prepare for the opportunities that can be created by a changing climate, such as:

- Increasing tourism
- Growing business opportunities for environmental industries

¹ Parliament Website, <http://www.parliament.uk/business/committees/committees-archive/environmental-audit-committee/inqadaptation/>

The financial consequences of failing to adapt

- 2.7 While preparing to adapt may require significant resources, research has found that the financial consequences of failing to adapt could be significantly higher.
- 2.8 The 'Mini-Stern for Manchester' report by Deloitte concluded that 'a *failure to adapt*' scenario could result in the Manchester region losing an estimated **£20 billion** over the next 12 years to 2020.²

The key findings

- 2.9 The Panel received a substantial amount of evidence on the potential impacts of climate change and how best to adapt to such changes. Examples of the issues that were highlighted, include:
- The city, like the rest of the UK, is finding it challenging to cope with the existing levels of extreme weather, such as the 09/10 winter snow
 - Brighton & Hove City Council (BHCC) could learn from the good practice of other local authorities, such as Kent and Hampshire, who have successfully taken on the 'civic leadership' role in relation to adaptation
 - While some BHCC services are making good preparations for adaptation, a questionnaire sent out to the Council's service heads highlighted the '*variability*³ in how well these services understood adaptation issues and the actions they were taking to prepare
 - The Council is currently not making the expected rate of progress in the national indicator 188 (NI188) - which is a process based indicator designed to measure the progress of a local area in assessing and addressing the risks and opportunities of climate change
 - The potential for harnessing community resources to prepare for a changing climate
 - Preparing to adapt to the possible climate changes is a continual process and currently there is a need to focus on **building capacity** to prepare for these changes

How can the city best adapt?

- 2.10 The 2006 Climate Change Action Plan for B&H focussed on mitigation and council services. Since then it has been recognised that there needs to be both adaptation and mitigation responses to the changing climate. The evidence from this review shows that the most effective way is for the city to plan to adapt together. Like BHCC, a wide range of partners in the city are planning to adapt, but are making progress at varying levels and could benefit from closer co-working.

² Mini-Stern for Manchester, Deloitte (2008) http://www.deloitte.com/assets/Dcom-UnitedKingdom/Local%20Assets/Documents/UK_GPS_MiniStern.pdf

³ Assessment of the returns from the adaptation questionnaire sent out to all service heads in BHCC

2.11 Evidence given to the Panel, backed up the findings of a report commissioned by Defra, which identified these key barriers to adaptation:

- Too much duplication
- A lack of resources
- A lack of relevant skills⁴

The Panel believe that a city wide approach is needed, facilitated by bodies such as the Brighton & Hove Strategic Partnership and BHCC. This could make it possible to avoid, or minimise, these difficulties which many local authorities are experiencing as they prepare to adapt.

Conclusion

2.12 Adapting to a changing climate is a complex issue. There are significant levels of uncertainty and not yet known resource implications. Despite increasing awareness of this issue and much positive work on mitigation; the city has not yet progressed, or prioritised, adaptation to the same extent as some other localities.

2.13 The Panel believes that improved partnership working, leadership, and monitoring could help to take this issue forward significantly in B&H. It has developed 13 recommendations aimed at developing the **capacity of the city** to:

- Generate and use knowledge about climate change adaptation
- Use the knowledge of the key threats and opportunities presented by extreme weather to determine how it needs to adapt
- Build sufficient capacity to continually adapt to climate change
- Build and strengthen partnerships to deliver adaptation
- Enable its community to prepare for extreme weather
- Identify the resources needed to adapt
- Commission and deliver services that are adapting to climate change
- Embed and implement climate change adaptation
- Meet the requirements of National Indicator 188

⁴ IHPC, NI188 Year 1 Review and Analysis, October 2009

http://www.climatechangenorthwest.co.uk/assets/_files/documents/nov_09/cli_1259606461_EXEC_SUMMARY_NI_188_final_repo.pdf

Recommendations of the Climate Change Adaptation Panel

- 1. The Panel recommends that a more prominent role is given to the risk management of climate change adaptation and preparing for extreme weather. To reflect this, a Cabinet Member should be identified as being both responsible for the issue and accountable for the implementation of the Panel's recommendations.**
- 2. The Panel welcomes the identification of resources to undertake a Local Climate Impact Profile (LCLIP). The Panel believes that resources also need to be identified to carry out an analysis of the implications of the UK Climate Projections data (UKCP09) for the city of Brighton & Hove.**
- 3. The Panel welcomes the development of a revised Climate Change Action Plan (CCAP), which addresses both mitigation and adaptation in the city. The Adaptation Section of the Plan should be based on the work of this Scrutiny Panel. The Panel recommends that the Brighton & Hove Strategic Partnership monitors the progress of the outcomes of the CCAP.**
- 4. The Panel recommends that the Climate Change Action Plan is monitored on a biennial basis (every 2 years), including an assessment of where we are and how well the city is adapting. This would include a report back to the Cabinet Member who is responsible for climate change adaptation (see recommendation 1).**
- 5. The Panel believes National Indicator 188 (NI188) is a worthwhile indicator, because it can effectively measure the progress of local areas in assessing and addressing the risks and opportunities of climate change. The Panel recommends continued use of the process outlined in NI188, even if the National Indicators and Local Area Agreements (LAAs) are changed or scrapped, unless a better method of assessing progress replaces it.**

The Panel recommends that NI188 is placed within the LAA, if it continues post 2010/11. This would demonstrate the importance of this issue to the city. It would also provide a focus on the need to set, and meet, a challenging timetable for taking the city through the stages of the indicator as it pro-actively prepares to adapt to climate change.

- 6. The Panel believes that the challenges of adaptation cannot be met by statutory agencies alone. The Panel recognises the importance of existing mechanisms such as Local Area Action Teams and the voluntary sector, to develop the capacity of communities to adapt to increasingly extreme weather in the city. A learning and development programme needs to be produced to assist these champions. This work could be linked to the Climate Connections project.**

7. The Panel recommends that climate change resilience and business continuity needs to be a high level outcome which is built into the new Intelligent Commissioning Model.

8. The Panel recommends that an Adaptation Test⁵ should be developed for publicly commissioned services. These services would be required to use the test to demonstrate how they are planning to face the challenges of adaptation.

This test could contain a set of questions, such as:

‘Have you identified the possible range of impacts of climate change on the activities and responsibilities of your institution or business, and their timescales?’⁶

The Panel believe it would also be useful to encourage other businesses in the city to use this test.

(Please note: The panel members discussed this recommendation and while three of panel members approved it, Councillor Tony Janio wanted to record his dissent on this particular recommendation).

9. The Panel welcomes Planning proposals to ensure that developments can adapt to future climate changes. This will be achieved by implementing planning policies which require that new developments in the city must demonstrate that they can adapt to climate change through addressing such issues as flooding, overheating, rain events, storm surges and other climate related impacts. Any new planning documents will be fully informed by relevant studies about climate impacts now and in the future.

10. The Panel recommends that BHCC, and the Brighton & Hove Strategic Partnership, approach neighbouring local authorities and other bodies to identify areas of good practice, undertake a peer review and identify potential areas for cross working.

11. The Panel recognises that the universities and colleges in the city could be used as a valuable resource in building up knowledge about adaptation and engaging with the community. The Panel recommends that this be further explored.

12. The Panel welcomes the awarding of funds for BHCC to develop a Surface Water Management Plan (SWMP). It recommends that the work

⁵ An example of an Adaptation test and 10 indicative questions can be found in The Royal Commission on Environmental Pollution’s report ‘Adapting Institutions to Climate Change’ (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

⁶ Ibid, page 111

on the SWMP is developed as a matter of urgency and used, where possible, to bid for funding in this vital area.

13. The Panel believes that it is essential that sufficient resources are identified to be able to carry out the work recommended in this report.

On completion of the work recommended by the Panel, if further resources are needed to address adaptation these should be reported in any further revisions of the Climate Change Action Plan or other relevant strategy documents.

Monitoring of these recommendations:

This Panel report was approved at the Overview and Scrutiny Commission (OSC) on 20.07.10. It will now be referred to the Executive and appropriate partner organisations.

The Executive are expected to respond to this report within 2 months, then progress reports will be sent to OSC in 6 months and 12 months time.

3. HOW, AND WHY, THE PANEL WAS SET UP

- 3.1 The Council's Overview and Scrutiny Commission (OSC) resolved to establish a panel to investigate:

'...what work that needs to be done to make good progress in planning for a changing local climate'.⁷

- 3.2 The OSC also determined:

'That the Panel will consider as one outcome whether or not a scrutiny Select Committee is required to ensure good progress in this work continues'.⁸

3.3 The terms of reference for the Panel

The following terms of reference were agreed:

- 1) To gain an understanding of the climate change threats and opportunities facing Brighton & Hove and the impact these will have
- 2) To review the current preparedness of BHCC and its partners to adapt to the foreseeable consequences of a changing local climate
- 3) To identify through a gap analysis risks that need to be addressed through improved adaptation planning
- 4) To develop a timetable for this work to be undertaken
- 5) To consider the best means through which to monitor progress made in reaching level 4 of NI188⁹

Why did the Panel focus on NI188?

- 3.4 This indicator is designed to measure annual progress on:

'...assessing and managing climate risks and opportunities, and incorporating appropriate action into local authority and partners' strategic planning'.¹⁰

⁷ Agenda Item 99 for OSC on 10.03.09 [http://present.brighton-hove.gov.uk/Published/C00000164/M00001386/AI00006688/\\$Item99AdaptationtoClimateChange.doc](http://present.brighton-hove.gov.uk/Published/C00000164/M00001386/AI00006688/$Item99AdaptationtoClimateChange.doc)
[A.ps.pdf](#)

⁸ Minutes of the OSC meeting on 10.03.09 <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=164&MId=1386&Ver=4>

⁹ Scoping report for the Panel dated September 09

¹⁰ Audit Commission Website: <http://www.audit-commission.gov.uk/localgov/audit/nis/Pages/NI188planningtoadapttoclimatechange.aspx>

- 3.5 When the scope of this Panel was being decided, it was felt that NI188 was crucial to framing how the review was conducted and the recommendations were developed. This indicator currently has a 3 year life span until March 2011. Although the future of NI188 is unclear, the Panel believes in the indicator's value because it is designed to ensure that:

*'...local authorities assess and address the risks and opportunities presented by a changing climate, as well as provide a tool for measuring preparedness.'*¹¹

- 3.6 It is a process based indicator which measures a local authority's progress through 5 levels from 'getting started' (level 0) to 'implementation, monitoring and continuous review' (level 4). In 2008/9, the first year of submission, BHCC assessed that it was at level 0, the same level as 51% of the respondents (and 63% of those in the South East of England).¹²

- 3.7 The Government Office for the South-East (GOSE) has advised local authorities that it expects them to progress roughly a level per year for this indicator.¹³ The expectation is also that:

*'Every Local Authority to be at level 2 as a minimum by **the end of 2011**...LSP partners to be on the same journey & support provided.'*¹⁴

- 3.8 It is clear, therefore, that currently BHCC (at level 0) is not making the expected level of progress with this indicator.

How the recommendations of this Panel are designed to improve performance in NI188

- 3.9 Although BHCC has begun a number of significant stages that are expected as part of level 1 of NI188, it assessed itself as remaining at level 0 for 2009/10.
- 3.10 This is primarily because the Council is yet to complete its Local Climate Impact Profile (LCLIP) – (see paragraphs 7.6-7.13 for further information). If the expected rate of progress is now made, including completing the LCLIP, then BHCC would be able to assess itself as reaching level 1 for 2010/11.¹⁵
- 3.11 To assist this progress, each recommendation of the review will include a table showing how its implementation will contribute to satisfying the relevant criteria for each level of NI188.

¹¹ DEFRA website

¹² IHPC Report, NI188 Year 1 Review and Analysis, October 2009

¹³ Advice from Anurag Kher, Climate Change Senior Policy Advisor, 06.10.10

¹⁴ DEFRA briefing workshops presentation on 11/03/09

¹⁵ BHCC self assessment return for NI188, 28.05.10

Panel Meetings

3.12 The Panel met six times to hear evidence and the table below shows the witnesses for each meeting.

WITNESSES WHO GAVE EVIDENCE (IN ORDER OF APPEARANCE)

Name	Title	Organisation
Chris West	Director	UK Climate Impacts Programme
Chris Wick	Operational Manager	Environment Agency
Barry Luck	Sewerage Strategy Manager	Southern Water
Jorn Peters	Regional Planner	South East England Partnership Board
Tony Whitbread	Chief Executive	Sussex Wildlife Trust
Graham Tubb	Head of Energy Policy	SEEDA and Climate South East
Justin Butler	Managing Director	Ambiental
Meyrick Gough	Water Planning Strategy Manager	Southern Water
Mark Prior	Head of Sustainable Transport	Brighton & Hove City Council (BHCC)
Martin Eade	Coast Protection Engineer	BHCC
Martin Randall	Assistant Director – City Planner	BHCC
Paula Goncalves	Senior Planning Officer	BHCC
Matthew Lipson	Assistant Scientist	Committee on Climate Change (Adaptation Sub-Committee)
Gary Ferrand	Assistant Chief Fire Officer	East Sussex Fire and Rescue Service (ESFRS)
Keith Ring	Borough Commander	ESFRS
Thurstan Crockett	Head of Sustainability and Environmental Policy and Environmental Policy	BHCC
Angela Dymott	Assistant Director, Property & Design	BHCC
Robin Humphries	Civil Contingencies Manager	BHCC
Jackie Algar	Risk & Opportunity Manager	BHCC
Paolo Boldrini		Climate Connections Project
Carolyn McKenzie	Head of Sustainability and Climate Change	Kent County Council

Dominic Kniveton		Sussex Centre for Migration, University of Sussex
Tom Scanlon	Director of Public Health for Brighton & Hove	
Jane Simmons	Head of Commissioning and Partnerships	BHCC

3.13 The panel also met in private to discuss the evidence and agree the recommendations. Karen Amsden of the Scrutiny Team met with 7 service heads to discuss adaptation issues

3.14 A questionnaire was sent to all BHCC service heads and the analysis of the responses can be found in Volume 2 of this report.

3.15 From all the evidence obtained, 13 recommendations have been produced.

4. CLIMATE CHANGE – AN OVERVIEW

OUR CHANGING CLIMATE

- 4.1 To understand why it is important for the city to adapt to climate change, it is useful to begin by looking at how the climate may change and what could be the effect.

Current UK weather

- 4.2 A recent report by the Royal Commission on Environmental Pollution (RCEP) described the UK climate as:

*'...temperate. It is not too warm, generally with mild winters and neither too wet nor too dry... However, this seemingly benign situation is frequently punctured by extreme weather events.'*¹⁶

- 4.3 The Environment Agency (EA) told the Panel that:

'... what has most impact is the severe events like serious flooding or very high temperatures'.¹⁷

- 4.4 Therefore a focus of this review was to look at the potential effects on the city, if extreme weather events become more frequent as the climate changes.

How might the UK climate change?

- 4.5 The updated UK climate projections (UKCP09) set out the best available local projections for how our climate may change in the future. These projections suggest that broadly there will be warmer, drier summers and warmer wetter winters in the UK by the end of the century.

- 4.6 According the Climate Change Adaptation Sub-Committee (ASC):

'... different studies do show some consistent trends in future UK climate. Among these are:

- *sea level rises in coastal areas;*
- *more frequent extremes of flooding, heat waves and drought;*
- *a reduction in frost days and snow cover;*
- *milder, wetter winters...*
- *hotter, drier summers, with potential rainfall decreases in the South East; and*
- *greater average warming in the South...*¹⁸

¹⁶ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹⁷ Chris Wick, Minutes of the Panel Meeting on 09.09.09

- 4.7 Climate change projections tend to present a range of scenarios, because:

*'We should not prepare to adapt to just one future, but a range of futures – as it was not possible at present to tell which one would happen.'*¹⁹

The climate in the South East of England

- 4.8 According to the Met Office's Hadley Centre, the summer average temperature rise in the South East (SE) of England by the end of the century is very likely to be above 2 °C and below 6.4 °C. The central estimate is 4 °C.²⁰

- 4.9 Their key findings for the SE of England can be found at <http://ukclimateprojections.defra.gov.uk/content/view/2155/528/>. The information is offered at 30 year intervals from 2020 to 2080 and range from low to high scenarios. The information focuses on:

- Temperature
- Precipitation
- Sea level rises and storm surges

(See Appendix C for an example of the medium scenario for SE of England in 2050.)

What changes could pose the biggest risks to B&H?

- 4.10 Evidence provided to the Panel suggested that increasingly extreme weather and a changing climate could pose the following key risks to the city:

- Increased likelihood of flooding (including surface water flooding)
- Heat – heat waves and urban heat island effect
- Managing water resources

- 4.11 Other vulnerabilities which were highlighted by witnesses, included:

- Coastal erosion
- Cliff protection
- Storm surges
- Snow and the increased impact of extreme weather conditions
- Effects of increasingly extreme weather on vulnerable groups

¹⁸ Climate Change Adaptation Sub-Committee website <http://www.theccc.org.uk/asc-home/climate-impacts>

¹⁹ Chris West, Minutes of the Panel Meeting on 09.09.09

²⁰ Met Office website <http://www.metoffice.gov.uk/climatechange/guide/quick/impacts.html>

- Ensuring the resilience of the city's infrastructure
- Insufficient drainage
- Highway drainage
- Sewerage capacity
- Wildlife impacts
- Sea water levels
- Health impacts
- Business continuity

How extreme weather can affect the delivery of council services

- 4.12 The potential effects of a changing climate will be covered in greater detail in Chapter 5. However, the winter of 09/10 is an example of the impact extreme weather can have on the city. A separate Scrutiny Panel was set up to look at how BHCC and its key partners had been able to respond to the challenges posed by the:

'...extensive disruption caused by the severe snow and ice over the Christmas and New Year period'.²¹

- 4.13 The review considered the level of resources needed to respond to this weather and recommended:

'...that a balance needs to be struck between being sufficiently prepared to cope with severe winter weather, and the need to be proportionate in allocating resources to cope with eventualities that happen only infrequently'²²

- 4.14 This Winter Service Panel (WSP) also concluded that:

'Key to deciding how much resource to commit is an understanding of the probable frequency of such severe winter weather'.²³

- 4.15 The WSP has welcomed the work of this Adaptation review because it would make:

'... a recommendation of which will be the allocation of resources to help the council and partners better understand future climatic trends, including through the Local Climate Impacts Profile (LCLIP)'.²⁴

²¹ Winter Service Plan Review Scrutiny Panel Report, Volume I, March 2010.

²² Ibid

²³ Ibid

²⁴ Ibid

CLIMATE CHANGE POLICIES

4.16 This section describes the national, regional and local policy framework which has been established to prepare for a changing climate. This demonstrates both the importance of the issue and the expectation that government at all levels is working to adapt to a changing climate.

Climate Change Act 2008

4.17 This Act introduced new powers and duties regarding climate change adaptation and mitigation. For adaptation it established:

- A Committee on Climate Change (CCC) to advise on setting carbon budgets and reporting progress on reducing greenhouse gases
- A UK-wide Climate Change Risk Assessment (CCRA) that must take place every 5 years
- A National Adaptation Programme to address the most pressing climate change risks, which must be reviewed every 5 years
- A government power to require 'bodies with function of a public nature' and 'statutory undertakers' (e.g. water utilities) to report on how they have assessed the risk of climate change

Adaptation Sub-Committee (ASC)

4.18 This sub-committee of the CCC was also established under the Climate Change Act. It has the following objectives:

- To advise on the development of a CCRA for the UK
- To assess the preparedness of the UK to meet the risks and opportunities arising from climate change
- To promote effective actions to adapt to climate change by society as a whole²⁵

4.19 Matthew Lipson of the ASC fed back to the Panel, that:

*'...from the information provided to him ... that Brighton & Hove was doing a great deal to reduce the impact of climate change. However much is being done to mitigate against the effects of climate change, we also need to adapt.'*²⁶

The National Adaptation Programme

4.20 This is a cross-government programme coordinated by the Department for Environment, Food & Rural Affairs (Defra), whose projects include:

- UK climate change risk assessment

²⁵ Preparing for Climate Change – Adaptation Sub-Committee work programme, December 2009

<http://hmccc.s3.amazonaws.com/ASC/ASC%20Booklet%20-%20SCREEN.pdf>

²⁶ Matthew Lipson, Minutes of the Panel Meeting on 01.02.10

- Adaptation reporting power
- Government departments' adaptation plans

UK Low Carbon Transition Plan

4.21 This Plan was published in 2009, and outlines the previous Government's five key actions to tackle climate change. It placed a strong emphasis on adaptation and the priorities include:

- *Protecting the public from immediate risk – including increased expenditure on flood protection planning and developing NHS heat wave plans*
- *Preparing for the future – including changing the way homes are built and altering agricultural practices²⁷*

The Local and Regional Adaptation Partnership Board

4.22 This was established in 2008 by Defra to assist climate change adaptation at a regional and national level. Their work includes:

- Highlighting best practice
- Enhancing skills
- Encouraging joint working

Performance Management

4.23 Climate change is also part of the local performance framework which includes:

a. The national indicators

This set of indicators includes *NI188: Planning to adapt to climate change* (which is discussed in further detail under Recommendation 5

b. Local Area Agreements

Local Area Agreements (LAAs) span three years and represent an agreement between Local Strategic Partnerships (LSPs) and central government about their priorities for improving performance. Ninety percent of LAAs include one or more climate change indicators among their agreed targets, and more than a third included NI188.²⁸ At the time of writing this report it was not clear whether LAAs would continue post 2010/11.

²⁷ UK Low Carbon Transition Plan (2009), http://www.decc.gov.uk/assets/decc/white%20papers/uk%20low%20carbon%20transition%20plan%20wp09/1_20090724153238_e_@@_lowcarbontransitionplan.pdf

²⁸ IDEA website

A revised Climate Change Action Plan for the city

- 4.24 The evidence and recommendations from this Scrutiny Panel will inform the Adaptation section of the Climate Change Action Plan, which is due to be published later in 2010.

ADAPTING TO CLIMATE CHANGE

4.25 Evidence to the Panel stressed how important it was for the city to prepare effectively for the possible effects of climate change. Actions to respond to climate change can be described as either adaptation or mitigation measures.

What is adaptation and mitigation?

4.26 Although definitions can vary significantly; according to the International Panel on Climate Change (IPCC), adaptation refers to the:

'Initiatives and measures to reduce the vulnerability of natural and human systems against actual or expected climate change effects'²⁹

4.27 Whereas, mitigation is described as:

'...implementing policies to reduce GHG³⁰ emissions and enhance sinks [which is any process, activity or mechanism which removes a GHG or aerosol]'³¹

4.28 The difference between them can be summed up as:

*'While mitigation tackles the **causes** of climate change, adaptation tackles the **effects** of the phenomenon.'³²*

Fitting them together

4.29 While these forms of response to climate change are often looked separately, The Director of the UK Climate Impacts Programme (UKCIP) stressed to the Panel the importance of:

'...fitting adaptation and mitigation [because]... even if it is possible to stop future climate change, change has already happened – so need to do both things at the same time.'³³

What is the purpose of adaptation?

4.30 The IPCC defines adaptation as having 3 possible objectives:

- To reduce exposure to the risk of damage
- To develop the capacity to cope with unavoidable damages
- To take advantage of new opportunities³⁴

²⁹ IPCC, <http://www.ipcc.ch/pdf/assessment-report/ar4/wg3/ar4-wg3-annex1.pdf>

³⁰ Green House Gas

³¹ IPCC, <http://www.ipcc.ch/pdf/assessment-report/ar4/wg3/ar4-wg3-annex1.pdf>

³² My emphasis, Global Greenhouse Warming website <http://www.global-greenhouse-warming.com/climate-mitigation-and-adaptation.html>

³³ Chris West, Minutes of the Panel Meeting on 09.09.09

4.31 The IPCC have concluded that:

*'Adaptation will be necessary to address impacts resulting from the warming which is already unavoidable due to past emissions.'*³⁵

Why this panel focussed on scrutinising adaptation in the city

4.32 The Panel strongly supported the Director of UKCIP's view that mitigation and adaptation need to be undertaken at the same time because we are already locked in to significant climate change. The focus on adaptation for this report is because there had been relatively much less work done in the city on adaptation than mitigation. In addition, there is the need to develop the Adaptation section of the Climate Change Action Plan for the city and improve our performance in NI188.

4.33 The scoping report emphasised the need for the Panel to consider the possible impacts of climate change on the city and use this information to build adaptation into:

*'...the Council's everyday planning and risk management processes. Resilience needs to be built into the services, plans and strategies of the Council and its partners.'*³⁶

Business continuity

4.34 The Panel were also keen to focus on how the city could adapt to a changing climate, in order to secure business continuity.

Different kinds of adaptation

4.35 The guidance on NI188 distinguishes between Building Adaptive Capacity and Delivering Adaptation Actions:

1. Building Adaptive Capacity

This covers many of the adaptation responses that will be taken, especially in the first instance. These include:

- Undertaking research, institutional change, education and training
- Creating standards and legislation, management, and resources
- Developing policies, plans, strategies³⁷

³⁴ Cited in 'Adapting Institutions to Climate Change, summary report, Royal Commission on Environmental Pollution' (2010)

³⁵ IPCC, Fourth Assessment Report: climate change (2007)

http://www.ipcc.ch/publications_and_data/ar4/wg2/en/spmssp-d.html

³⁶ Scoping report of Panel

³⁷ UKCIP report, Getting to level 2 of NI188,

(2010) <http://www.gos.gov.uk/497648/docs/169206/638522/808099/NI188gettingtolevel2>

2. Delivering Actual Adaptation

This is a combination of physical and non-physical actions, examples of which include:

- Building flood defences or managing retreat
- Putting more nails in a roof tile, increasing the diameter of a drain
- Creating 'siesta' times in a business or locality³⁸

The focus of this report

4.36 In this report, the focus of the findings and recommendations are primarily on Building Adaptive Capacity. Once this capacity has been built, then the city will be better placed to deliver the actual adaptation.

4.37 This approach is also adopted in the recent report by the Royal Commission on Environmental Pollution (RCEP). Their diagram on the following page sets out the stages an organisation would need to go through to build their adaptive capacity:

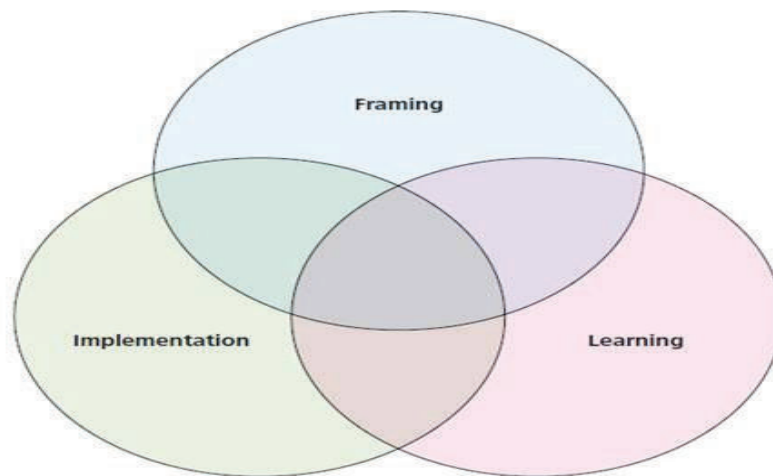
- **Framing** – includes considering the key missions of the organisation, competing with other priorities
- **Learning** – includes generating and sharing knowledge, innovation
- **Implementation** – includes considering how to co-ordinate resources and distribute costs³⁹

³⁸ UKCIP report, Getting to level 2 of NII88, (2010) <http://www.gos.gov.uk/497648/docs/169206/638522/808099/NII88gettingtolevel2>

³⁹ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

Schematic illustrating framing, implementing and learning

Framing, implementing and learning are components of a flexible, iterative, non-linear framework. Organisations will typically start by framing the problem. The components will often overlap, for example organisations will learn throughout their framing and implementing. Public engagement should support all three components.



40

⁴⁰ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

5. ADAPTING BRIGHTON & HOVE

How could the city benefit from adapting?

5.1 It is important to recognise that a city that is adapting well to a changing climate can achieve many local benefits. According to the Improvement and Development Agency (IDEA), these include opportunities to:

- *Reduce household and business costs by improving buildings so that they can withstand severe weather*
- *Reduce disruption of households, local services, businesses and agriculture by preparing them for the impacts of climate change*
- *Create local jobs – the Local Government Association (LGA) estimate that 150,000 new jobs can be created from climate change measures including building resilience to climate change*
- *Save the council money by reducing damage to council property from severe weather*
- *Access new resources – there is a range of support and funds for councils for work on climate change⁴¹*

5.2 This was confirmed in the recent Environmental Industries Inquiry conducted by the Scrutiny team, which concluded that this sector provided:

*‘...an important enterprise opportunity for the city’.*⁴²

Why does the city need an adaptation strategy?

5.3 The RCEP anticipates that:

*‘... actions that we take to improve our capacity to cope ... are likely to be **local and specific to particular circumstances** – there is not a one size fits all solution. Nor is there an adaptation ‘end point’; the need for adaptation is ongoing.’*⁴³

5.4 In a briefing paper for the Panel, The Environment Agency (EA) made an assessment of what more BHCC and the Brighton & Hove Strategic Partnership could do to adapt. The paper highlighted the need to build adaptive capacity, because:

*‘...a lot of climate change activities and plans have been undertaken but [there was] no clear overarching plan or monitoring.’*⁴⁴

⁴¹ IDEA website guidance on Adaptation <http://www.idea.gov.uk/idk/core/page.do?pagelId=9377463>

⁴² Environmental Industries Inquiry, BHCC, (2009) <http://present.brighton-hove.gov.uk/mgConvert2PDF.aspx?ID=14313>

⁴³ My emphasis, ‘Adapting Institutions to Climate Change, summary report, Royal Commission on Environmental Pollution’ (2010)

⁴⁴ Briefing Note from the Environment Agency for the Panel, for the meeting on 09.09.09

5.5 The Council's Assistant Director for Property and Design agreed that there was the need for:

*'... a structured plan which brings all the adaptation issues together.'*⁴⁵

5.6 The production of a revised Climate Change Action Plan for the city, with an Adaptation Section, is addressed in **Recommendation 3**.

⁴⁵ Angela Dymott, Minutes of the Panel Meeting on 01.02.10

WHAT RISKS COULD CLIMATE CHANGE BRING TO THE CITY?

5.7 This section summarises the evidence which the Panel heard about the potential risks that the city could face, as the climate changes.

How vulnerable is the city?

‘Fundamentally adaptation is about understanding the vulnerability (open to risk or damage) of Brighton and Hove to the consequences of climate change. Local characteristics such as natural features, the built environment and socio-economic factors will have an important role in the degree of vulnerability faced.’⁴⁶

5.8 Evidence provided to the Panel highlighted that the weather could become increasingly extreme or severe. This could pose a range of risks to the city, including:

- Flooding
- Heat – heat waves and urban heat island effect
- Managing the water supply
- Coastal erosion
- Storm surges
- Snow/increased impact of adverse weather conditions
- Population changes
- Drainage
- Highway drainage
- Sea water levels

Flooding

5.9 The East Sussex Fire and Rescue Service (ESFRS) told the Panel that key risks for the city, related to flooding, were:

- *Tidal and fluvial flooding*
- *Coastal erosion*
- *Ground water flooding (the most significant risk for the city)⁴⁷*

5.10 The Service’s area of responsibility covers both B&H and East Sussex. Around 63,000 people in this area (8.4% of the population) live in flood risk zones.⁴⁸ ESFRS have carried out a significant amount of modelling work to look how the changing climate could impact on their service:

‘...which has shown that London Road and Lewes Road are the most vulnerable roads in the city... These 2 roads are built on riverbeds and populated with old Victorian buildings, often with basements. In the

⁴⁶ Scoping report for the Panel, September 09

⁴⁷ Gary Ferrand & Keith Ring, Minutes from the Panel Meeting on 01.02.10

⁴⁸ Ibid

event of any flooding, these buildings would present a significant demand on EFRS resources.⁴⁹

5.11 This modelling work is carried out by the EFRS because:

'The speed of response is important to the service, because one could expect higher levels of fatalities if they have a lower response time. This could make the difference between life and death.'⁵⁰

5.12 The financial consequences of flooding were also emphasised in a presentation from Ambiental, a consultancy firm specialising in high resolution flooding risk assessments, which stressed that:

'In 2007, £3bn had been lost to pluvial flooding. Climate change meant that flooding was becoming more intense and lasting longer and bringing greater rainfall in winter.'⁵¹

5.13 A representative from Southern Water told the Panel that:

'For the water industry there was no real good news as all the changes would make the matter worse [including the possibility of] ... increased flooding.'⁵²

5.14 He also highlighted the need to take measures to increase resistance to flooding (e.g. placing boards against doors) and to increase resilience (e.g. not placing carpets on ground floors).

Who is responsible for flooding in the city?

5.15 The Flood and Water Management Bill received Royal Assent on 8th April 2010. Its key aim is to:

'...provide better, more comprehensive management of flood risk for people, homes and business.'⁵³

5.16 This will be achieved by giving:

'The Environment Agency an overview of all flood and coastal erosion risk management and unitary and county councils the lead in managing the risk of all local floods.'⁵⁴

⁴⁹ Gary Ferrand & Keith Ring, Minutes from the Panel Meeting on 01.02.10

⁵⁰ Ibid

⁵¹ Justin Butler, Minutes from the Panel Meeting on 02.12.09

⁵² Barry Luck, Minutes of the Panel Meeting on 09.09.11

⁵³ DEFRA website <http://www.defra.gov.uk/environment/flooding/policy/fwmb/>

⁵⁴ Ibid

5.17 Southern Water told the Panel that this represented:

*'...a better clarification of responsibilities and greater local authority responsibilities.'*⁵⁵

5.18 This issue was raised in evidence given by the ESFRS, who highlighted that:

*'In the event of potentially catastrophic flooding, e.g. in 2007, the local authority would now have to take responsibility.'*⁵⁶

5.19 The Fire Service also reminded the Panel that they were not:

*'...statutorily legislated to respond to flooding and it is not funded for this activity.'*⁵⁷

5.20 However, the Fire Service was able to draw on the resources of West Sussex Fire and Rescue Service (WSFRS), due to:

*'...good reciprocal arrangements [with WSFRS] as a result of the 'mutual assistance' arrangements specified by the Fire & Rescue Services Act.'*⁵⁸

5.21 Southern Water (SW) felt that:

*'All partners need to get together and understand floods, who was responsible for them and who dealt with them.'*⁵⁹

Drainage

5.22 A representative of SW told the Panel that:

*'The drainage system for B&H was very old and new sewerage systems should be able to deal with the 1 in 30 year event.'*⁶⁰

5.23 According to the Council's Head of Sustainable Transport:

*'In 2000 the historic nature of the infrastructure meant that after the rainfall, the drainage did not work. There was insufficient capacity to deal with flooding through the current highway drainage.'*⁶¹

⁵⁵ Barry Luck, Minutes from the Panel Meeting on 09.09.09

⁵⁶ Ibid

⁵⁷ Gary Ferrand & Keith Ring, Minutes from the Panel Meeting on 01.02.10

⁵⁸ Ibid

⁵⁹ Barry Luck, Minutes from the Panel meeting on 09.09.09

⁶⁰ Ibid

⁶¹ Mark Prior, Minutes from the Panel Meeting on 11.01.10

- 5.24 He suggested that the money awarded for Surface Water Management Plan (SWMP) could be used to look at this issue. This issue will be addressed further under **Recommendation 12** regarding the SWMP.

Sewerage

- 5.25 Southern Water identified as an *'increasing risk'*⁶² to the city, that:

*'The sewerage system in B&H is quite resilient but cannot absorb much above the 1 in 50 year event.'*⁶³

- 5.26 Therefore concern focussed on the possible increases in frequency and intensity of storms and the capacity of the sewers to deal with them.

Reducing water use

- 5.27 According to the EA, the South East of England is a *'water stressed region'*. There is a need to reduce water use in the city because:

*'The average water use in B&H is 169 litres, which was above the 150 litres national average.'*⁶⁴

- 5.28 Southern Water told the Panel that climate change had a fourfold effect on water management:

- Reducing river flows and groundwater availability
- Increases the frequency of hot dry summers, which then has an impact on demand
- Influence the future resource schemes they will be implementing over the next 25 years
- The need to reduce their carbon footprint and future footprint⁶⁵

- 5.29 The conclusions from their modelling work:

*'...indicated that the issue of ground water supply was not as great, but there could be a stark reduction in surface water.'*⁶⁶

- 5.30 To reduce water use, SW:

*'...would be applying for 100% water meter penetration for domestic use.'*⁶⁷

⁶² Barry Luck, Minutes from the Panel Meeting on 09.09.09

⁶³ Ibid

⁶⁴ Chris Wick, Minutes from the Panel Meeting on 09.09.09

⁶⁵ Meyrick Gough, Minutes from the Panel Meeting on 11.01.10

⁶⁶ Ibid

⁶⁷ Barry Luck, Minutes from the Panel meeting on 09.09.09

5.31 A member of the Panel expressed their concern that:

*'...there would be a large group of people in this city who just miss out on qualifying for the social tariff. There is also the problem for private sector tenants, where the landlord has not carried out repairs but the tenant is blamed and/or landed with the bill.'*⁶⁸

5.32 Southern Water assured the Panel that this was a 'consideration'⁶⁹ which has been included in the tariff scheme and confirmed that they favoured a 'soft landing approach'.^{70 71}

5.33 The EA told the Panel that it is carrying out research on whether climate change will increase the likelihood of severe drought events like the drought of 2005/6:

*'Brighton and Hove has high quality drinking water, but it is all allocated. It was not believed that there was any more large scale water resource that could be made available...The Environment Agency believed that we must reduce the per capita use of water...which would also increase drought resilience.'*⁷²

Coastal erosion

5.34 The city's emerging Core Strategy⁷³ recognises the importance of monitoring the cliffs to:

*'...understand more fully how [they] ...will react to changing climate in the next 50 years.'*⁷⁴

5.35 It also:

*'...adopts a risk-based approach to all new cliff development and will ensure proposals are examined rigorously in respect of cliff stability.'*⁷⁵

⁶⁸ Minutes of the Panel Meeting on 11.01.10

⁶⁹ Meryick Gough, Minutes from the Panel Meeting on 11.01.10

⁷⁰ The Soft Landing Approach means that over the first 18 months of metering customers would be sent 3 bills, each setting out how much they would normally charged and how much the charge would be by use according to the meter. The customer will be charged the lesser amount, and receive a credit if they reduce their consumption. Alongside this, the customer will be offered water efficiency advice.

⁷¹ Meryick Gough, Minutes from the Panel meeting on 11.01.10

⁷² Chris Wick, Minutes from the Panel meeting on 09.09.10

⁷³ The purpose of the emerging Core Strategy is to provide an overarching strategic plan for the future of Brighton & Hove looking forward to 2026. When it is formally adopted it would set out the planning policies to guide future development and land use to address the key issues facing the city.

⁷⁴ Briefing from Assistant Director, City Planning for Panel meeting on 11.01.10

⁷⁵ Ibid

5.36 The Panel heard that cliff protection in relation to the A259:

*'...is a critical issue, since there was a significant collapses in 2001 that resulted in two stabilisation exercises.'*⁷⁶

5.37 Climate change was accelerating the problem because:

*'...the weather is worsening the damage and the increasing intensity of weather is likely to have an impact on the cliffs.'*⁷⁷

5.38 The Council's Coast Protection Engineer also highlighted the importance of preserving the attractiveness of the coast, to maintain Brighton & Hove's role as a resort and amenity.⁷⁸

Storm surges

5.39 Southern Water gave evidence about the impact severe storms in the last 10 year have had on drainage and flooding:

*'There may be greater awareness of storms, but there are also higher numbers of catastrophic events.'*⁷⁹

5.40 The following example was also given as one of *'the increasing risks to B&H'*.⁸⁰

*'In 2000 the big storm water tunnel between King Alfred and Black Rock was pretty full throughout the area. A big single event could have led to very substantial flooding.'*⁸¹

Increased snow

5.41 The Winter Service Panel (WSP) was convened to look at the:

*'High levels of snowfall during the Christmas period [2009/10] caused severe disruption across both Brighton & Hove... [and] suggest improved working practices for the council and its partners to consider as part of the Winter Service Plan.'*⁸²

5.42 The preparedness of the city to respond to this extreme weather incident was in the minds of the Adaptation Scrutiny Panel while conducting their review.

Heat

⁷⁶ Martin Eade, Minutes from the Panel Meeting on 11.01.10

⁷⁷ Martin Eade, Minutes from the Panel Meeting on 11.01.10

⁷⁸ Ibid

⁷⁹ Barry Luck, Minute from the Panel Meeting on 09.09.09

⁸⁰ Barry Luck, Minutes from the Panel Meeting on 09.09.09

⁸¹ Ibid

⁸² Winter Service Plan Review Scrutiny Panel Report, Volume I, March 2010

- 5.43 The ESFRS highlighted that the projected drier summers would result in ‘vulnerabilities’ related to their service because:

‘...the heat leads to an increase in secondary fires e.g. refuse and grassland fires.’⁸³

Health impacts

- 5.44 The Panel heard that there were a significant number of health related issues which were linked to climate change and increasingly extreme weather. These included:

- A rise in skin cancers due to increased exposure to sunlight
- Increased alcohol related admissions
- Heat wave related fatalities
- Potential malaria issues such as larger outbreaks and the emergence of more harmful strains of mosquitoes
- Resurgence of tropical infectious diseases
- Tick-borne diseases such as Lyme disease
- Increasing leisure-related medical problems
- Excess mortality from heat waves including cardiovascular, cerebrovascular and respiratory diseases
- Physical injuries, increases in diarrhoeal diseases and increased incidences of respiratory infections in floods and droughts⁸⁴

- 5.45 The Director of Public Health for Brighton & Hove told the Panel that:

‘We do anticipate a significant rise in some infections diseases during times of unusually hot weather’⁸⁵

- 5.46 The NHS has produced a draft Heat Wave Plan for Brighton & Hove 2010. This plan begins by highlighting how heat waves can present such a health risk:

‘In 2003 Northern France suffered a heat-wave, which claimed an estimated 15,000 excess deaths and an estimated 2,000 excess deaths in England and Wales.’⁸⁶

Vulnerable groups

- 5.47 The following vulnerable groups were identified in the city’s draft Heat Wave Plan:

⁸³ Gary Ferrand & Keith Ring, Minutes from the Panel Meeting on 01.02.10

⁸⁴ Briefing Paper for the Panel on climate change and health, Dr Olu Elegbe, April 2010

⁸⁵ Tom Scanlon, Minutes of the Panel Meeting on 21.04.10

⁸⁶ Draft Heat Wave Plan for Brighton and Hove, March 2010, version 7

- Older people, especially those over 75 and/or living on their own home or in a care home
- Those affected by environmental factors and exposure e.g. homeless or jobs in hot places
- People suffering chronic and severe illness
- Those who have the inability to adapt behaviour to keep cool e.g. babies
- People taking certain types of medication⁸⁷

5.48 Biodiversity

*'A strategy for climate change must ... present the best course of action to conserve nature against an unknown and unpredictable future.'*⁸⁸

5.49 The Chief Executive of the Sussex Wildlife Trust told the Panel, there were 4 principles to improving the adaptability of nature:

- *Conserve what you have and save the best e.g. nature reserves and sites of nature conservation interest*
- *Don't damage it any more*
- *Create a robust and varied landscape. A lot can be done to make an area adaptable to change. An area with a varied vegetation structure will provide varied conditions for different species so, for example a heat-sensitive species can simply move from a sunny spot to a shady one, rather than have to migrate north. Varied local landscapes are important*
- *These first 3 are most important, but establishing ecological networks would also allow larger scale movement and migration, so allowing the continued functioning of nature in the long term. Overall the key need is to allow space for nature so it can move, migrate and adapt.*⁸⁹

5.50 The Panel heard that Professor John Lawton (Chair of an independent commission on ecological networks) had recently given a talk where he emphasised that the environment is going to change as a result of climate change. Therefore the above principles needed to be used to develop Biodiversity action plans and environmental adaptation strategies. Nature conservation was important in its own right, but these four principles would help adaptation and the continual provision of ecosystem services on which everyone depended.⁹⁰

Impact on Tourism

5.51 The Council's Head of Tourism briefed the Panel on the key risks of climate change to tourism:

⁸⁷ Draft Heat Wave Plan for Brighton and Hove, NHS Brighton and Hove, March 2010, Version 7

⁸⁸ Weathering the Changes by Dr Tony Whitbread, Chief Executive, Sussex Wildlife Trust

⁸⁹ Tony Whitbread, Minutes of the Panel Meeting on 02.12.09

⁹⁰ Ibid

- A further increase in seasonality - the main challenge for destinations is achieving a balance of business over the year with smaller peaks and troughs
- Severe weather and more extreme weather requiring remedial works to fabric and structure of tourism businesses – for example to doors, windows, ventilation and air supply
- Impact on water quality and perceived water quality – such as algae blooms
- Absence of shade in warmer conditions
- Extent of wet weather increasing
- Health impacts of changing conditions on visitors, including food health and safety
- More demand for outdoor space and environmental impacts including noise⁹¹

⁹¹ Briefing paper from Adam Bates to Panel dated 20.04.10

POSSIBLE OPPORTUNITIES FOR THE CITY

5.52 This section considers the possible opportunities for the city which could arise from a changing climate.

Climate Change and Environmental industries

5.53 According to the Stern Report:

'Action on climate change will also create significant business opportunities, as new markets are created in low-carbon energy technologies and other low-carbon goods and services. These markets could grow to be worth hundreds of billions of dollars each year, and employment in these sectors will expand accordingly. The world does not need to choose between averting climate change and promoting growth and development. Changes in energy technologies and in the structure of economies have created opportunities to decouple growth from greenhouse gas emissions. Indeed, ignoring climate change will eventually damage economic growth.

Tackling climate change is the pro-growth strategy for the longer term, and it can be done in a way that does not cap the aspirations for growth of rich or poor countries.⁹²

5.54 A Scrutiny Inquiry conducted last year into the potential for developing environmental industries in the city concluded that:

'This growing sector provides an important enterprise and employment opportunity for the city. There are a significant number of potential major projects in the pipeline...⁹³

Parks and open spaces

5.55 The demand for parks and open spaces in the city was likely to increase with warmer winters and hotter drier summers. There could be a number of social, health and environmental benefits in acting now to create well shaded green spaces and community woodland areas.⁹⁴

Tourism

5.56 The Head of Tourism highlighted the need to research, support, encourage and invest in domestic tourism facilities and strategies as

⁹² Executive Summary of the Stern Report
http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/media/9/9/CLOSED_SHORT_executive_summary.pdf

⁹³ Environmental Industries Inquiry report <http://present.brighton-hove.gov.uk/mgConvert2PDF.aspx?ID=14222> October 2009

⁹⁴ Briefing report from Adam Bates to the Panel dated 20.04.10

hotter, drier summers and warmer winters could boost local tourism and demand for outdoor leisure facilities.⁹⁵

5.57 The Panel were briefed on the potential opportunities for the city as the climate changes, which included:

- *Warmer weather improving demand for domestic holidays and short breaks and resulting in improved economic impact and employment*
- *Greater demand for the cooling effects of sea water and swimming.*⁹⁶

⁹⁵ Briefing report from Adam Bates to the Panel dated 20.04.10

⁹⁶ Ibid

HOW IS THE CITY PLANNING TO ADAPT?

5.58 According to the Director of the UK Climate Impacts Programme (UKCIP), a local authority has 3 responsibilities in relation to adaptation:

- Leader of the community
- Provider of services
- Big corporate organisation⁹⁷

5.59 In addition, the Improvement and Development Agency (IDEA) highlights the role of Councils as:

'...estate managers - ensuring that council property is resilient to the impacts of climate change'.⁹⁸

5.60 The IDEA believes that local authorities have a 'critical role'⁹⁹ in relation to adaptation, namely:

'... strengthening the resilience of local services and local communities to extreme weather'.¹⁰⁰

5.61 These roles are all reflected in the recommendations produced by the Panel. The remainder of this chapter highlights a few examples of the adaptation work currently being done in the city.

The city's preparations for adaptation

5.62 The city is fortunate to benefit from a range of partnerships which are facilitating the adaptation work currently being carried out.

Brighton & Hove Strategic Partnership

5.63 This Partnership was formed in 2002 and meets 4 times a year. The Brighton & Hove Strategic Partnership (BHSP) is responsible for preparing and implementing a Sustainable Community Strategy for the city. It is a statutory requirement to produce this strategy; which should contain a set of goals and actions which the Partnership, in representing the residential, business, statutory and voluntary interests of an area, wishes to promote.

Sustainable Community Strategy

5.64 The first edition of the BHSP Sustainable Community Strategy (SCS) called '*Creating the City of Opportunities*' was published in 2006 and was followed by an interim update in 2007. The third edition was

⁹⁷ Minutes of the meeting on

⁹⁸ IDEA website guidance on Adaptation <http://www.idea.gov.uk/idk/core/page.do?pageId=9377463>

⁹⁹ Ibid

¹⁰⁰ Ibid

published in May 2010 to reflect the current position of the BHSP and set out the refreshed vision for the city for the next 20 years.

- 5.65 One of the eight key themes identified in the 2010 version of the SCS is:

*'...living within environmental limits and enhancing the environment.'*¹⁰¹

- 5.66 In the Strategy, the BHSP commits itself to:

*'...respond to...[the] council scrutiny inquiry into the city's preparedness and planning for climate change.'*¹⁰²

How council services are planning for adaptation

Climate Change Action Plan

- 5.67 In 2006 the Council produced a Climate Change Action Plan (CCAP) for B&H. This provided:

*'...a framework for actions committing us to addressing climate change within all the Councils' key services ... [and] raise awareness of climate change right across Brighton & Hove.'*¹⁰³

- 5.68 The intention was:

*'...for the plan to become a basis of action for the city, across all sectors: the public sector, business, and the community and voluntary sector; and, most importantly, for individuals. The plan illustrates the council's long term commitment, as a signatory of the Nottingham Declaration on Climate Change, to working for a sustainable future for the local (and global) community.'*¹⁰⁴

- 5.69 A new version of the CCAP will be made available later in 2010. The adaptation section of the Plan will be shaped by the findings of this Scrutiny Panel.

- 5.70 The revised CCAP will include the city in its vision; and so consultation has been ongoing with our partners in the BHSP to gather information about their climate change actions for the city.

¹⁰¹ 2nd draft of the Sustainable Community Strategy [http://present.brighton-hove.gov.uk/Published/C00000117/M00002087/AI00013908/\\$Item66Appendix2.docA.ps.pdf](http://present.brighton-hove.gov.uk/Published/C00000117/M00002087/AI00013908/$Item66Appendix2.docA.ps.pdf)

¹⁰² 3rd version of SCS

¹⁰³ Climate Change Action Plan 2006 [Climate Change Action Plan \[PDF 238kb\]](#)

¹⁰⁴ *ibid*

Nottingham Declaration

- 5.71 The [Nottingham Declaration on Climate Change](#) was signed by the Leader and Chief Executive of BHCC in 2004. The declaration commits the council to contributing to the delivery of the national climate change programme, preparing a plan with the local community to address the causes and effects of climate change, reduce its own emissions, encourage all sectors of the local community to reduce their own emissions, work with key providers to adapt to changes, and provide opportunities for renewable energy generation within the area.

Providing services that are preparing to adapt

- 5.72 As part of this review, a number of relevant service heads met with the Scrutiny Officer to discuss how adaptation related to their area of work and a questionnaire was sent to all service heads (see case study 1, paragraph 5.77).
- 5.73 The Panel then heard evidence from 9 relevant services across the Council and found many positive examples of how services were preparing to adapt to the possible changes to the climate.
- 5.74 Examples to highlight include the Sustainability Team who have already secured the external, additional resources for, and begun, the Local Climate Impact Profile (LCLIP) work. This was started on the recommendation of the head of UKCIP, rather than wait for recommendations of this review to come out. The Sustainability Team have also secured the involvement of the EA in supporting the work on climate change adaptation which will be included in the revised CCAP.
- 5.75 Another example was the Planning Service who described the development of a Sustainability Checklist, using joined up working with other services such as the Sustainability Team, which was:

'...intended as an exemplar which other authorities have started to use'.¹⁰⁵

- 5.76 The recommendations of this Panel are designed to establish a framework to enable services in the city adapt to the possible changes to the climate.

¹⁰⁵ Martin Randall, Minutes of the Panel Meeting on 11.01.10

5.77

Case study 1: Climate Change Adaptation Survey of service heads in BHCC

A questionnaire was sent to all the service heads to find out if adaptation issues were forming part of their business planning process. 71% of the responding services said that they had already undertaken actions to adapt their service to climate change.

Good News Example**Housing Management:**

'Adapting for future climate change is key if we are to be able to provide comfortable homes that are easy to heat and cool as required. To this end thermal insulation values have been improved across the stock, aiding both with reducing fuel requirements and limiting unwanted heat in summertime. Projects to continue this work are now moving towards areas such as insulated overcladding of high rise blocks, and the installation of off-grid services, such as solar systems, where practicable.

Wherever appropriate, measures to reduce the flood risk are incorporated into projects. This is done through the use of Sustainable Urban Drainage systems, or other measures, to reduce run-off. For example, the use of reinforced gravel car parks is encouraged where possible, and gardens are not hard surfaced wherever possible.'

6. RECOMMENDATIONS AND KEY FINDINGS

6.1 In this chapter each recommendation is described, alongside the key evidence which was used to determine the recommendation.

Recommendation 1. The Panel recommends that a more prominent role is given to the risk management of climate change adaptation and preparing for extreme weather. To reflect this, a Cabinet Member should be identified as being both responsible for the issue and accountable for the implementation of the Panel's recommendations.

How prominent is the issue now?

6.2 Evidence to the Panel highlighted that a significant number of partners in the city are preparing, at different rates, to adapt to changing weather.

6.3 However at the moment it is not always easy to identify who is accountable for an issue, or who shares that accountability. An example being: who in the city is responsible for flooding?

The need for a senior leader

6.4 Information gathered by this review emphasised both the importance of adaptation to the city and the consequences of failing to adapt. The recent RCEP report stressed the importance of locating the responsibility for this issue at a sufficiently senior level:

*'Leadership is particularly important in addressing climate change, because of the endemic uncertainty and complexity. In addition, leadership may be necessary to ensure the right level of support, resources and acceptance for current policy changes or investment now to deal with future problems. The need to consider adaptation must be embedded throughout organisations, and **this can only be achieved through appropriate leadership.**'¹⁰⁶*

6.5 The Director of UKCIP, when assessing the authority's adaptation plan, asked:

*'Has a champion/owner been identified?'*¹⁰⁷

¹⁰⁶ Emphasis my own, The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹⁰⁷ Chris West, Minutes of meeting on 09.09.09

A senior council officer

- 6.6 The Panel believed that it was important to have a senior council officer to own the issue of adaptation. A suitable post for this could be the newly created one of 'Director of Place' who has as a 'role focus' to:

*'Ensure a sustainable urban and coastal environment that works well and is attractive to all residents.'*¹⁰⁸

- 6.7 This Director is also expected to take on a city leadership role in relation to partners, the third sector and business sector.

- 6.8 The importance of having twin champions of adaptation, a senior council officer and a member, was confirmed by the RCEP report which:

*'...has observed that adaptive capacity has been built in organisations where there are climate change champions and ... supportive politicians.'*¹⁰⁹

Cabinet Member responsibility

- 6.9 The guidance for NI188, (see section 1.1 on requiring local authorities to demonstrate that they are 'making a commitment'), also asks:

*'Are there 'adaptation champions' that can be identified amongst our local members?'*¹¹⁰

- 6.10 Kent County Council (KCC) who gave evidence to the Panel, had produced a Select Committee Report on Climate Change in 2006. One of their key recommendations was to 'clarify political and managerial leadership and accountability on climate'¹¹¹ in KCC by identifying:

*'...a leading member of the Administration to be responsible for climate change policy.'*¹¹²

- 6.11 Therefore the Panel believe that a Cabinet Member here should be identified as responsible for climate change adaptation, including monitoring the progress of the recommendations of this Panel.

- 6.12 This can be an important way to ensure that there is political buy-in for adaptation. As the Panel have found, adaptation is an issue that has

¹⁰⁸ Application Pack <http://www.saynotostatusquo.co.uk/>

¹⁰⁹ Ibid

¹¹⁰ Guidance notes for NI 188 (March 2010)

<http://www.defra.gov.uk/corporate/about/with/localgov/indicators/documents/ni188-guidance.pdf>

¹¹¹ Kent County Council report on Climate Change (2006)

<https://shareweb.kent.gov.uk/Documents/environment-and-planning/environment-and-climate-change/select-committee-report-on-climate-change-october-2006/climate-change-report.pdf>

¹¹² Ibid

implications across the whole city. Gaining someone who is at the top of the political hub to ‘own’ adaptation, would ensure that this issue has sufficient visibility.

- 6.13 A focus of this report has been on improved partnership working to prepare for the possible effects of climate change. One of the expected roles of a cabinet member is:

‘...to encourage and participate in working with partners and other organisations involved in the provision of services which link with those provided by the Council or which have an interest in or contribute to the well-being of Brighton & Hove or communities within it.’¹¹³

A Select Committee on climate change?

- 6.14 When the OSC resolved to establish a panel on climate change adaptation, an issue they wanted it to consider was:

‘...whether or not a scrutiny Select Committee is required to ensure good progress in this issue continues’.¹¹⁴

- 6.15 While the Panel considered this as an option, they felt that the normal process for monitoring the recommendations of this report would be sufficient.

6.16 How recommendation 1 will contribute to NI188

Identifying a Cabinet Member responsible for climate change adaptation and extreme weather	Level 1	1.1 making a public commitment
--	---------	--

¹¹³ Brighton & Hove City Council Website <http://www.brighton-hove.gov.uk/index.cfm?request=c|186954>

¹¹⁴ Scoping report for the Panel September 09

7.1

2. The Panel welcomes the identification of resources to undertake a Local Climate Impact Profile (LCLIP). The Panel believes that resources also need to be identified to carry out an analysis of the implications of the UK Climate Projections data (UKCP09) for the city of Brighton & Hove.

Why do we need local information about climate change?

7.2 A number of the Council's service heads told the Panel how useful it would be to access locally relevant climate change projection data. The Head of Tourism highlighted the need for:

*'...more accurate predictions and forecasts to allow businesses to plan.'*¹¹⁵

7.3 The Council's City Planner agreed that:

*'It would be very useful to be able to draw on research into the specific effects of climate change on Brighton & Hove, rather than regional figures alone.'*¹¹⁶

7.4 His written evidence also highlighted that such data could also be used to:

*'...understand whether the heat island effect is potentially ameliorated by being in a coastal location with sea breezes. What could be useful would be an underlying Climate Change Impact Assessment for the city. This would offer an assessment and profile of local severe weather events, probability/ likelihood of occurring, where their chief impacts occur (health, economic, environmental) and thus draw up a risk assessment with a ranking order of priority.'*¹¹⁷

Providing evidence for Intelligent Commissioning

7.5 The collection of locally specific data on climate change fits into the 'evidence based approach' of intelligent commissioning, where:

*'Needs, outcomes and the activities for delivering outcomes are based on the robust use of data and evaluation.'*¹¹⁸

¹¹⁵ Briefing report from Adam Bates for the Panel dated 20.04.10

¹¹⁶ Martin Randall Minutes of the Panel Meeting on

¹¹⁷ Written evidence from Martin Randall dated 11.01.10

¹¹⁸ Report to Cabinet on 22nd April 2010 'Creating a Council the City Deserves ... a transformation programme for Brighton & Hove City Council [http://present.brighton-hove.gov.uk/Published/C00000120/M00001996/\\$\\$Supp8256dDocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000120/M00001996/$$Supp8256dDocPackPublic.pdf)

What is a Local Climate Impact Profile (LCLIP)?

7.6 A key component of reaching level 1 of NI188 is to undertake:

*'...a local risk based assessment of significant vulnerabilities and opportunities to weather and climate, both now and in the future.'*¹¹⁹

7.7 The LCLIP is a tool which was designed by the UK Climate Impacts Programme (UKCIP) and is regarded as an effective way of assessing an area's susceptibility to severe weather. The Panel were told by UKCIP that carrying out an LCLIP could involve:

- *Looking up the archives of newspaper reports on major weather events;*
- *Going to service providers and asking them what impact each major weather event had on them e.g. what were the costs and impacts of a storm last November?;*
- *Asking the service whether a similar weather event would involve a large % of their deployment of reserves;*
- *Starting to identify vulnerabilities;*
- *Starting to identify thresholds when things are important e.g. if a storm once every 10 years turns into one every 2 years;*
- *Interrogating the UKCP 09 Projections to see the probability of these thresholds being passed in the years ahead;*
- *Plotting these against the impacts in order to assess risk;*
- *Beginning to prioritise actions.*¹²⁰

An LCLIP for Brighton and Hove

7.8 An LCLIP for the city is currently being undertaken. The research stage began in June 2010 and the whole project is expected to take approximately 6 months to complete. Its purpose is to record the past impact of severe weather in B&H.

7.9 The initial research has found that about 40 severe weather incidents have been reported in the city over the past ten years. These incidents range from:

- *Storms and high winds;*
- *Heavy rainfall and flooding;*
- *Drought, high temperatures and heat waves; to*
- *Frost, ice and snow.*¹²¹

7.10 These results now need to be analysed and correlated potentially with other information sources; then explored with service users for their

¹¹⁹ NI188 guidance

¹²⁰ Chris West, UKCIP, Minutes of the meeting on 09.09.10

¹²¹ Update from the Head of Sustainability on 07.07.10

actual impact. The work on assessing the potential impacts on the city of severe weather in the future can then begin.

Why will this LCLIP be useful for the city?

- 7.11 Evidence from the EA, highlighted 5 key actions they believed that the Council and BHSP should carry out. This included undertaking an LCLIP:

'...to assess areas of vulnerability. This tool could be used to develop a better understanding of how the future impacts of climate change into decision-making and influence behavioural change by highlighting the excessive costs of doing nothing, both currently and into the future. Many local authorities have undertaken this work as a requirement of NI188...'¹²²

- 7.12 This work should improve the city's understanding of a range of climate change impact risks, including heavy snowfall and freezing temperatures, and help it to plan more effectively for them, thus improving local resilience. For example, feeding into the Council's Winter Service Plan.

What is UKCP09?

- 7.13 The UK Climate Projections (UKCP09) were commissioned by Defra and the Department of Energy and Climate Change (DECC). The projections are the 5th generation of climate change information and give data for the UK up to the end of this century. They are able to set out a range of climate change options using seven overlapping 30 year time periods.

- 7.14 These projections of future changes to our climate are based on simulations from climate models, and are regarded as:

'... new cutting-edge science in the development of local climate change projections. These are designed to inform policy-makers and decision-makers about the possible changes to the climate But the inevitable uncertainties that surround the projections in UKCP09 pose considerable challenges for institutions intending to use them to guide policies and decisions about adaptation.'¹²³

¹²² Update from the Head of Sustainability on 07.07.10

¹²³ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

7.15 According to the RCEP, the:

*'Results ... suggest a broad trend of warmer, drier summers and warmer wetter winters throughout the UK by the end of this century... [and] also suggest that local variations in climate will see average summer temperatures in the least affected areas of the UK rise by 2.5 C and by about 4.5 C in those areas most affected.'*¹²⁴

*'The projected long-term trend for the UK winters to be warmer will not mean that cold winters will be a phenomenon of the past. Instead, cold winters such as that of 2009-10 will just become less frequent.'*¹²⁵

7.16 These projections are seen as:

*'...the major information resource for adaptation in the UK.'*¹²⁶

How can we use UKCP09 for Brighton and Hove?

7.17 Currently BHCC can only use climate change projection scenarios that have been produced for the South East of England (see Appendix A for an example). However the UKCP09 projections could be downscaled to examine the impacts of changing weather on B&H specifically. The projections can be viewed down to the level of 25km, although this needs a trained person to obtain data at this level.

7.18 Matthew Lipson of the Adaptation Sub-Committee told the Panel that the projections:

'...are designed to help Local Authorities build capacity by exploring and planning for likely changes. The goal is to embed climate change into thinking adopting an approach of:

- **Flexibility** (e.g. the TE2100 project which looked at flood protection for London to enable expensive decisions to be delayed until needed)
- **Resilience**
- **Least regrets** e.g. urban tree planning¹²⁷

7.19 An example of the practical application of UKCP09, was their use when developing the heat wave plan for the city to:

*'...predict the future likelihood of heat waves. This has led to the channelling of more resources to this area.'*¹²⁸

¹²⁴ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ My emphasis, Matthew Lipson, Minutes of the Panel Meeting on 01.02.10

¹²⁸ Tom Scanlon, Minutes of the Panel Meeting on 21.04.10

7.20 According to UKCIP, the *'South East of England will continue to be most affected in the UK.'*¹²⁹ As a result:

*'... we need a better and sophisticated shared understanding across the city of the risks (and some opportunities) of climate change to our infrastructure and economy, our communities and our wildlife and habitats.'*¹³⁰

7.21 The Council's Coast Protection Engineer told the Panel that:

'The latest climate change projections were crucial in planning, especially;

- *Sea level rises*
- *Increased storminess'*¹³¹

Using the LCLIP to inform climate change projections data

7.22 Once the LCLIP has been completed, the intention is to use its findings to look at UKCP09 in terms of the severe weather that could present the greatest possible threats to the city.

7.23 The intention will then be to use LCLIP, with UKCP09, to *'...develop a detailed risk assessment and mitigation programme.'*¹³²

7.24 The Panel heard from Kent County Council (KCC) that:

*'...the LCLIP this enabled us to take the UKCP09 projections for the South East and make them meaningful.'*¹³³

7.25 KCC had also used the data to set up:

*'KentView ...where UKCP09 projections were plotted out onto a view of Kent ... This enables them to test out high, medium and low risk scenarios in a very visual manner.'*¹³⁴

How will this locally relevant information assist?

7.26 According to the Council's Head of Sustainability and Environmental Policy, the information gathered for B&H will enable the Council to carry out a thorough risk assessment:

*'Because the climate projections give probabilities and an extreme weather map, then it can lead to risk and opportunity scores. While it will not give us solutions, it can provide a **clear sense of risk**.'*¹³⁵

¹²⁹ From briefing paper by Thurstan Crockett for the Panel for the Panel Meeting on 01.02.10

¹³⁰ Briefing paper by Thurstan Crockett for the Panel for the Panel Meeting on 01.02.10

¹³¹ Martin Eade, Minutes of the Panel Meeting on 11.01.10

¹³² Briefing paper by Thurstan Crockett for the Panel for the Panel Meeting on 01.02.10

¹³³ Carolyn McKenzie, Minutes of the Panel Meeting on 26.02.10

¹³⁴ Ibid

7.27 How recommendation 2 will contribute to NI188

LCLIP	Level 1	1.2 understanding current vulnerability	1.5 Monitoring future impacts	
UKCP09	Level 1	1.2 understanding current vulnerability	1.3 identifying significant potential impacts	1.6 Establishing a database

¹³⁵ My emphasis, Thurstan Crockett, Minutes of the Panel Meeting on 01.02.10

8.1

3. The Panel welcomes the development of a revised Climate Change Action Plan (CCAP), which addresses both mitigation and adaptation in the city. The Adaptation Section of the Plan should be based on the work of this Scrutiny Panel. The Panel recommends that the Brighton & Hove Strategic Partnership monitors the progress of the outcomes of the CCAP.

8.2 The first version of the CCAP for B&H was published in 2006 to provide:

*'...a framework for actions committing us to addressing climate change within all the Councils' key services.'*¹³⁶

8.3 An updated version of this Plan will be produced later in 2010.

What is needed in the revised plan?

8.4 The Director of UKCIP asked the Panel a set of questions about the 2006 version of the CCAP:

- *Is it a once and for all plan, or is it responsive to future events?*
- *Has a champion/owner been identified?*
- *Is there a process for reviewing the plan and looking why it was created?*
- *What are the measures of success? Outcomes can be different, so there should be some process measures*
- *Did it offer assurance to either the public, managers and central government that this is a good adaptation plan?*
- *Was there a link with stakeholders? They were mentioned in the BHCC plan, but there did not seem to be a link with the knock on effects for stakeholders.*
- *Some sections appeared to be missing. It was weighted to the natural environment and included business, tourism, health and crime – but the built-environment was not well treated.*
- *It was marked as being a draft plan from '06, but had it been updated?*
- *It was all about sustainability, but it needed to link with economic and social impacts.*

8.5 These issues have been fed into the production of the updated version of the CCAP.

¹³⁶ Climate Change Action Plan for Brighton & Hove, (2006) http://www.brighton-hove.gov.uk/downloads/bhcc/sustainability/CCAP_workingversion_Dec06.pdf

A changing focus of the Plan

Adaptation

8.6 The Head of Sustainability and Environmental Policy told the Panel that our city's stakeholders:

'...have historically viewed mitigation as the top priority and adaptation has been seen as:

*'almost an admission of defeat.'*¹³⁷

8.7 The historical focus on mitigation was reflected in the 2006 version of the CCAP. The revised Plan will contain a chapter on Adaptation, drawn largely from the findings and recommendations of this Scrutiny Panel.

Partnership

8.8 While council services were the focus of the original CCAP, a key aim was also to:

*'...raise awareness of climate change right across Brighton & Hove and for the plan to become a basis of action for the city, across all sectors: the public sector, business, and the community and voluntary sector; and, most importantly, for individual.'*¹³⁸

8.9 It was suggested by the EA that the revised Plan:

*'...should co-ordinate and monitor all climate change activity by the city council and the Local Strategic Partnership.'*¹³⁹

8.10 The council's Head of Sustainability and Environmental Policy agreed that there was 'a significant role' for both the Brighton & Hove Strategic Partnership (BHSP) and the City Sustainability Partnership. He was able to confirm that the BHSP:

*'...has undertaken to respond to the recommendations produced by the panel and participate in the process and likewise with the Climate Change Action Plan.'*¹⁴⁰

¹³⁷ Thurstan Crockett, Minutes of the Panel Meeting on 01.02.10

¹³⁸ ¹³⁸ Climate Change Action Plan for Brighton & Hove, (2006) http://www.brighton-hove.gov.uk/downloads/bhcc/sustainability/CCAP_workingversion_Dec06.pdf

¹³⁹ Briefing report from the Environment Agency

¹⁴⁰ Thurstan Crockett, Minutes of the Panel Meeting on 01.02.10

The key role of the BHSP

8.11 Research was commissioned by The South East England Partnership Board to identify barriers to overcome in the delivery of climate change adaptation.

8.12 One of the key actions they identified was for organisations to:

'...improve partnership working - using existing networks and partnership initiatives to promote the delivery of adaptation measures'.¹⁴¹

8.13 The NI188 guidance details how it expects local authorities to work with their Local Strategic Partnership (LSP):

'By Level 2, whatever the starting point has been, you should now expect to be involving LSP partners'.¹⁴²

8.14 To meet this level, local authorities should be asking:

'How can we keep LSP partners informed of progress on the overall project?

-Have we demonstrated the approach and methods that we have adopted with a view to partners adopting similar approaches?'¹⁴³

8.15 By Level 4 of NI188 it is expected that:

'The Authority and LSP are implementing the comprehensive adaptation action plan across the local authority area, and there is a robust process for regular and continual monitoring and review to ensure progress with each measure and updating of objectives'.¹⁴⁴

8.16 How recommendation 3 will contribute to NI188

Climate Change Action Plan	Level 1	1.1 making a public commitment	1.2 understanding current vulnerability
LSP monitoring the outcomes of the Plan	Level 2	2.5 Integrating LSP partners	

¹⁴¹ My emphasis, Briefing paper for the Panel by Jorn Peters of the South East England P

¹⁴² LRAP Guidance on National Indicator NI188, (2010)

<http://www.defra.gov.uk/corporate/about/with/localgov/indicators/documents/ni188-guidance.pdf>

¹⁴³ Ibid

¹⁴⁴ Ibid

9.1

4. The Panel recommends that the Climate Change Action Plan is monitored on a biennial basis (every 2 years), including an assessment of where we are and how well the city is adapting. This would include a report back to the Cabinet Member who is responsible for climate change adaptation (see recommendation 1).

Why does the plan need to be regularly reviewed?

9.2 Prior to giving evidence, The Director of UKCIP looked at our CCAP produced in 2006 and asked the Panel the following relevant questions:

- *Is it a once and for all plan, or is it responsive to future events?*
- *Is there a process for reviewing the plan and looking at why it was created?*¹⁴⁵

9.3 The Council's Head of Sustainability and Environmental Policy emphasised that:

*'...if at the end of the process the Panel had significant concerns about the planning or preparedness for climate change, then they should recommend a monitoring process that would address this.'*¹⁴⁶

Who will review it?

9.4 The Council's Head of Sustainability and Environmental Policy also stressed the important role that both BHSP and the City Sustainability Partnership could play in reviewing the CCAP. Then the monitoring of the CCAP could be carried out:

*'...through the Overview & Scrutiny Commission or a Panel/Select Committee.'*¹⁴⁷

Why on biennial basis?

9.5 This would seem an appropriate time frame, given the time it will take to carry out the recommendations suggested by this review and the resources available to monitor their progress.

¹⁴⁵ Chris West, Minutes from the Panel Meeting on 09.09.09

¹⁴⁶ Thurstan Crockett, Minutes from the Panel Meeting on 01.02.10

¹⁴⁷ Ibid

9.6 How recommendation 4 will contribute to NI188

Monitoring the Action Plan	Level 4	4.a There is a robust process for regular and continual monitoring and review of the action plan
----------------------------	---------	---

10.1

5. The Panel believes National Indicator 188 (NI188) is a worthwhile indicator, because it can effectively measure the progress of local areas in assessing and addressing the risks and opportunities of climate change. The Panel recommends continued use of the process outlined in NI188, even if the National Indicators and Local Area Agreements (LAAs) are changed or scrapped, unless a better method of assessing progress replaces it.

The Panel recommends that NI188 is placed within the LAA, if it continues post 2010/11. This would demonstrate the importance of this issue to the city. It would also provide a focus on the need to set, and meet, a challenging timetable for taking the city through the stages of the indicator as it pro-actively prepares to adapt to climate change.

What is NI188?

10.2 National Indicator 188 (NI188) is designed to measure progress on:

*'...assessing and managing climate risks and opportunities, and incorporating appropriate action into local authority and partners' strategic planning.'*¹⁴⁸

10.3 It is a process based indicator which requires the local authority to assess its progress through the following stages:

- **Level 0** Getting started
- **Level 1** Public commitment and impacts assessment
- **Level 2** Comprehensive risk assessment
- **Level 3** Comprehensive action plan
- **Level 4** Implementation, monitoring and continuous review¹⁴⁹

Is it a useful indicator?

10.4 The indicator is in place until at least 2011. Although the recent political changes mean that the indicator may be removed after 2011 which could throw into doubt the future of Local Area Agreements (LAAs).

10.5 However, according to the Council's Head of Sustainability and Environmental Policy:

'NI188 as a process indicator shows clearly what steps should be taken. What we need to do is follow that process. Behind that will be areas that we need to focus on. It is a good indicator. There is some

¹⁴⁸ Audit Commission Website: <http://www.audit-commission.gov.uk/localgov/audit/nis/Pages/NI188planningtoadapttoclimatechange.aspx>

¹⁴⁹ Ibid

*doubt about what will happen to the indicator after the election [but] the authority should still use the indicator as a strong guidance.*¹⁵⁰

What progress has been made with NI188?

- 10.6 In May 2010, the Council submitted its NI188 return for 2009/10. While BHCC still measured itself at being at Level 0 (baseline); it was able to describe the actions it had begun, and would be undertaking, to reach levels 1-4 of the Indicator.
- 10.7 The key actions which an authority is expected to be undertaking at level 0 are:
- a. *the Authority has begun the process of assessing the potential threats and opportunities across its estates and services*
 - b. *the Authority has identified and agreed the next steps to build on that assessment in a systematic and coordinated way*¹⁵¹
- 10.8 The key reason that BHCC was not able to assess itself as having progressed to level 1, was that it had only just begun to undertake the 'prioritised risk based assessment' required in the form of the LCLIP.

Is this the expected rate of progress in this indicator?

- 10.9 Anurag Kher, a Climate Change Senior Policy Advisor from the Government Office for the South East (GOSE), confirmed that BHCC would be expected to progress to level 1 by the submission of the NI188 return in May 2010. This ties up with the expectation of Defra that:

*'Every Local Authority to be at level 2 as a minimum by the end of 2011...LSP partners to be on the same journey & support provided.'*¹⁵²

How could BHCC improve its performance in this indicator?

- 10.10 Research has found that progress in reaching the 5 levels of NI188:

'...requires action involving:

- *Organisational change and leadership*
- *Assessing current and future risks*
- *LSP and community engagement*
- *Early implementation of adaptation actions*
- *Strategy and action plan development, and*
- *Monitoring, review and evaluation'*¹⁵³

¹⁵⁰ Thurstan Crockett, Minutes of the Panel Meeting on 01.02.10

¹⁵¹ NI188 Self Assessment form

¹⁵² DEFRA briefing workshops presentation on 11/03/09

10.11 The recommendations of this Panel seek to address the issues described above.

10.12 According to an online survey of local authority officers, the biggest challenges they faced in relation to NI188 were:

*'...lack of resources, lack of skills, lack of time of service heads, lack of understanding adaptation issues generally, and difficulty in quantifying and communicating risks involved in adaptation.'*¹⁵⁴

10.13 This also appears to be true in BHCC, where the ability to progress to the final level (level 4) were seen to be:

*'... a question of both resources levels and conflicting priorities... [what we need most is] people with skills.'*¹⁵⁵

10.14 An example of such skills, is the training needed to be able to analyse the UKCP09 data at a local level. See Appendix B for a proposed timetable for BHCC to reach level 3 of NI188.

What is a LAA?

10.15 A Local Area Agreement (LAA):

*'...sets out the 'deal' between central government and local authorities and their partners to improve the quality of life for local people...it is also a shorter-term delivery mechanism for the Sustainable Community Strategy (SCS).'*¹⁵⁶

10.16 The future of LAAs is unclear under the new Coalition Government.

What could be the benefits of placing this indicator in the LAA?

10.17 While NI188 is not currently in the LAA for Brighton & Hove, the Panel believe that it should be placed there to demonstrate its importance to the city. Research has shown that of the 56 authorities who included NI188 in their Local Area Agreement; over 80% have met or exceeded their stated target, and 75% of are already at Level 1 or higher.¹⁵⁷

10.18 The EA, in their briefing note to the Panel, recommended that this indicator was selected as a designated target in the next round of LAA

¹⁵³ Adapting to climate change: Local areas actions, CAG consultants (June 2009)

<http://www.communities.idea.gov.uk/c/125742/doclib/get-file.do?id=1690787>

¹⁵⁴ <http://www.gos.gov.uk/497648/docs/169206/638522/808099/NI188defrareviewNIset>

¹⁵⁵ Thurstan Crockett, Minutes of the Panel Meeting on 01.02.10

¹⁵⁶ IDEA website <http://www.idea.gov.uk/idk/core/page.do?pageId=15421917>

¹⁵⁷ DEFRA website <http://www.defra.gov.uk/corporate/about/with/localgov/indicators/ni188.htm>

negotiations, if this framework continues under the Coalition Government.¹⁵⁸

How the Panel's recommendations would enable BHCC to improve its performance in NI188

10.19 As already explained, each recommendation of the Panel has been assessed to see how it will contribute to the Council's progress through the levels of the indicator. If the Panel's recommendations were to be implemented they would mean that the authority could reach level 1 and make substantial inroads into reaching the remaining levels. See Appendix B for a suggested timetable for progress through NI188.

10.20 How recommendation 5 will contribute to NI188

Put NI188 in the LAA	Level 1	1.1 making a public commitment
----------------------	---------	--

¹⁵⁸ Briefing Note from the Environment Agency for the Panel, for the meeting on 09.09.09

11.1

6. The Panel believes that the challenges of adaptation cannot be met by statutory agencies alone. The Panel recognises the importance of existing mechanisms such as Local Area Action Teams and the voluntary sector, to develop the capacity of communities to adapt to increasingly extreme weather in the city. A learning and development programme needs to be produced to assist these champions. This work could be linked to the Climate Connections project.

Why do we need to build the capacity of communities?

11.2 One of the key aims of the UK Low Carbon Transition Plan is:

*'Supporting individuals, communities and businesses to play their part... [because] everyone has a role to play in tackling climate change'*¹⁵⁹

Engaging stakeholders

11.3 The Director of UKCIP, when assessing whether BHCC had a good adaptation plan, asked '*...was there a link with stakeholders?*'¹⁶⁰

11.4 A briefing note for the Panel from the EA offered examples of desirable engagement with local residents on adaptation issues. These included:

- *Raising flood awareness*
- *Promoting water efficiency*¹⁶¹

11.5 One of the key aims of gathering local data about possible changes to the climate is to make the implications of such changes 'real' for people.

11.6 The report by RCEP emphasised the importance of engaging public support when implementing adaptation because:

*'... public engagement in areas such as coastal erosion, flood protection and nature conservation is very important. This is because (in part) a decision-making process which is perceived to be open and fair by those potentially affected can go a long way to enhancing tolerance, and even acceptance, of outcomes. Further, the input of local knowledge and understanding can contribute to the problem of taking decisions under conditions of uncertainty and complexity.'*¹⁶²

¹⁵⁹ UK Low Carbon Transition Plan (2009) <http://centralcontent.fco.gov.uk/central-content/campaigns/act-on-copenhagen/resources/en/pdf/DECC-Low-Carbon-Transition-Plan>

¹⁶⁰ Chris West, minutes from meeting on 09.09.09

¹⁶¹ Environment Agency Briefing Note for the Panel meeting on 09.09.09

¹⁶²RCEP, Adapting Institutions to Climate Change, Summary Report (2010)

http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_summary.pdf

- 11.7 According to the Council's Head of Sustainability and Environmental Policy, one of the achievements of the city's 2006 CCAP was that it:

'...contained a hundred actions and kick-started a wide range of projects and programmes' intention was 'preparing a plan with our local communities to address the causes and effects of climate change and to secure maximum benefit for our communities'.¹⁶³

NI188 and community engagement

- 11.8 The importance of community engagement is recognised in NI188. The self assessment to reach Level 1 asks:

'To what extent are other members of the wider local community aware of the commitment and are involved in our adaptation? Are they formally involved through the LSP? If not, are there ways in which we can involve them specifically in this agenda?'¹⁶⁴

How can we achieve this?

- 11.9 The Panel heard that one of the roles a local authority needs to take on, in relation to climate change, is as the *'leader of the community'*.¹⁶⁵

- 11.10 The Panel were pleased to hear about the Climate Connections project which aimed to:

'...highlight 10 global stories and 9 local stories...[which] will provide a human face of why people need to adapt to climate change and... highlight global to local issues.'¹⁶⁶

- 11.11 This was felt to be important because:

'...a lot of people are sceptical, therefore using examples of people who have had to adapt, can make people realise they need to embrace this cause.'¹⁶⁷

- 11.12 The project aimed to get community buy-in, by *'using positive messages'* such as:

'It's not too late to do something.'¹⁶⁸

¹⁶³ Thurstan Crockett, Head of Sustainability and Environmental Policy

¹⁶⁴ LRAP Guidance on National Indicator NI188, (2010)

<http://www.defra.gov.uk/corporate/about/with/localgov/indicators/documents/ni188-guidance.pdf>

¹⁶⁵ Chris West, Minutes of the Panel Meeting on 09.09.10

¹⁶⁶ Paolo Boldrini, Minutes of the Panel Meeting on 26.02.10

¹⁶⁷ Ibid

¹⁶⁸ Ibid

11.13 Paolo Boldrini, of the Climate Connections project, offered to provide BHCC with regular feedback on the reactions of the community to the project. The Panel believe that this would be useful way of finding out the key concerns of the community regarding adapting to climate changes.

11.14 Local Action Teams in Brighton & Hove - an existing mechanism which could be drawn on?

*'A Local Action Team (LAT) is a group of people who live in a neighbourhood and who come together on a regular basis to help resolve crime, disorder, anti-social behaviour and safety problems that are of mutual concern [and] Sometimes the group deals with a wider range of shared concerns as well as crime and disorder matters.'*¹⁶⁹

11.15 There are currently 39 LATs in Brighton and Hove. Their roles in relation to community safety are seen as including:

- Ensuring that the concerns of local people are reported
- Receiving feedback from the Council about action that has been taken
- Responding to local consultation on city wide issues
- Contributing local information¹⁷⁰

11.16 One can see from this list, the valuable contribution that LATS could make in building the capacity of the community to adapt to climate change and prepare for extreme weather.

Drawing on community resources during extreme weather events

11.17 The Panel heard that vulnerable members of the community in extreme weather, used to be aided by neighbours. However this care has now been professionalised.

11.18 According to the Council's Head of Commissioning for Adult Social Care:

*'There is a need for community/neighbourhood cohesion and for people to ask if their neighbours are OK.'*¹⁷¹

11.19 The Director of Public Health for Brighton & Hove agreed that:

*'We could make big strides if it was possible to harness neighbourliness and collective feeling.'*¹⁷²

¹⁶⁹ Brighton and Hove Safe in the City Partnership, LATS guidance, (2009)
<http://www.safeinthecity.info/files/Microsoft%20Word%20-%20LAT%20Guidance%20folder%20091020%20-%20website.pdf>

¹⁷⁰ *ibid*

¹⁷¹ Jane Simmons, Minutes of the Panel Meeting on 21.04.10

¹⁷² Tom Scanlon, Minutes of the Panel Meeting on 21.04.10

Why the need for a learning and development programme?

11.20 According to the Council's Community Engagement Framework:

'...the success of any engagement activity is related to the level of information, support and training that individuals and the community can access' and refers to the importance of 'the provision of high quality, accessible and relevant information'¹⁷³

11.21 This Framework emphasises that providing such information and support is seen as key to developing the ability of the community to:

- Engage with services
- Engage in local decision-making
- Understand and engage with democratic processes
- Come together to take action for themselves¹⁷⁴

¹⁷³ Community Engagement Framework, (2009)

http://www.2020community.org/downloads/site2020/community_engagement_framework/2052_CEF_Inserts_V2_3.pdf

¹⁷⁴ Community Engagement Framework

http://www.2020community.org/downloads/site2020/community_engagement_framework/CEF_final_02_12_08.pdf

11.22

Case study 2 – the Climate Connections project

This project was officially launched on 28th March 2010. It is a partnership project between Brighton Peace and Environment Centre (BPEC), BHCC and Oxfam GB.

The project's aims include:

- Raising awareness on the impacts of climate change from a global to local level
- Link the stories of climate change from around the world, with those in B&H
- Promote local community projects, initiatives and businesses which support local residents to make informed choices about how they impact on the world around them

To achieve this, the project has established:

- A large outdoor photographic exhibition showing the stories of people in developing countries alongside those living in B&H. The aim is to show how *'individuals in different parts of the world are intrinsically linked through the challenge of climate change'*
- An interactive website to act as an information portal to follow the stories of those people participating in the exhibition
- A programme of workshops for community groups and organisations

11.23 How recommendation 6 will contribute to NI188

Identifying community and service users concerns and priorities for adaptation	Level 0	0.2 Engagement of Community, Service users and Key LSP Partners
Using LCLIP to raise awareness of significant issues in the wider community	Level 1	1.2 Understanding current vulnerability

12.1

7. The Panel recommends that climate change resilience and business continuity needs to be a high level outcome which is built into the new Intelligent Commissioning Model.

12.2 According to the LGA:

*'Reducing emissions and planning to adapt must be the most important priority for councils.'*¹⁷⁵

Why does climate change need to be a top priority for BHCC?

12.3 The RCEP have:

*'...observed that where climate change is not a defined part of the mission of an institution, the capacity to respond can be hampered.'*¹⁷⁶

12.4 This was also a conclusion of the Kent County Council (KCC) Select Committee into climate change, which emphasised the need to:

*'Ensure climate change is included in corporate risk planning, business continuity and all directorate plans and policies'*¹⁷⁷

What is the Intelligent Commissioning Model?

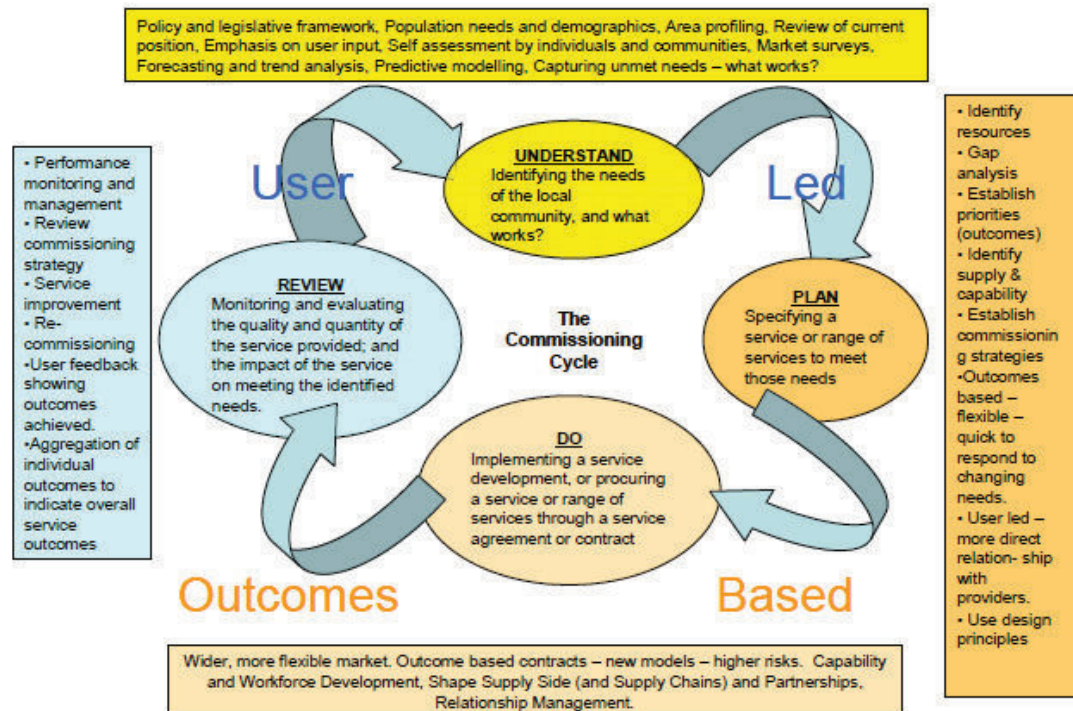
12.5 The Council is currently developing a new 'Intelligent Commissioning' process, which intends to change the way that the Council, and other partners, deliver services to the city. The diagram at 12.6 illustrates the proposed process.

¹⁷⁵ Local Government Agency, The economy or the environment, do I need to choose? (2010)

¹⁷⁶ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹⁷⁷ KCC, Select Committee on climate change report, 2006
<https://shareweb.kent.gov.uk/Documents/environment-and-planning/environment-and-climate-change/select-committee-report-on-climate-change-october-2006/climate-change-report.pdf>

12.6



12.7 How the recommendations of this review fit with the Intelligent Commissioning Model

*'The 'intelligent' part of the process refers to a commissioning approach based on strong evidence and understanding of need, the joining up of activities behind the **key outcomes** or themes that matter most and harnessing the knowledge and experience of citizens, communities, staff and partners in the design production and delivery of services and solutions.'*¹⁷⁸

12.8 This model emphasises the need to include:

- A thorough and evidence based understanding of need
- The harnessing of the intelligence and understanding of individuals and communities in co-design and co-production
- An understanding of the 'big picture' needs for the city¹⁷⁹

¹⁷⁸ My emphasis, Report to Cabinet on 22nd April 2010 'Creating a Council the City Deserves ... a transformation programme for Brighton & Hove City Council [http://present.brighton-hove.gov.uk/Published/C00000120/M00001996/\\$\\$Supp8256dDocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000120/M00001996/$$Supp8256dDocPackPublic.pdf)

¹⁷⁹ Adapted from Intelligent Commissioning (A social and Economic Case), March 2010 <http://present.brighton-hove.gov.uk/mgConvert2Pdf.aspx?ID=8256&T=9>

12.9 The recommendations of this Panel, and the means of implementing them, can be seen as fitting into the 4 stages of the Intelligent Commissioning cycle as follows:

1. Understand

Recommendation 2 - LCLIP and UKCP09

2. Plan

- Rec 3 - Climate Change Action Plan
- Rec 8 – Adaptation test
- Rec 10 – Cross Working
- Rec 11 – Working with universities and Colleges
- Rec 12 – Surface Water Management Plan
- Rec 13 - Resources

3. Do

- Rec 6 – Building community capacity
- Rec 9 – Planning

4. Review

- Rec 4 – Biennial review of the Climate Change Action Plan
- Rec 5 – National Indicator NI188

The recommendations of this review are skewed towards planning stage. However as information becomes available, further work is undertaken on adaptation and structures established; this will facilitate the ‘do’ and ‘review’ stages of the Intelligent Commissioning cycle.

12.10 How recommendation 7 will contribute to NI188

High level outcome in the Intelligent Commissioning Model	Level 1	1.1 making a public commitment	1.4 Sharing the load and ongoing project planning – managers responsible for service areas aware of the vulnerabilities and opportunities	
	Level 3	3.1 Embedded climate impacts and risks across council decision making	3.2 Developed a comprehensive adaptation action plan	3.3 Implementing appropriate adaptive responses in all priority areas

13.1

8. The Panel recommends that an Adaptation Test¹⁸⁰ should be developed for publicly commissioned services. These services would be required to use the test to demonstrate how they are planning to face the challenges of adaptation.

This test could contain a set of questions, such as:

‘Have you identified the possible range of impacts of climate change on the activities and responsibilities of your institution or business, and their timescales?’¹⁸¹

The Panel believe it would also be useful to encourage other businesses in the city to use this test.

Please note: The panel members discussed this recommendation and while three of the panel members approved it, Councillor Tony Janio wanted to record his dissent on this particular recommendation.

What is an adaptation test?

13.2 This kind of test is proposed in the recent RCEP report:

‘...to reduce exposure to the risk of damage through climate change; to develop the capacity to cope with unavoidable damages; and to encourage organisations to take advantage of new opportunities’¹⁸²

Examples of the questions that could be used for a test

13.3 The following potential questions are identified in the RCEP report:

1. *Have you identified the possible range of impacts of climate change on the activities and responsibilities of your institution or business, and their timescales?*
2. *Do you understand the nature of, and limitations in, the climate projections in UKCP09?*
3. *Do you understand that adaptation to climate change is an open-ended process, not a single action that will solve your problems or reduce your risks?*
4. *Have you framed the questions and issues to be addressed adequately, so as to avoid tackling the wrong problem, or making matters worse? Do you understand how the risks posed by climate change interact with, and might change, the other risks your organisation has to respond to?*

¹⁸⁰ The Adaptation test and 10 indicative questions are from The Royal Commission on Environmental Pollution’s report ‘Adapting Institutions to Climate Change’ (2010)

http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹⁸¹ Ibid

¹⁸² Ibid

5. *Have you identified options for adaptation, and devised flexible plans and strategies that can deal with uncertainty?*
6. *Are you embedding consideration of adaptation into your core business? Is there the right accountability for actions at the most senior levels of your organisation?*
7. *Are the objectives and aims of your institution fit for purpose in a changing world? Are you aware of the powers and duties affecting your institution?*
8. *Who are the significant other stakeholders (including members of the public) with whom you need to interact to deliver adaptation? Are there barriers (perceived or real) that might make collaboration difficult? How do you plan to negotiate these barriers?*
9. *Do you have mechanisms in place to listen and respond to alternative views on the ways of dealing with climate change, new ways of thinking, and ways of evaluating the success of past actions in relation to climate change?*
10. *Do your organisation's planning and investment cycles allow for new insights and information about climate change to be taken into account?*¹⁸³

Why would such a test be useful for commissioned services?

- 13.4 The results of the questionnaire about the progress of adaptation in services across BHCC, while highlighting many areas of good practice, did also show:

*'A variability in the returns from services in terms of how they understood adaptation issues and the actions they have carried out in this area. Sometimes this was due to a lack of understanding what adaptation meant or a confusion between adaptation and mitigation – which suggests the need to build capacity in this area.'*¹⁸⁴

- 13.5 Therefore it would be useful to have a test which was able to both encourage and incentivise services to continue to adapt to climate change. The other vital role of this test would be to remind those who were commissioning services of the importance of adaptation issues. Introducing such a test would enable adaptation to be embedded in Intelligent Commissioning.

How could other businesses or partners be encouraged to use this Test?

- 13.6 The Panel heard from Graham Tubb (of SEEDA and Climate South East) that in his experience:

¹⁸³ The Adaptation test and 10 indicative questions are from The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010)

http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹⁸⁴ Assessment of the returns from the adaptation questionnaire sent out to all BHCC service heads

‘...there was not a high understanding of the business benefits of adaptation work...They tend to see it as planning to deal with bad weather...However, businesses need to see it as an issue which extends beyond the horizon of normal risk management.’¹⁸⁵

13.7 They had managed to engage businesses in adaptation issues by asking questions such as *‘was your business affected by bad weather?’*¹⁸⁶

13.8 Graham Tubb identified the potential climate change related concerns of a company such as Amex:

*‘They have lots of staff, so transport will be a key issue. They are a multi-national organisation, so rely on the good storage of records.’*¹⁸⁷

13.9 An adaptation test could encourage businesses to consider more fully the range of potential impacts of a changing climate on their organisation and plan ahead for responding to these changes.

13.10 Councillor Tony Janio wished to record his dissent on this particular recommendation. During the Panel’s discussion, Cllr Janio spoke of his concerns about potentially adding to the bureaucracy faced by businesses, in particular small businesses, and not wishing to add to this burden by suggesting such a test.

13.11 How recommendation 8 will contribute to NI188

Requiring commissioned services to use an Adaptation Test	Level 1	1.4 Sharing the load and ongoing project planning – managers responsible for service areas aware of the vulnerabilities and opportunities
---	---------	---

¹⁸⁵ Graham Tubb, Minutes of the Panel Meeting on 02.12.09

¹⁸⁶ Graham Tubb, Minutes of the Panel Meeting on 02.12.09

¹⁸⁷ Ibid

14.1

9. The Panel welcomes Planning proposals to ensure that developments can adapt to future climate changes. This will be achieved by implementing planning policies which require that new developments in the city must demonstrate that they can adapt to climate change through addressing such issues as flooding, overheating, rain events, storm surges and other climate related impacts. Any new planning documents will be fully informed by relevant studies about climate impacts now and in the future.

The importance of Planning

14.2 According to the RCEP report:

*'Given the local characteristics of climate change, the most important policy tool is the planning system, which typically considers change and impacts over 20-30 year periods'*¹⁸⁸

14.3 The Climate Change Supplement (PPS1) has set out how government expects that planning services will tackle climate change. This included:

- Securing new developments and shaping places that minimise vulnerability and provide resilience
- Conserving and enhancing biodiversity

Core Strategy

14.4 The Local Development Framework (LDF) is the new plan making system introduced by the Town and Country Planning and Compulsory Purchase Act 2004). The Core Strategy is the main planning policy document in the LDF. Its role is to provide an overall strategic vision and policy framework for the city to 2026. When Brighton & Hove's emerging Core Strategy is formally adopted it will replace the Brighton & Hove Local Plan (adopted in 2005). At the time of writing, the council's Core Strategy is at the 'submission document' stage and includes the following:

- Information on future developments and supporting infrastructure, including their location
- Local priorities to improve the provision of services and quality of life¹⁸⁹

¹⁸⁸ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

¹⁸⁹ Briefing note from Assistant Director of City Planning dated 11.01.10

Sustainable Buildings

14.5 One of the key policies in the Core Strategy that is relevant to adaptation is the citywide policy CP1 Sustainable Buildings which sets out:

- The minimum standards of building design for all new developments
- The need for all new developments to demonstrate how they are working to address adaptation related issues such as water neutrality, reducing the heat island effect and reducing surface water run off.¹⁹⁰

14.6 The Council also has a Sustainable Design Supplementary Planning Document (SPD) 08 which is regarded by the service as an:

'...excellent framework for delivering sustainable design such as water neutrality and the Heat Island effect'.¹⁹¹

14.7 According to the Council's City Planner:

'The standards the council is setting are ambitious and are sometimes ahead of the national timetable for the delivery of sustainable buildings.'¹⁹²

Minimising vulnerability in a future climate

14.8 The citywide Policy CP10 (Managing Flood Risk) in the Core Strategy is aimed at making proposals for new developments take into account the findings of the Brighton & Hove Strategic Flood Risk Assessment with regard to all types of flood risk. This includes surface water flooding and coastal erosion.

14.9 The Planning service felt it was better prepared for some climate change impacts than others, including:

- The risk of flooding
- The risk of sea level rises

14.10 Planning was also able to describe a wide range of policies, incorporating both adaptation and mitigation issues, including:

- CP5 Biodiversity
- SA1 The Seafront

¹⁹⁰ Response from Planning to written questions from the Panel

¹⁹¹ Martin Randall and Paula Goncalves, Minutes of the Panel Meeting on 11.01.10

¹⁹² Briefing note from Assistant Director of City Planning dated 11.01.10

Monitoring the outcomes of these policies

14.11 The service confirmed that it was monitoring each policy in the Core Strategy and the next step was to:

‘...find out what difference our policies have made.’¹⁹³

14.12 This process would be made easier if Planning could:

‘...draw on research into the specific effects of climate change on B&H, rather than regional figures alone’.¹⁹⁴

New developments and conversions

14.13 The Panel were briefed that:

‘Whilst new development has a reasonable level of attention given to it by national and local planning policy, improving the existing stock has received less scrutiny.’¹⁹⁵

14.14 This differential has been confirmed in the evidence gathered from the Sustainability checklist, which has:

‘...shown that new buildings are performing satisfactorily, but conversions less so. The need to focus on conversions has informed the Core Strategy.’¹⁹⁶

14.15 Given this greater difficulty in ensuring that adaptation considerations are built into retrofitting, the service acknowledged that

‘...this may need a specific adaptation Supplementary Planning Document.’¹⁹⁷

14.16 How recommendation 9 will contribute to NI188

Working to ensure that developments can adapt to future climate changes	Level 1	1.4 Sharing the load and ongoing project planning – managers responsible for service areas aware of the vulnerabilities and opportunities
---	---------	---

¹⁹³ Martin Randall, Minutes of the Panel Meeting on 11.01.10

¹⁹⁴ Martin Randall, Minutes of the Panel Meeting on 11.01.10

¹⁹⁵ Martin Randall, written responses to questions from the Panel,

¹⁹⁶ Paula Goncalves, Minutes of the Panel Meeting on 11.01.10

¹⁹⁷ Martin Randall, Minutes of the Panel Meeting on 11.01.10

15.1

10. The Panel recommends that BHCC, or the Brighton & Hove Strategic Partnership, approach neighbouring local authorities and other bodies to research areas of good practice, undertake a peer review and identify potential areas for cross working.

Learning from good practice authorities

15.2 A number of witnesses highlighted the need to find out how other councils were approaching particular adaptation issues.

15.3 One example was the suggestion that BHCC *'look at best practice from comparable areas'*¹⁹⁸ to further understand issues relating to the urban heat island effect.

15.4 This was echoed in relation to climate change and risk planning, where the Council's Risk and Opportunity Manager suggested that::

*'There is some best practice, one would need to look at Local Area Agreement achievers'*¹⁹⁹

Cross boundary working

15.5 The RCEP report highlighted that:

*'The opportunity to share this kind of information is a valuable part of the learning process. The local government associations have recognised the need for a more integrated approach and have disseminated guidance and initiated pilot projects linking local authorities and national agencies...'*²⁰⁰

15.6 The Panel heard that about the benefits of cross border working, an example being to:

*'...encourage Local Authorities to work co-operatively to address flood risk, in particular where river catchments go across boundaries.'*²⁰¹

15.7 This was also true in planning for health services and extreme weather, where:

*'...there was sharing of good practice across the local authorities in Sussex e.g. flood resilience.'*²⁰²

¹⁹⁸ Martin Randall, Written response to Scrutiny Panel questions

¹⁹⁹ Jackie Algar, Minutes of the Panel Meeting on 26.02.10

²⁰⁰ The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

²⁰¹ Jorn Peters, Minutes of the Panel Meeting on 02.12.09

²⁰² Tom Scanlon, Minutes of the Panel Meeting on 21.04.10

15.8 This was also true of the Council's Planning service who spoke of their '*close working relationship*' with Adur regarding flood risk planning.²⁰³ The Council is also a member of a Coastal Group, stretching from Selsey to the Thames Estuary which looks strategically at issues such as how local schemes impact on adjacent areas.²⁰⁴

15.9 How recommendation 10 will contribute to NI188

Researching examples of adaptation responses	Level 2	2.3 Identifying adaptation options
--	---------	--

²⁰³ Martin Randall and Paula Goncalves, Minutes of the Panel Meeting on 11.01.10

²⁰⁴ Martin Eade, Minutes of the Panel Meeting on 11.01.10

16.1

11. The Panel recognises that the universities and colleges in the city could be used as a valuable resource in building up knowledge about adaptation and engaging with the community. The Panel recommends that this be further explored.

16.2 A previous Scrutiny Inquiry into Environmental Industries was able to conclude that universities were playing a central role in the growth of this sector. The Inquiry also recommended that the Council further developed its already strong links with the universities and colleges in the city.

16.3 The Panel believed that the strengthening of these links would also be beneficial in preparing the city to adapt to the possible changes in the climate. A few examples of the benefits are described below.

Using an Intern to carry out the LCLIP

16.4 The Council has recently begun to carry out the LCLIP for the city and is using an intern from the University of Sussex to carry out the research stage of this project. Kumar Das approached BHCC to gain both practical work experience and an understanding of local climate change impacts. This free Internship has been provided by the University and facilitated by Wired Sussex.

Other examples of working with the Universities

16.5 Following chalk cliff falls above the Marina, BHCC has developed close links with the University of Brighton who is carrying out research work on monitoring the cliffs, including its impact on the A259.²⁰⁵

*'Through this work the council will gain a better understanding of the impact of climate change on the cliff erosion east of the Marina.'*²⁰⁶

16.6 Officers are currently working with both Professor Mortimore who is an emeritus professor at this University and one of his former PhD students Dr. James Lawrence who is now a lecturer at Leeds. In June 2010, BHCC invited down 4 of his MSc students who are doing their dissertations on various aspects of the cliff geology. Some of this research will be very useful for the Authority

16.7 Another example is the recent acceptance of a Pro-Vice Chancellor of the University of Sussex to act as a chair of the new West Sussex Environment and Climate Change Board. Finally, this Scrutiny Panel was chaired by Professor Gordon MacKerron of the University of Sussex.

²⁰⁵ The INFORM project, a joint research and monitoring project to increase the knowledge of the chalk cliffs that run from Black Rock to Saltdean.

²⁰⁶ Written response from Martin Randall to questions from the Scrutiny Panel

16.8 How recommendation 11 will contribute to NI188

Working with universities and colleges to build up adaptation knowledge and engage with the community	Level 1	1.2 Understanding current vulnerability
---	---------	---

17.1

12. The Panel welcomes the awarding of funds for BHCC to develop a Surface Water Management Plan (SWMP). It recommends that the work on the SWMP is developed as a matter of urgency and used, where possible, to bid for funding in this vital area.

What is surface water flooding?

17.2 *'Surface water flooding occurs where high rainfall events exceed the drainage capacity in an area. Such events can also lead to serious flooding of property and possessions where surface water flows and collects.'*²⁰⁷

17.3 The increased likelihood of surface water flooding has been identified, by organisations such as the EA, as a key threat to the city as the climate changes.²⁰⁸

Does this kind of flooding pose a risk for the city?

17.4 The East Sussex Fire & Rescue Service (ESFR) has assessed how possible changes to the weather could impact on their response times. They believe that surface water flooding posed *'the most significant risk for the city.'*²⁰⁹

17.5 They are concerned about response times are because:

*'...one could expect higher levels of fatalities if they have a lower response time. This could make the difference between life and death.'*²¹⁰

17.6 The Service's modelling work had found out that:

*'...London Road and Lewes Road are the most vulnerable roads in the city.'*²¹¹

17.7 These findings were echoed by Ambiental who identified:

'...pockets of risk for Shoreham, Portslade and Hove There was a channel which included

- *Wellsbourne – an intermittent river that used to flow down what is now the London Road*
- *London Road*
- *Saltdean.*²¹²

²⁰⁷ <http://www.defra.gov.uk/environment/flooding/manage/surfacewater/index.htm>

²⁰⁸ Briefing note to the Panel from the Environment Agency, dated 09.09.09

²⁰⁹ Gary Ferrand & Keith Ring, Minutes of the Panel meeting on 01.02.10

²¹⁰ Ibid

²¹¹ Ibid

²¹² Justin Butler, Minutes of the Panel meeting on 02.12.09

17.8 Southern Water (SW) also told the Panel of potential flooding related problems that could pose *'increasing risks'*²¹³ to the city:

- Tidal flooding (SW expressed concern over what effect a sea level rise of 6m could have on the city)
- Ground water flooding (e.g. the autumn 2000 flooding in Patcham)
- The sewerage system (SW felt that the city was quite resilient but could not absorb much above the 1 in 30 year event)
- In 2000 the big storm water tunnel between King Alfred and Black Rock was pretty full throughout the area. (A big single event could have led to very substantial flooding)
- Urban creep e.g. the Carden Avenue area. (SW highlighted that there were concerns over malconnections on chalk and that surface water could be caused by building up over front gardens)
- Protecting natural flood routes²¹⁴

Who is responsible for surface water management in the city?

17.9 The Pitt Review which was set up after the summer floods of 2007, identified that different authorities were currently responsible for varying parts of the drainage network; including water and sewerage companies, highway authorities, local authorities, householders and the EA. To address this, local authorities have been given the responsibility for surface water management, which includes developing a Surface Water Management Plan (SWMP). According to the Environment Agency, the pilot process has shown that this approach has:

*'...worked to provide a better understanding of where and how surface water flooding happens and the local responses needed to address these risks.'*²¹⁵

What is a Surface Water Management Plan?

17.10 A SWMP is:

*'...a plan which outlines the preferred surface water management strategy in a given location ...[and...describes flooding from sewers, drains, groundwater, and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall.'*²¹⁶

²¹³ Barry Luck, Minutes of the Panel meeting on 09.09.09

²¹⁴ Ibid

²¹⁵ Environment Agency Briefing note prepared for the Panel Meeting on 09.09.09

²¹⁶ Surface Water Management Plan Technical Guidance, DEFRA, (March 2010)

<http://www.defra.gov.uk/environment/flooding/documents/manage/surfacewater/swmp-guidance.pdf>

17.11 This Plan is developed in consultation with key local partners who are responsible for surface water management and drainage in their area. It is a partnership based approach led by BHCC as the Lead Local Flood Authority. The purpose is to:

'...influence future capital investment, drainage maintenance, public engagement and understanding, land-use planning, emergency planning and future developments'.²¹⁷

Funding for an SWMP for the city

17.12 In 2009, BHCC was awarded £275,000 to undertake a SWMP. This was the second highest amount allocated to any of the 77 local authorities.²¹⁸ The amount of money awarded relates to:

'...the estimated number of properties that could be affected by severe weather and the expected average cost of developing a ... plan for their area.'²¹⁹

17.13 The Council's Head of Sustainable Transport explained that the SWMP:

'...will define the shape the extent of Brighton & Hove's problem. It will result in a costed out action plan e.g. for dealing with the problems with the Downs. This can be used to build a business case for requesting grants.'²²⁰

17.14 The major partners for this process will be the EA and Southern Water (SW). Other partners may include Shoreham Port, the Emergency Services and other key local stakeholders.

Progress with the SWMP

17.15 The discussions have begun with the EA and SW and further discussions are planned. The EA has recently issued National Guidance giving advice and support to Local Authorities for assessing the risk of flooding in their area.

17.16 The next stage of this process is to establish a partnership Board and to complete the Preliminary Flood Risk Assessment by June 2011, so that the Environment Agency can review and then publish the reports for England and Wales by 22.12.11.²²¹

²¹⁷ Surface Water Management Plan Technical Guidance, DEFRA, (March 2010)

<http://www.defra.gov.uk/environment/flooding/documents/manage/surfacewater/swmp-guidance.pdf>

²¹⁸ Briefing note to the Panel from the Environment Agency, dated 09.09.09

²¹⁹ Ibid

²²⁰ Mark Prior, Minutes of the Panel Meeting on 11.01.10

²²¹ Email from Ian Furnell, Head of Highway Engineering and Projects, 09.07.10

17.17 How recommendation 12 will contribute to NI188

Develop the Surface Water Management Plan	Level 2	2.4 Implementing priority actions
---	---------	---

18.1

13. The Panel believes that it is essential that sufficient resources are identified to be able to carry out the work recommended in this report.

On completion of the work recommended by the Panel, if further resources are needed to address adaptation these should be reported in any further versions of the Climate Change Action Plan or other relevant strategy documents.

What kind of resources do we need?

18.2 According to the RCEP report:

*'Adaptation requires the right number of people, with the right skills and training, and sufficient financial resources.'*²²²

18.3 Evidence from Kent County Council (KCC) emphasised that preparing for climate change:

*'... is very resource hungry and has taken a lot work ...[but] as a result KCC has been able to identify its climate change priorities...'*²²³

18.4 An example of the resources needed is for training people in BHCC to be able to use the UKCP09 data to produce information at city level.

Help for local authorities to find the resources they need

18.5 There are a number of web based tools and consultancy services that exist to help local authorities to find resources for adaptation.

Local improvement advisors

18.6 There are 10 LIAs nationwide which:

*'...specialise in climate change and environmental sustainability. They can help with advice, coaching, training and mentoring to support and improve delivery through the new performance frameworks for local area agreements...'*²²⁴

UK Climate Impacts Programme

18.7 The aim of UKCIP is to help organisations adapt to climate change. An example of the resources they offer is the LCLIP which will help you to understand and cost climate impacts and adaptation measures. See **Recommendation 2** (paragraphs 7.1 – 7.12).

²²² The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

²²³ Carolyn McKenzie, Minutes of the Panel Meeting on 26.02.10

²²⁴ IDEA website <http://www.idea.gov.uk/idk/core/page.do?pagelId=9509780>

Are resources currently a barrier to adaptation?

18.8 A survey on adaptation by the Institute of Environmental Management and Assessment (IEMA) found, amongst its members, that 90% of local authorities were adapting. However lack of resources was seen as a 'significant barrier' for 67% of local authority respondents.²²⁵

18.9 Defra had reviewed the first year of reporting for NI188, which also identified as one of the key barriers:

*'A lack of resources ... that was significantly hindering them moving from Level 0 to Level 1.'*²²⁶

Spending to save

18.10 This point is emphasised by the Association of British Insurers which:

*'...has promoted adaptation for some time. We believe the predicted changes in the climate pose a threat to the economy and to our way of life. In 2007 the summer floods alone caused more than £3bn of insured damage and the total disruption to the economy was far greater. The Stern Review shows that taking action now will be more cost-effective than taking action later. Our own research shows that adaptation investment can be very cost effective: for example flood defence expenditure in the UK has a **cost-benefit ratio of 7:1**, much higher than for other public sector capital investments.'*²²⁷

What could be the financial consequences of failing to adapt?

18.11 A report by the Local Government Association (LGA) emphasises the importance of tackling climate change, despite the current recession – because:

*'...if we don't act now to ...adapt, it will prove more expensive to ensure that we can cope in the long-term.'*²²⁸

18.12 In 2008, a report conducted by Deloitte – titled a 'Mini-Stern for Manchester', assessed the potential economic impact of climate change legislation on the region. It concluded that:

²²⁵ IEMA, Special Report – Adapting to Climate Change Survey, (2009)

<http://www.iema.net/news/envnews?aid=19237>

²²⁶ Matthew Lipson, Minutes of the Panel Meeting on 01.02.10

²²⁷ ABI, Adaptation Strategy

²²⁸ Cutting through the green tape III: the economy or the environment, do I need to choose, LGA, 2010, <http://www.lga.gov.uk/lga/aio/2340010>

*'... a 'failure to adapt' scenario suggests that the City Region could lose an estimated **£20 billion** in GVA over the next 12 years (by 2020), whilst the North West ... could lose an estimated **£70 billion**...' ²²⁹*

The benefits of being able to calculate the cost of unplanned weather events to the council or the city

18.13 Oxfordshire County Council used an LCLIP to identify, from 1996-2006:

*'...over **260 weather related incidents**, ranging from the effects of flooding on our road networks and properties, to 'standing crop' fires exacerbated by high summer temperatures.*

*The estimated cost of these incidents stands at over **£16.4 million** ... (this does not include the cost of an estimated 20,000 man hours spent responding to these incidents).*

*Some £6.4 million of this has been claimed back via government and emergency funds, however these funds may not always be available. These figures... emphasise the importance of assessing our vulnerabilities to weather today and using these **to plan ahead in order to minimise the expense and damage of future climate change**.' ²³⁰*

18.14 The ability to identify such costs is a key reason for the Panel recommending that BHCC undertakes an LCLIP (see recommendation 2). The EA emphasised that an LCLIP can:

'...influence behavioural change by highlighting the excessive costs of doing nothing, both currently and into the future.' ²³¹

Mapping funding opportunities

18.15 An important method of gaining resources would be to identify the full range of potential funding areas which were available (subject to political and financial considerations). One of the examples of this is the SWMP, which could be used to *'build a business case for requesting grants'*. ²³²

18.16 Although the future availability of such funding must be seen in the context of significant savings currently being sought in public expenditure.

²²⁹ My emphasis, Mini-Stern for Manchester, Deloitte (2008) http://www.deloitte.com/assets/Dcom-UnitedKingdom/Local%20Assets/Documents/UK_GPS_MiniStern.pdf

²³⁰ My emphasis, Report on the Oxfordshire LCLIP, http://www.ukcip.org.uk/images/stories/LCLIP/Oxon_LCLIP.pdf

²³¹ Briefing note to the Panel from the Environment Agency, dated 09.09.09

²³² Mark Prior, Minutes of the Panel Meeting on 11.01.10

Obtaining extra resources

18.17 The Council's Civil Contingencies Manager observed that if one is seeking funding to deal with extreme weather:

*'...when events such as floodings happen or are threatened, then it becomes easier to get resources'*²³³

Pooling resources with partners

18.18 Recent guidance for local authorities on NI188 asks:

*'Have we considered pooling resources across the LSP and that of other partnerships particularly on common issues.'*²³⁴

18.19 An example of the benefits of partnership working is Kent County Council, who undertook their climate change prioritisation work with 12 councils and key partners. This resulted in all the partners identifying the:

*'...same barriers and discovered that they are all in the same boat. They were able to get the partners to agree to each give 20-25 days of man power in order to take this project forward project forward.'*²³⁵

18.20 How recommendation 13 will contribute to NI188

Identify resources to implement priority actions	Level 2	Level 2.4 Implement priority actions
--	---------	--

²³³ Robin Humphries, Minutes of the Panel Meeting on 26.02.10

²³⁴ LRAP Guidance on NI188

<http://www.defra.gov.uk/corporate/about/with/localgov/indicators/documents/ni188-guidance.pdf>

²³⁵ Carolyn McKenzie, Minutes of the Panel Meeting on 26.02.10

6. Monitoring the recommendations

*'A key aspect of building adaptive capacity is learning what does and does not work, and feeding this back into the process of framing and implement the next steps in what will be a **continuous journey** without a defined end-point.'*²³⁶

- 19.1 This section describes how the progress of these recommendations will be monitored.

Cabinet Member monitoring

- 19.2 If Recommendation 1 of this report is accepted, then a Cabinet Member would be identified as being responsible for climate change adaptation and receive information on the progress of the recommendations which are agreed.

Biennial review of the Climate Change Action Plan

- 19.3 If Recommendation 2 of this report is accepted, then every two years there would be a review of the city's progress in relation to the CCAP.

Overview and Scrutiny Commission

- 19.4 Should the recommendations of the Panel be approved by the Overview and Scrutiny Commission (OSC), they will then be sent to both partners and to the Executive to respond. The report of the Panel will also be sent to the relevant service heads.
- 19.5 Once the report has been accepted by the Executive, it will then be sent onto Council for information. The Executive would now be responsible for providing a regular updates to the OSC on the progress of the implementation of the recommendations which were agreed by the Executive. These updates are expected to be at the following intervals; 6 months from the Panel report going to Council, 12 months on and then annually until the recommendations have been implemented.

Annual report back to Overview and Scrutiny Report on adaptation

- 19.6 As the city develops its adaptation capacity and greater information is gathered on this subject, the OSC may wish to see the data that has

²³⁶ The bold = my emphasis, The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

been gathered on a wider range of concerns than has been addressed in the recommendations of this report.

- 19.7 If there are sufficient new areas of concern, they could be reported to the OSC in the form of an annual report back to the Committee. This could be scheduled for June/July, which would follow the annual self-assessment return for NI188. The other alternative could be to take the biennial update of the Climate Change Action Plan to the OSC.

Brighton & Hove Strategic Partnership

- 19.8 The BHSP would be another vital forum to receive the information gathered on adaptation, outlined above.

National Indicator 188

- 19.9 While NI188 remains, then each Local Authority is expected to complete an annual return on its progress, and self-assess which level it has reached. Appendix B of this Report outlines the expected timetable for progression through the levels of the indicator.

GLOSSARY

Ambiental - a consultancy firm specialising in high resolution flooding risk assessments

ASC – Adaptation Sub-Committee, which is a sub-committee of the Committee on Climate Change

BHCC – Brighton & Hove City Council

CCC - Committee on Climate Change

CCRA – Climate Change Risk Assessment

DECC – Department of Energy and Climate Change

Defra – Department of Environment, Food and Rural Affairs

EA – Environment Agency

ESFRS – East Sussex Fire & Rescue Service

IDEA – Improvement and Development Agency

IEMA – Institute of Environmental Management Assessment

IPCC – Intergovernmental Panel on Climate Change

KCC- Kent County Council

LAA – Local Area Agreement

LAT – Local Action Team

LCLIP – Local Climate Impact Profile

LDF – Local Development Framework

LGA – Local Government Association

LSP – Local Strategic Partnership

NI188 – National Indicator 188

RCEP – Royal Commission on Environmental Pollution

SCS – Sustainable Community Strategy

SW - Southern Water

UKCIP – UK Climate Impacts Programme

UKCP09 – UK Climate Projections

WSP - Winter Service Plan

APPENDICES

Appendix A Guidance on NI188

Level 0: Baseline	The Authority has begun the process of assessing the potential threats and opportunities across its estate and services (for example, flood and coastal resilience plans, emergency planning, community risk registers/strategies etc) and has identified and agreed the next steps to build on that assessment in a systematic and coordinated way.
Level 1: Public commitment and prioritised risk-based assessment	The Authority has made a public commitment to identify and manage climate related risk. It has undertaken a local risk-based assessment of significant vulnerabilities and opportunities to weather and climate, both now and in the future. It can demonstrate a sound understanding of those not yet addressed in existing strategies and actions (e.g. in land use planning documents, service delivery plans, flood and coastal resilience plans, emergency planning, community risk registers/strategies etc). It has communicated these potential vulnerabilities and opportunities to department/service heads and other local partners and has set out the next steps in addressing them.
Level 2: Comprehensive risk-based assessment and prioritised action in some areas	The Authority has undertaken a comprehensive risk based assessment of vulnerabilities to weather and climate, both now and in the future, and has identified priority risks for its services. It has identified the most effective adaptive responses and has started incorporating these in council strategies, plans, partnerships and operations (such as planning, flood management, economic development, social care, services for children, transport etc). It has begun implementing appropriate adaptive responses in some priority areas. In its role as a community leader the council has started working with its LSP encouraging identification of major weather and climate vulnerabilities and opportunities that affect the delivery of the LSP's objectives.
Level 3: Comprehensive action plan and prioritised action in all priority areas	The Authority has embedded climate impacts and risks across council decision making. It has developed a comprehensive adaptation action plan to deliver the necessary steps to achieve the existing objectives set out in council strategies, plans, investment decisions and partnership arrangements in light of projected climate change and is implementing appropriate adaptive responses in all priority areas. This includes leadership and support for LSPs in taking a risk based approach to managing major weather and climate vulnerabilities/opportunities across the wider local authority area.
Level 4: Implementation, monitoring and continuous review	Authority and LSP are implementing the comprehensive adaptation action plan across the local authority area, and there is a robust process for regular and continual monitoring and review to ensure progress with each measure and updating of objectives. The Authority and LSP are taking appropriate adaptive responses.

Appendix B

Brighton & Hove's Three year proposed framework to deliver improvement to Level 3 of NI188 – Adapting to climate change

LEVEL 1	2010-11	2011-2012	2012-2013
Public Commitment made.			
Council leaders & senior management aware of developing adaptation programme.			
Vulnerabilities & Opportunities identified – including Local Climate Impacts Profile (LCLIP).			
Impact assessments carried out.			
Service Heads aware of all vulnerabilities through prioritised assessments.			
LEVEL 2			
Partnership working to develop adaptation action plan.			
Action plan drawn up based on previously identified vulnerabilities & opportunities.			
Implementation of action plan started regarding key priority areas.			
Risk management plans drawn up for other vulnerabilities.			
LEVEL 3			
Action plan drawn together with the LSP and other relevant partners.			
Adaptation embedded in decision making processes and across all its service areas.			
Action to be taken for all priority areas either on the ground or by risk management.			

Appendix C

Example of regional information provided by UKCP09²³⁷

Key findings for South East England, 2050s

Medium emissions scenario

The wider range is defined as the range from the lowest to highest value of change for all emissions scenarios and all three (10, 50, and 90%) probability levels for each 30-year time period.

Under medium emissions, the central estimate of increase in **winter mean temperature** is 2.2°C; it is very unlikely to be less than 1.1°C and is very unlikely to be more than 3.4°C. A wider range of uncertainty is from 0.9°C to 3.8°C.

Under medium emissions, the central estimate of increase in **summer mean temperature** is 2.8°C; it is very unlikely to be less than 1.3°C and is very unlikely to be more than 4.6°C. A wider range of uncertainty is from 1.1°C to 5.2°C.

Under medium emissions, the central estimate of increase in **summer mean daily maximum temperature** is 3.7°C; it is very unlikely to be less than 1.4°C and is very unlikely to be more than 6.6°C. A wider range of uncertainty is from 1.2°C to 7.4°C.

Under medium emissions, the central estimate of increase in **summer mean daily minimum temperature** is 3°C; it is very unlikely to be less than 1.3°C and is very unlikely to be more than 5.1°C. A wider range of uncertainty is from 1.2°C to 5.7°C.

Under medium emissions, the central estimate of change in **annual mean precipitation** is 0%; it is very unlikely to be less than –5% and is very unlikely to be more than 6%. A wider range of uncertainty is from –6% to 6%.

Under medium emissions, the central estimate of change in **winter mean precipitation** is 16%; it is very unlikely to be less than 2% and is very unlikely to be more than 36%. A wider range of uncertainty is from 1% to 40%.

Under medium emissions, the central estimate of change in **summer mean precipitation** is –19%; it is very unlikely to be less than –41% and is very unlikely to be more than 7%. A wider range of uncertainty is from –43% to 16%.

²³⁷ <http://ukclimateprojections.defra.gov.uk/content/view/2262/528>

Subject: Improving Brighton Centre Economic Impact**Date of Meeting: 23 September 2010****Report of: Acting Director of Culture & Enterprise****Contact Officer: Name: Adam Bates Tel: 29-2600****E-mail: adam.bates@brighton-hove.gov.uk****Key Decision: No****Wards Affected: All****FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Brighton Centre has to compete for conferences and other events against newly constructed venues throughout the country and Europe.
- 1.2 The age of the building and much of its fabric, fittings and equipment are of an age where they are at the end of their useful life, are costly to maintain or simply do not compare to what is on offer in other venues.
- 1.3 For this reason Cabinet agreed funding of £820,000 in December 2009 from the Brighton Centre re-development reserve to maintain the economic impact of the Brighton Centre as follows: £350,000 for internal improvements; £270,000 for works to ensure the building could meet it's health and safety obligations; and £200,000 to be held for works that might come forward from the buildings condition survey of 2009.
- 1.4 During planning for these intermediate works, re-designs for the front of the Brighton Centre were considered and it is believed that these could make a significant difference to the performance of the venue to improve its current economic impact.

2. RECOMMENDATIONS:

- 2.1 That Cabinet approves an allocation of £350,000 towards these improvement works in order to deliver intermediate employment benefits to the city during the currently difficult economic climate, to be funded as indicated in paragraph 3.10 of this report.
- 2.2 That Cabinet instructs officers to review the funding strategy in the medium term financial strategy to ensure that the level of the Brighton Centre re-development reserve is adequate in future years to support the proposed development.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Brighton Centre opened in 1977 and produces around £60m of economic impact in the local area each year through the balanced programme of Conferences, Commercial Hires and Entertainments.
- 3.2 In 2007/8 the Council committed to funding a Re-Development Reserve to contribute towards any costs arising during the closure period when the new centre is being constructed and to cover part of the operating budget during the first few of operation whilst new business is being developed.
- 3.3 While it is recognised that the City requires a new Brighton Centre to secure growth and sustain the significant direct employment, it is recognised that this will take some time to deliver.. It is currently proposed that the new Centre will be constructed as part of Standard Life's major re-development scheme for Churchill Square and other adjacent land.
- 3.4 The £350k allocated in December has been or is in the process of being spent as follows:
- 2000 new flat floor seats
 - refurbished arena seating units
 - new arena seating units
 - 1800 re-furbished balcony seats
 - New east bar catering outlet
 - New wall finish in majority of public areas
 - Re-carpeting of the balconies
 - New waste bins for sorting waste streams
 - New box office and front of building cafeteria
 - New main hall drapes
 - New soft furnishings
 - Refurbished boxes and new seating
 - New signage scheme throughout
- 3.5 This is alongside a range of other improvements to customer services, sales and marketing, cleansing and catering.
- 3.6 The outline scheme now proposed for the front of the Brighton Centre and which is attached at Appendix 1 includes the following works:
- Remove existing main entrance doors
 - Remove existing canopy and signage scheme
 - Remove existing 'Brighton Centre' sign from roof level
 - Build new glazed front to edge of building demise
 - Introduce new doorway entry at east and west side of this new lobby
 - Introduce new flooring for revised entry
 - Replace and repair damaged front paving
 - Introduce new electronic signage scheme to east and west facing towers at building front
 - Introduce new lighting scheme to integrate new glazing into existing building features.

- 3.7 The overall effect of these changes will be to remove a dark space from in front of the building, making the whole effect of the building front much lighter and more welcoming. It will improve the existing entry and exit systems making the building operate more efficiently and reduce the impact of onshore winds on the operation of the building. It will replace the dated canopy signage system with more flexible and higher quality electronic signage. It will be more attractive to users, conference organisers and entertainment and event organisers and will increase the amount of lettable space available to organisers hiring the building.
- 3.8 The works will be subject to a Planning Application.
- 3.9 The Brighton Centre operates on a net budget of £44,000 deriving the majority of its operating costs from income. The total venue expenditure is £3,547,000. In addition the venue turns over between £5m and £7m of ticket sales each year.
- 3.10 It is proposed that the allocation of £350,000 is funded from the following sources: £100,000 from the previously allocated monies, described above, which were originally held for works emanating from the condition survey, leaving £100,000 for those works; a further £175,000 allocation from the Brighton Centre re-development reserve; and £75,000 from the £200,000 Seaside Towns grant paid by the government to the council earlier this year. One of the main aims of the Seaside Towns grant was the 'tackling of worklessness and supporting economic development' and this proposal meets these original grant aims. Proposals for the remaining sum will be presented separately to Cabinet.

4. CONSULTATION

- 4.1 Feedback is provided by each and every organiser who books the venue as well as from the many thousands of visitors who come through the venue each year. The appearance and fabric of the building is the oft-cited reason for dissatisfaction among organisers, delegates, promoters and visitors and is undoubtedly a consequence of the improving standard of other venues as well as the aging of the Brighton Centre.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The new investment is designed to retain and bring additional business to the Brighton Centre whilst it remains open prior to redevelopment. This should generate additional income which could be used to repay the contribution from the Brighton Centre re-development reserve or generate savings for the council. At the start of the year the Brighton Centre re-development reserve stood at £3.6m. Officers will need to review the funding strategy in the medium term financial strategy to ensure that the level of the Brighton Centre re-development reserve is adequate in future years to support the proposed development.

Finance Officer Consulted: Mark Ireland

Date: 04/08/10

Legal Implications:

- 5.2 There are no adverse legal implications arising from this report.

Lawyer Consulted:

Bob Bruce

Date: 03/08/10

Equalities Implications:

- 5.3 An equalities impact assessment exists for the venues. Many of the proposals contained within detailed plans for venues improvement would enhance the experience of all visitors but particularly allow us to improve the experience for those with disabilities.

Sustainability Implications:

- 5.4 The main sustainability implications are in securing future business for the venue and the city and in ensuring that local employment is maintained. In additional works planned would be able to mitigate the consumption of resources where replacement or improvement of equipment is taking place for example low energy lighting schemes, improved energy performance of new windows/doors and lowering the carbon footprint of the existing building.

Crime & Disorder Implications:

- 5.5 Sussex Police have been approached to provide input to the design given the history that the building has in hosting events which require high levels of security. There are no other crime and disorder implications arising from the proposals in this report.

Risk and Opportunity Management Implications:

- 5.6 Risk implications are improved as a consequence of this investment. Risks including unplanned closure, lost business, loss of local economic impact and local employment are all mitigated by the proposed investment. However use of £100,000 from the previously secured £200,000 for works emanating from the Condition Survey may present a future risk of these funds being sought again should any of the possible works identified be required to be undertaken. This is entirely dependent upon the condition of the building and its fabric in the future and health and safety considerations. Close monitoring and maintenance of the building will mitigate this risk.

Corporate / Citywide Implications:

- 5.7 The main corporate and citywide implications are positive in terms of economic impact and employment and confidence in the local tourism market to invest and develop. All effort will be made to procure locally. In terms of corporate implications there are resource needs from various services to support the programme of works and also the need to rebuild the Brighton centre Redevelopment Reserve.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 No alternative options have been considered. The appearance of the buildings front elevation is frequently cited as the least attractive aspect of the building.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To sustain local employment and economic impact, to compete with other venues and destinations and to build business in the period leading up to a new venue.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed outline scheme

Documents In Members' Rooms

None

Background Documents

None

(colour copies will be available at the meeting)

Image of current frontage:



Draft images of proposed frontage





Subject: **Waivers of Contract Standing Orders**
Date of Meeting: **23 September 2010**
Report of: **Director of Finance & Resources**
Contact Officer: **Name: Claire Jones** **Tel: 291408**
E-mail: claire.t.jones@brighton-hove.gov.uk
Key Decision: **Yes** **Forward Plan No: CAB17620**
Wards Affected: **All**

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

- 1.1 Contract Standing Orders (CSOs) requires reports to be presented to the Cabinet, setting out all waivers authorised under CSO 18.2 & 18.3 compared to previous financial years. This report relates to financial years 2008/09 and 2009/10.

2. RECOMMENDATION:

- 2.1 That Cabinet endorses the action taken to reduce the number of waivers by more than 50% since 2007/08 and notes the information set out in table 1 and the appendices.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Under CSO 18, Chief Officers have delegated powers to waive CSOs in relation to contracts with an estimated contract value of less than £75,000 and over £75,000 following consultation with the relevant Cabinet Member and the Procurement Strategy Manager. CSO 18.6 states that a register of all waivers will be jointly maintained by Corporate Procurement and Property & Design and kept available for inspection by Councillors or members of the public during working hours.
- 3.2 In February 2010 the council was reorganised so that the housing function moved directorate to Culture & Regeneration to form the newly titled Housing Culture and Enterprise directorate. For the purposes of this report housing waivers continue to be shown within the figures of Adult Social Care & Housing to allow comparisons with previous years.
- 3.3 A summary of the number and value of waivers under and over £75,000 for each of the years 2007/08 to 2009/10 is shown in table 1 below. The table shows a reduction of more than 50% in both higher and lower value waivers since 2007/08. The waiver authorisation and notification processes have been streamlined, greater use has been made of consortium contracts with more

collaboration with neighbouring authorities and additional training has been provided for contract officers. These actions have all helped to reduce the number of waivers and this reduction will have improved the value for money obtained by the council through greater competition.

Table 1						
	Number of Waivers			Value of Waivers		
Year	2007/08	2008/09	2009/10	2007/08 £ million	2008/09 £ million	2009/10 £ million
Under £75,000	57	41	25	1.1	1.1	1.0
Over £75,000	14	13	6	1.9	3.5	0.7
Total	71	54	31	3.0	4.6	1.7

3.4 The statistical analysis of the waivers in 2008/09 and 2009/10 is included within Appendix A and B to this report. Although the number of waivers received in 2008/09 decreased by 17 compared to 2007/08 there was an increase in value of £1.6m. The majority of this increase can be accounted for by a waiver for a high value service where insufficient tenders were received following a competitive procedure.

3.5 A summary of the waivers for each financial year by directorate can be found in Appendix C. This information does not appear to demonstrate any noticeable trend apart from an overall reduction in waiver numbers.

4. CONSULTATION

4.1 The Assistant Director of Property and Design, and the Head of Strategic Finance & Procurement have been consulted over the contents of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The use of the waiver function allows the council to achieve the best value on its contract standing orders and therefore supports providing value for money. This report is for information purposes and does not have any direct financial implications, although it should be noted that financial implications would be required within each report supporting a waiver.

Finance Officer Consulted: Alasdair Ridley

Date: 09/07/10

Legal Implications:

5.2 There are no direct legal implications arising from this report. Full legal implications would be required within each report supporting a waiver in respect of a contract estimated to be over £75,000. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Equalities Implications:

- 5.3 There are no direct equalities implications in this report and it should be noted that full equalities implications would be required within each report supporting a waiver in respect of a contract estimated to be over £75,000.

Sustainability Implications:

- 5.4 There are no direct implications in this report and it should be noted that full sustainability implications would be required within each report supporting a waiver in respect of a contract estimated to be over £75,000.

Crime & Disorder Implications:

- 5.5 There are no direct implications in this report.

Risk and Opportunity Management Implications:

- 5.6 The use of the waiver function allows the council to mitigate potential risk of fraud and deception within the procurement process. It also allows the Corporate Procurement team to analyse trends regarding directorate procurement practices and address any issues which may arise.

Corporate / Citywide Implications:

- 5.7 These are included in section 7 below.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Not applicable to this report.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The analysis does not suggest any failure to comply with CSOs. The decrease in the numbers of waivers is consistent with the streamlining of the waivers authorisation and notification processes. This demonstrates achievement of value for money and reflects the changing nature of procurement, including the move to greater use of partnership working and collaboration.
- 7.2 Corporate Procurement continues to increase the profile of procurement with officers seeking advice about tendering and the use of more innovative approaches to procurement, which are allowed for within CSOs without the need for a waiver for e.g. the increase in collaboration with neighbouring councils and the use of consortium contracts.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A - Analysis by Reason and Directorate - For Period 1/4/08 to 31/3/09
2. Appendix B - Analysis by Reason and Directorate - For Period 1/4/09 to 31/3/10
2. Appendix C - Summary of Waivers for financial years 2007/08, 2008/09 & 2009/10 by Directorate

Documents in Members' Rooms

None

Background Documents

None

Waivers of Contract Standing Orders
Analysis by Reason and Directorate - for period 01/04/08 to 31/03/09

Reason	Directorate						Totals				
	Childrens Trust	Finance & Resources	Cultural Services	Environment	Adult Social Care & Housing	Strategy & Governance	Total Waivers	Waivers under £75K	Waivers over £75K	Total Value of Waivers	% Waivers by Reason
Appontment of tenderer											
1. Insufficient no. of tenders/did not accept lowest	1	1	0	0	2	0	4	£80,794	£1,275,000	£1,355,794	29.19%
Sub totals							4			£1,355,794	29.19%
Award with no tender process											
2. Award no tender process - consultant	0	1	2	0	1	0	4	£66,400	£90,000	£156,400	3.37%
3. Award no tender process - contractor	1	6	1	1	1	1	11	£331,568	£0	£331,568	7.14%
4. Award no tender process - supplier	0	4	0	0	1	2	7	£106,294	£345,625	£451,919	9.73%
Sub totals							22			£939,887	20.23%
Specialist Works											
5. Specialist	1	1	5	5	1	1	14	£323,662	£250,000	£573,662	12.35%
Sub totals							14			£573,662	12.35%
Urgent Award											
6. Urgent award - consultant	1	1	0	0	0	0	2	£40,000	£0	£40,000	0.86%
7. Urgent Award - contractor	0	3	0	2	0	0	5	£83,539	£1,062,300	£1,145,839	24.67%
8. Urgent award - supplier	0	0	0	0	0	0	0	£0	£0	£0	0.00%
Sub totals							7			£1,185,839	25.53%
Other											
9. Other	1	2	2	0	1	1	7	£90,500	£499,305	£589,805	12.70%
Sub totals							7			£589,805	12.70%
Total Number of Waivers by Dept	5	19	10	8	7	5	54	£1,122,757	£3,522,230	£4,644,987	100%
Total % Waivers in each Dept	9.26%	35.19%	18.52%	14.81%	12.96%	9.26%					

54 Waivers were recorded to the total value of £4,644,987

24% of waivers recorded were for contracts under £75K at a total value of £1,122,757

76% of waivers recorded were for contracts over £75K at a total value of £3,522,230

Waivers of Contract Standing Orders

Analysis by Reason and Directorate - for period 01/04/09 to 31/03/10

Reason	Directorate						Totals				
	Childrens Trust	Finance & Resources	Cultural Services	Environment	Adult Social Care & Housing	Strategy & Governance	Total Waivers	Waivers under £75K	Waivers over £75K	Total Value of Waivers	% Waivers by Reason
Appontment of tenderer											
1. Insufficient no. of tenders/did not accept lowest	0	1	0	2	1	0	4	£86,000	£184,612	£270,612	16.38%
Sub totals							4			£270,612	16.38%
Award with no tender process											
2. Award no tender process - consultant	2	1	0	3	1	0	7	£237,033	£0	£237,033	14.35%
3. Award no tender process - contractor	1	1	0	0	1	0	3	£117,000	£0	£117,000	7.08%
4. Award no tender process - supplier	4	1	0	0	1	2	8	£254,385	£103,000	£357,385	21.64%
Sub totals							18			£711,418	43.07%
Specialist Works											
5. Specialist	1	1	0	1	1	0	4	£98,370	£86,000	£184,370	11.16%
Sub totals							4			£184,370	11.16%
Urgent Award											
6. Urgent award - consultant	0	0	0	0	0	1	1	£44,600	£0	£44,600	2.70%
7. Urgent Award - contractor	0	0	0	1	0	0	1	£0	£75,000	£75,000	4.54%
8. Urgent award - supplier	1	0	0	0	0	1	2	£115,650	£0	£115,650	7.00%
Sub totals							4			£235,250	14.24%
Other											
9. Other	0	0	0	0	1	0	1	£0	£250,000	£250,000	15.14%
Sub totals							1			£250,000	15.14%
Total Number of Waivers by Dept	9	5	0	7	6	4	31	£953,038	£698,612	£1,651,650	100%
Total % Waivers in each Dept	29.03%	16.13%	0.00%	22.58%	19.35%	12.90%					

31 Waivers were recorded to the total value of £1,651,650

58% of waivers recorded were for contracts under £75K at a total value of £953,038

42% of waivers recorded were for contracts over £75K at a total value of £698,612

Under 75K

Directorate	Childrens Trust			Finance & Resources			Cultural Services			Environment			Adult Social Care & Housing			Strategy & Governance		
Year	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10
<i>Appontment of tenderer</i>																		
1. Insufficient no. of tenders/did not accept lowest		1			1							1		1	1			
<i>Award with no tender process</i>																		
2. Award no tender process - consultant			2	1	1	1	3	1		1		3	1	1	1			
3. Award no tender process - contractor	1	1	1	9	6	1		2		2	1	1	1	1				
4. Award no tender process - supplier	1		4	5	3	1	1						1	1	1	2		1
<i>Specialist Works</i>																		
5. Specialist	1		1	2	1	1		5		9	5		1	1	1	1	1	
<i>Urgent Award</i>																		
6. Urgent award - consultant		1		4	1		1											1
7. Urgent Award - contractor	2			4	2								1			1		
8. Urgent award - supplier			1															1
Other																		
9. Other				1	1			2										
Total	5	3	9	26	16	4	5	10	0	12	6	5	5	5	4	4	1	3

Over 75K

Directorate	Childrens Trust			Finance & Resources			Cultural Services			Environment			Adult Social Care & Housing			Strategy & Governance			
	Year	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10	07/08	08/09	09/10
<i>Appontment of tenderer</i>																			
1. Insufficient no. of tenders/did not accept lowest				1		1						1		1					
<i>Award with no tender process</i>																			
2. Award no tender process - consultant								1		1									
3. Award no tender process - contractor				1															
4. Award no tender process - supplier	1			1	1					1			1			1	2	1	
<i>Specialist Works</i>																			
5. Specialist		1		1						2		1							
<i>Urgent Award</i>																			
6. Urgent award - consultant													1						
7. Urgent Award - contractor						1						2	1						
8. Urgent award - supplier																			
<i>Other</i>																			
9. Other	2	1				1								1	1			1	
Total	3	2	0	4	3	1	0	1	0	4	2	3	2	2	1	1	3	1	

CABINET MEETING

Agenda Item 68

Brighton & Hove City Council

Subject: Contract for the Provision of Modern Records Storage Services to Brighton & Hove City Council

Date of Meeting:

Report of: Director of Finance & Resources

Contact Officer: Name: Paul Colbran Tel: 01273 290283
E-mail: Paul.colbran@brighton-hove.gov.uk

Key Decision: Yes Forward Plan No: CAB17563

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The existing contract between Brighton & Hove City Council (BHCC) and East Sussex County Council (ESCC) for the provision of a Modern Records Management Service expired in August 2010 after a period of 10 years but has been formally extended until 31 March 2011. The contract costs BHCC approximately £220,000 per annum.
- 1.2 A new contract will need to be tendered to comply with EU and UK Public Procurement legal requirements and Contract Standing Orders and to ensure a more flexible solution whilst achieving improved value for money for BHCC.
- 1.3 The new contract seeks to reduce the cost of the current service ensuring Value for Money is maximised and to mitigate legal risks to the Council through a service that meets our regulatory information requirements.
- 1.4 This report seeks approval from Cabinet to carry out a tendering exercise in compliance with EU and UK Public Procurement legal requirements. The possibility of undertaking joint procurement with other neighbouring authorities will continue to be explored.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council is dependent on its information to operate efficiently. Without efficient storage and retrieval of such recorded information, the council would struggle to meet its obligations in a timely and cost effective manner.
- 3.2 Records (both paper and electronic) may remain 'current' and therefore be required to be stored for up to 100 years and it is vital for council services to be able to locate and retrieve information readily, not only to meet legal requirements but also to provide good customer service.
- 3.3 Paper and/or electronic records provide evidence of actions and decisions, and represent a vital asset in support of organisational functions – they are effectively the 'Corporate Memory' of the organisation. They support policy formation and managerial decision-making; they protect the interests of the Council and the rights of staff and of members of the public who have dealings with the Council.
- 3.4 The current Modern Records Management Service, through the proper control of the content, storage and volume of paper records, reduces vulnerability to legal challenge or financial loss. It promotes best value in terms of human and storage resources through greater coordination of information and storage systems. Removing semi-current records from council premises to less-expensive storage facilities (currently Newhaven), and by ensuring that paper records are kept only for as long as they are required, we have been able to fulfil legal and/or administrative purposes in a cost effective manner. Through this service, paper records are then destroyed appropriately or retained as archives to ensure a permanent record of the activities of the Council. However, the service has now reached capacity and there will shortly be no capacity to store any further modern records without incurring substantial costs.
- 3.5 The requirement for the management of BHCC paper records is covered by numerous pieces of legislation including:
 - The Local Government Act 1972
 - The Freedom of Information Act 2000
 - The Data Protection Act 1998.
- 3.6 Over time, it is the intention of the council to move to cheaper electronic storage of information records reducing, where practical, the use of paper records across the organisation. This will be achieved through increased usage of Electronic Document Records Management (EDRM) software and scanning facilities to reduce the volume and retention of physical documents. However, there will remain a requirement to retain paper records, albeit reducing in volume over time, while this transition is achieved.
- 3.7 The council is also developing an Information Management approach which strongly links modern records management and storage with access to information, Electronic Document Record Management and redesigned business processes. This requires a more holistic approach aimed at making the management, retrieval, storage and removal of information faster and more cost-effective. The current Modern Records Management Service contract is unable

to offer sufficient flexibility in terms of costs or service development to meet immediate and future requirements.

Tendering for a new service – considerations

- 3.7.1 Currently, the Modern Records Management Service provided by ESCC is at a fixed cost i.e. the cost remains the same regardless of the volume of records or boxes stored. The council is currently contracted to have 2.3 warehouses in Newhaven as its means of storing documents. This means that there is little flexibility for BHCC to reduce these costs simply by reducing the volume.
- 3.7.2 All available capacity at the existing Newhaven facility has utilised.
- 3.7.3 Market testing has identified that if existing storage requirements remain static (around 30,000 boxes) a more cost effective service is achievable through retendering to contract. If demand for storage increases the opportunity for savings will reduce and additional capacity will need to be sought.
- 3.7.4 Through improved management and control of paper records supported by a move to electronic capture of existing records it is accepted that a significant reduction in paper records storage can be achieved over time. For this reason this report proposes a contract model based on a per box stored (i.e. reducing volume) basis to deliver the optimal level of cost savings over the duration of the contract.
- 3.7.5 The council is legally required to provide a 'Records Management Service'; currently this is provided by ESCC officers as part of the existing Modern Records Management Service. If it is agreed to tender for a new contract, it is proposed that this provision be made an optional part of the ITT (Invitation to Tender). The TUPE (staff transfer) implications of the future of this element of the service will be assessed as an opportunity for the council to manage this process itself, This will provide the expertise needed within the council to improve governance for all forms of record storage including electronic, paper, audio, video etc.

3.8 Options that have been considered:

- 3.8.1 Do nothing: This is not considered a viable option as the council has a legal requirement to securely manage its paper records and has now exhausted existing capacity to store modern records.
- 3.8.2 Extend the contract again with ESCC: This will not ensure that the council is achieving value for money and able to manage down its costs through the reduction in paper records over time. This is because ESCC have fixed costs in the warehouses they lease on our behalf. There may also be high costs due to the need to identify additional short-term capacity until paper volumes reduce.
- 3.8.3 Tender the provision of the Modern Records Service: This is the preferred solution as this will ensure that the council achieves value for money whilst also enabling the management of costs through a reduced volume of storage over time. It also enables the specification of new/improved requirements for storage, retrieval, and records management commensurate with the council's Information Management approach.

4. CONSULTATION

- 4.1 Soft market testing has been undertaken with private sector providers. This exercise involved contacting private market suppliers for indicative costs to evaluate whether tendering a revised solution was the best way forward for BHCC. The table below shows the costs for the storage of an equivalent number of boxes (30,000) though does not include Records Management. This exercise suggests a financial saving of around 15% per annum based on current storage requirements.

Supplier	£ Cost to store 30 000 boxes per annum	£ Annual Sub Total including collection and delivery of boxes and destruction of records
A	£94 344	£120 760
B	£82 800	£108 436
C	£61 200	£95 426
D	£54 000	£90 098

- 4.2 Consultation with the Records Management Society has taken place. This body has given advice regarding areas that BHCC should consider when tendering and forming a contract with a private sector supplier.
- 4.3 BHCC have spoken with ESCC to establish their intent to tender for the service in the future. They have stated that they will submit a tender to provide a service. It will be made clear that the service will be based on storage volumes in the future rather than the historic 'fixed costs that have been used.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Through the competitive tendering process the Authority will be able to achieve the best value for money for this service; at this stage assumptions are that savings of up to £35,000 may be achievable. There may be set up costs in the first year that would need to be offset against the initial savings, however as far as possible the aim will be to recoup these over the contract term. Estimated savings will be reflected in the 2011/12 budget.

Finance Officer Consulted: Alasdair Ridley

Date: 23/07/10

Legal Implications:

- 5.2 The services referred to in this report are 'Part B' services for the purpose of EU procurement law and UK procurement Regulations, and therefore not subject to the full application of either. The Council is nevertheless required to comply with EU Treaty objectives of non-discrimination and openness in procurement, as well as comply with its obligation to seek Value for Money. The proposed tendering procedures will help to ensure adherence to these objectives. Contracts valued in excess of £75,000 must be in a form approved by the Head of Law. The Council must take the Human Rights Act into account in respect of its actions but it is not

considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted:

Sonia Likari

Date: 29/06/10

Equalities Implications:

5.3 No implications.

Sustainability Implications:

5.4 A Sustainability Assessment has been completed and findings of this have been reflected where possible in this project.

Crime & Disorder Implications:

5.5 No implications.

Risk & Opportunity Management Implications:

5.6 An assessment of the potential risks and mitigations of tendering the service in this way has been undertaken. This approach provides opportunities for the council to achieve savings linked into its wider VFM programme and to improve the overall management of its information assets.

Corporate / Citywide Implications:

5.7 These are set out in the main body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The extension of the existing contract with East Sussex County Council for the provision of these services was reviewed, but this would be in breach of European Procurement Regulations.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 A new contract will ensure Value for Money is achieved and risks are reduced to a minimum for the Council.

7.2 A new contract will allow greater flexibility in the provision of this service allowing for increased or decreased capacity requirements.

7.3 A new contract ensures legal compliance with contract standing orders.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Room

None

Background Documents

None

Subject:	Recruitment Advertising Marketing & Communications contract		
Date of Meeting:	23 September 2010		
Report of:	Acting Director of Strategy & Governance		
Contact Officer:	Name:	Lance Richard	Tel: 295925
	E-mail:	lance.richard@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: CAB16937	
Wards Affected:	All		

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

- 1.1 To seek approval from members for Brighton & Hove City Council to jointly contract with East Sussex County Council and Sussex Police Authority for the provision of Advertising Marketing & Communications Services. In doing so to negotiate more favorable terms of quality and cost in relation to the placement of recruitment adverts, public notices and media advertising on behalf of Brighton & Hove City Council and other participating authorities.
- 1.2 To enable other contracting authorities within the following areas to participate in the contract: Berkshire, Buckinghamshire, Hampshire, Isle of Wight, Kent, Oxfordshire, Surrey and East and West Sussex.

2. RECOMMENDATIONS:

- 2.1 That Cabinet gives approval for Brighton & Hove City Council to enter jointly into tendering and letting a contract in conjunction with East Sussex County Council and Sussex Police Authority (the Consortium) for the provision of Advertising Services. Contract award is anticipated to take place during July 2011. The contract will be for five years with an option to extend for a further two years
- 2.2 That, following a full European tender process, delegated authority be given to the Head of Human Resources to award the contract on behalf of the Consortium.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The current Advertising Services contract with Five by Five People has been in operation for 4 years and is due to expire on 30th June 2011.
- 3.2 The contract includes all aspects of advertising i.e. design, copy and the placing of adverts with media discount negotiated through the appointed advertising agency. The services extend to Marketing & Communication services expected from a contract with a digital media and communications background.

- 3.3 East Sussex County Council and Sussex Police Authority are also with Five by Five under a contract ending 31 June 2011 There is interest in accessing any new contract amongst the 5 District & Borough Councils in East Sussex as well as the Pensions Regulator and South Down's National Park Authority. It is anticipated that other contracting authorities in the South East may also be interested in accessing the contract.
- 3.4 The current arrangements enable us to only pay for what we use there is no standing charge for the service.
- 3.5 The resultant contractual will be available to the council's communications team who are partnering on the tender process and other departments who may wish to access the services.

Recruitment advertising spend analysis:

- 3.6 Advertising costs have reduced significantly over the past six years with expenditure on media advertising expenditure exceeding £900,000 in 2006. This has been achieved through a move to composite adverts and subsequently a move to job board postings.

Period	Advertising spend	Year on Year% variance	Year on Year £ variance
1 st April 2008 – 31 st March 2009	£580,807		
1 st April 2009 – 31 st March 2010	£236,909	- 59%	- £343,898

Results & Benefits:

- 3.7 During the financial years of 2007 and 2008 the council spent approximately £500,000 on recruitment advertising (predominantly newspapers and journals). Recognising the significant shift in jobseeker preferences for online alternatives we acted to implement an "online first" recruitment advertising strategy.
- 3.8 Analysis of our media spend revealed the average cost of placing a recruitment advert in the press was £2,231 compared to just £500 on a job board. The potential for major cost saving for the authority was clear.
- 3.9 Our recruitment advertising expenditure in 2009 fell to £236,909 a reduction of over 59% or £343,898 compared to the previous year. Feedback from our Managers regarding the online approach has been wholly positive with no reduction in either the volume or quality of candidate applications being received.

3.10 Key benefits:

- Improved speed of appointment – The service standard currently in operation with the recruitment Team is working to a six week cycle from placing to appointment.

- Quality of Candidates-There has been no reduction in the quality of applicants applying for vacancies within the council.
- Number of applicants applying – The number of applicants applying for roles within the council has increased from 16 to 34 on average for each vacancy.
- Cost – A standard charge of £400.00 is now charged for job board placement. A cost for an advertisement placed in the local media would be in excess of £1,000.
- Appointment to difficult to fill role- This migration to online advertising of vacancies has increased our success in filling vacancies.
- Some vacancies are still best recruited through an open day and the council will continue to recruit in a variety of ways. This enables us to recruit in a variety of ways and work with partners such as JobCentre Plus and continue to attract a diverse group of applicants.

3.11 By jointly going to tender the consortium will significantly increase the contract value from £300,000 to over £2,000,000 which then gives us greater purchasing power, which in turn should reduce costs for all consortium members.

3.12 The decreasing expenditure on recruitment advertising is expected to continue to fall. The council is beginning to use Social Networking sites such as Twitter and Facebook and placing vacancies on these sites is free.

4. FURTHER INFORMATION

4.1 Following preliminary discussions between ESCC and B&HCC, B&HCC have offered to be the Lead Contacting Authority for the re-letting of the new contract jointly with ESCC, and Sussex Police Authority, with a provision for future access by any other contracting authority in the areas listed in paragraph 1.2.

4.2 There has been a detailed review between all parties of the timescale required for the OJEU (Official Journal of the European Union a website where contract opportunities are advertised) tender process and the relevant extension periods as provided under the existing contract and under Contract Standing Order 16.2 have been agreed.

5. COLLABORATION

5.1 This proposal is evidence of our close collaboration on procurement with other Councils and public sector organisations, as promoted by Government. Access to this contract to other Councils in East Sussex and Sussex Police Authority is provided. The costs of letting this contract with other local authorities are no greater than costs incurred on our own. Administration of the contract will be carried out by each individual authority and places no further burden on Brighton & Hove City Council. Any costs incurred through the letting of the contract will be shared equally by the consortium members.

6. CONSULTATION

6.1 Consultation has taken place with the council's internal communications team. Further consultation will take place with individual service areas through the development of the contract specification.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The average cost of recruiting externally dropped from £4,120 in 2008/09 to £1,310 in 2009/10. This was due to a dramatic increase in the use of much cheaper online adverts, from 30% of external recruitment in 2008/09 to 90% in 2009/10. This bias towards online advertising is expected to increase still further.
- 7.2 However, 2010/11 actual recruitment costs may not continue the downward trend because of the recruitment costs associated with senior appointments delivering the new structure.
- 7.3 By contracting jointly with other local authorities and bodies from 2011, it is expected that extra economies of scale should help to ensure high quality and also drive down costs of external recruitment even further with estimated annual savings of £20k. This approach will also contribute towards the value for money approach and potential savings in communications

Finance Officer Consulted:

Peter Francis

Date: 24/08/10

Legal Implications:

- 7.4 The services to be purchased are categorised as Part A services under for the purposes of the EU Directive and Public Contracts Regulations 2006 and the procurement process will therefore be subject to the full application of such legislation. Contracts in excess of £75,000 must be prepared in a form approved by the Head of Law. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report

Lawyer Consulted:

Sonia Likhari

Date: 23/08/10

Equalities Implications:

- 7.5 The contractual arrangements will seek to maximise the council's diverse workforce through its recruitment strategy.

Sustainability Implications:

- 7.6 There are none

Crime & Disorder Implications:

- 7.7 Targeting local communities with particular recruitment campaigns and working with partners such as JobCentre Plus in reducing local unemployment.

Risk & Opportunity Management Implications:

- 7.8 Risks include:

- Significant increased cost of recruitment
- Loss of reputation with partner organisations
- Difficulty in recruiting to council vacancies

Corporate / Citywide Implications:

7.9 The nature of this contract will support the council's strategic commissioning model facilitating joint working and consistent practice for recruitment, marketing and communications.

8. EVALUATION OF ANY ALTERNATIVE OPTION(S):

8.1 Human Resources have considered the option of the provision of this service in-house. This option has been discarded following discussion with the Head of Communications because of the following factors:

- The inability of the council to negotiate discounts on rate-card rates for both media and job board purchase.
- The inability of the council to operate a south east regional contract for recruitment advertising for all the partner agencies.
- The council's communications unit will be a partner in this contract and accessing some of the elements provided through the finalised contract arrangements.
- Paper based advertising will still be available through the new contractual arrangements.

9. REASONS FOR REPORT RECOMMENDATIONS

9.1 Brighton & Hove City Council will achieve significant financial benefit from jointly contracting with other authorities, which is permitted under Council Standing Orders.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

Subject:	Response to the recommendations made by the Staff Disabilities Scrutiny Panel		
Date of Meeting:	23 September 2010		
Report of:	Acting Director of Strategy & Governance		
Contact Officer:	Name:	Charlotte Thomas	Tel: 29-1290
	E-mail:	Charlotte.thomas@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	All		

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

- 1.1 The council has had a long-standing commitment to equality both in its role as an employer and as a service provider. For several years it has been measuring its progress in this area against the Equality Standard for Local Government.
- 1.2 In March 2009, a Diversity Peer Challenge review confirmed that the council had successfully met the criteria for Level 3 of the Equality Standard. The assessors were impressed by the quality of work that was taking place across the council in relation to equalities issues.
- 1.3 The report highlighted a number of areas in which the council was assessed as being particularly strong. However, as with any review of this nature, there were several areas where it was felt there was room for improvement.
- 1.4 The Scrutiny Panel on Staff Disabilities was set up to investigate the assessment's findings in relation to the employment and training of disabled employees. The Panel also looked into the results of the 2009 Staff Survey which appeared to show that disabled employees had a less positive view of the council as an employer compared with non-disabled staff.
- 1.5 In their report, Members recognised and welcomed the progress the council had made in many areas to make the organisation more inclusive for those with disabilities. However, they also made a number of recommendations which they considered would improve matters further.
- 1.6 The purpose of this report is to provide a formal response to the findings and recommendations of the Staff Disabilities Scrutiny Panel. These recommendations have been endorsed by the Overview and Scrutiny Commission at its meeting on 8 June 2010.

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the contents of this report.
- 2.2 That Cabinet notes the important role the Occupational Health Service plays in promoting disability equality.
- 2.3 That Cabinet agrees the formal response to each of the Scrutiny Panel's recommendations and planned actions as set out in Appendix 2.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 As a public body, the council is required by law to promote equality in the areas of disability, gender and race. However, although it does not have a legal requirement to do so, it also strives to promote equality on the grounds of age, sexual orientation and religion or belief.
- 3.2 The council is committed to mainstreaming equalities in both employment and service delivery and it has been working hard over recent years to achieve this.
- 3.3 Progress has been measured against the Equality Standard for Local Government and, in March last year, it was confirmed that the council had met the requisite criteria for Level 3 (of 5) of the Equality Standard.
- 3.4 The assessors were impressed by the quality of work that had, and was taking place, across the council in relation to equalities issues and their report highlighted a number of areas in which the council was considered to be particularly strong.
- 3.5 However, the purpose of the review was also to highlight areas in which it was considered we could do more to promote equality.
- 3.6 The Staff Disability Scrutiny Review was commissioned by the Overview & Scrutiny Commission at its meeting held on 8 September 2009. Its remit was to investigate:
 - the areas relating to employment and training where the Diversity Peer Challenge review considered more work could be done to promote disability equality
 - the issues relating to performance under the Local Area Agreement
 - the action taken by the council to encourage people with disabilities to apply for jobs.
- 3.7 The Scrutiny Panel's report that describes the scrutiny process, summarises the evidence taken and sets out its findings and recommendations is attached at Appendix 1.
- 3.8 The report recognises and celebrates the fact that there has been a significant amount of good work in relation to employment and disabilities.

- 3.9 The Panel's recommendations do not identify any brand new areas of work. Rather, the Panel highlights areas for further development and improvement of existing areas of work.
- 3.10 Although not referred to in the final report, Members are asked to note the important role that the council's Occupational Health Service makes to promoting the recruitment and retention of employees with disabilities.
- 3.11 The Occupational Health Adviser provides invaluable advice on the workplace adjustments that we can make not only to enable new recruits with a disability to join our workforce but also to support existing colleagues who may either become disabled, or whose needs may change, during the course of their employment with us.
- 3.12 A considered, formal response to each of the Panel's recommendations is set out in Appendix 2.

4. CONSULTATION

- 4.1 The Scrutiny Panel held two public meetings during which evidence was heard from representatives of Job Centre Plus, Brighton and Sussex Universities Hospitals NHS Trust, City Council officers and individual staff with disabilities. The Brighton & Hove Federation of Disabled People gave a written submission

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications associated with this report. It is intended to implement any actions flowing from this review within existing budgets.

Finance Officer Consulted:

Mike Bentley

Date: 08/09/10

Legal Implications:

- 5.2 The council has a statutory obligation to promote disability equality and to ensure that its disabled employees are not disadvantaged within the workplace. This report will help to ensure that the council complies with its legal requirements.

Lawyer Consulted:

Bob Bruce

Date: 08/09/10

Equalities Implications:

- 5.3 These are covered within the report.

Sustainability Implications:

- 5.4 There are no sustainability implications associated with this report.

Crime & Disorder Implications:

- 5.5 None.

Risk & Opportunity Management Implications:

5.6 None.

Corporate / Citywide Implications

5.7 None.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The alternative would be not to support, in full or in part, the recommendations of the Staff Disabilities Scrutiny Panel. However, adopting the Panel's recommendations in full will enable the council to build on the previous good work to promote disability equality and so make the organisation more inclusive for staff with disabilities.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The recommendations set out in this report are as a result of the work of the Staff Disabilities Scrutiny Panel.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of the Staff Disabilities Scrutiny Panel & Appendices
2. Formal response to the recommendations made by the Staff Disabilities Scrutiny Panel

Documents In Members' Rooms

1. Report of the Staff Disabilities Scrutiny Panel & Appendices

Background Documents

None



**Report of the Staff Disabilities
Scrutiny Panel**

May 2010

Staff Disabilities Scrutiny Panel

To support progress on staff disabilities issues

Panel Members

**Councillor David Watkins (Chairman)
Councillor Ian Davey
Councillor Steve Harmer-Strange
Councillor Mo Marsh**

Chair's Foreword

The Council is committed to maximising the potential of disabled people and much work is on-going in different Council departments and with our partners.

The Scrutiny Panel on Staff Disabilities was set up to investigate and to support the areas of good progress helping staff with an existing disability, those who may become disabled for whatever reason whilst at work and disabled people applying for a job.

Amongst those giving us information are some council staff with a disability. They have helped inform this report by showing us something of the additional challenges that the workplace can present to employees with a disability impairment or medical condition, that may otherwise be hidden.

From some personal stories and from other witnesses, we have identified issues from monitoring, communications, training, recruitment and selection, to policy development and partnership working that we recommend will need further focus to achieve a greater cultural change towards inclusion and disability equality 'excellence.'

EXECUTIVE SUMMARY

'Lack of disability knowledge and expertise is widespread; the costs are unsustainable....1 in every 8 UK employee has a disability and in the population at large, 1 in 3 people are disabled or close to someone who is. Building an enabling environment for every employee and customer, regardless of disability is critical to success.'

[UK Employers' Forum on Disability]

The Council is one of the largest local employers and the Panel is aware that it aims to be an employer of choice, promoting diversity and equalities and seen to be doing this. The Panel found a variety of work underway within the Council and in partnership and welcome the many areas of progress, good practice and support for disabled staff and disabled job applicants.

Even so the Diversity Peer Challenge of the Equality Framework for Local Government identified some issues for clarification around sickness management procedures, disability leave, and support for job applicants and disabled staff. Results from the 2009 staff survey (See Appendix 6) indicate that disabled staff members had a less positive view of their employer and work in some areas than non-disabled staff; and Brighton & Hove Federation of Disabled People and others are suggesting ways of making jobs more accessible for people with disabilities.

The Panel wants to raise awareness of the Council's responsibilities regarding disability equality and the reasonable steps that can be taken without difficulty – often at little or no cost - so that people with disabilities can fulfil their potential at work and are not needlessly disadvantaged in the employment market.

The Panel recognises the difficulties in detailed disability monitoring by any organisation, but with an estimated 1 in 8 of all UK employees having a disability and 1 in 3 people disabled or close to someone who is, the Panel would like to see more progress on data reliability.

This review shows that the Council has considerable existing expertise that can be coordinated and communicated to help overcome wrong assumptions at work and create a culture more inclusive for disabled people.

Table of Contents; Volume 1

List of Scrutiny Panel Recommendations 5

1 Introduction 7

2 The Social Model of Disability and Council Support
for Disabled Staff and Job Applicants 8

3 Employment and Disabilities; Available data 12

4 Disabled Council Staff 14

5 Disabled Workers’ Forum 16

6 Disabilities awareness and training/achieving excellence .. 18

7 Physical Accessibility 20

8 Data Monitoring and performance 21

9 Recruitment and Selection 23

10 Career Progression 24

11 Council Policy Development 25

12 Partnership Working 25

Table of Contents; Volume 2

Appendices

- 1 - Legislation
- 2 - Minutes of Panel meeting held on 22 February 2010
- 3 - Minutes of Panel meeting held on 12 March 2010
- 4 - Written contribution from the Federation of Disabled People
- 5 - Summary of points raised by some individual staff with disabilities
- 6 - Summary of results of Staff Survey 2009
- 7 - Proportion of job applicants, interviews and job offers
- 8 - Two Ticks symbol
- 9 - Employers’ Forum on Disability; best practice
- 10 - Attendance at training events (1)
- 11 - Attendance at training events (2)
- 12 - Social model diagram

LIST OF SCRUTINY PANEL RECOMMENDATIONS

1 Coordination and Communication

The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.

2 Disabled Workers Forum

The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity, coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.

DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.

3 Communications Campaign

The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.

Training

4 The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council

The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.

Achieving Excellence

5 The panel recommends that the Council better publicises the guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.

Physical Accessibility

- 6 The Panel recommends that to make good use of resources accessibly for disabled staff to Council-owned buildings is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.

The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.

The Panel requests that compliance with personal emergency evacuation policy be checked as a matter of priority.

Monitoring and evaluation

- 7 The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of 'ticking the box' are set out and where to get further advice.

The Panel recommend that disability monitoring regarding staff and job applicants be reported to Panel's parent committee OSC.

Recruitment and selection

- 8 The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.

The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.

Equalities Impact Assessments (EqIAs)

- 9 The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported back to the Overview and Scrutiny Commission.

Partnership Working

- 10 The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.

1. Introduction

- 1.1 The Staff Disability Scrutiny review was established by 8 September 2009 Overview and Scrutiny Commission (OSC)¹ following the March 2009 outcome of the Diversity Peer Review of the Equality Standard organised by the Improvement and Development Agency (IDeA)² and a regular update to the previous OSC meeting by the Head of Equalities and Inclusion³.
- 1.2 The Council achieved level 3 of 5 in the March 2009 external assessment and is now aiming to achieve the 'excellent' (top) rating in the next assessment in December 2010 taking place within the new Equalities Framework Review which supercedes the Equalities Standard.
- 1.3 The scrutiny review aims to support the Council in continuing to remove barriers to disability equality amongst staff and job applicants, so contributing towards achieving 'excellence' in equalities more widely by December.
- 1.4 The agreed remit has been:

Wishing positively to support officers in the good work already being done

- To ensure progress on the issues raised about staff disabilities from the Diversity Peer Challenge of the National Equalities Standard (as reported to 14 July 2009 OSC, then November 2009 Cabinet); *Disability Employment Officer; reasonable adjustments and Access to Work; sickness management/disability leave; support for disabled job applicants; and accessible staff bus*
- To investigate issues relating to performance under the Local Area Agreement
- To investigate action take by the council to encourage people with disabilities to apply for a job.

Note that: Progress from the Equalities and Inclusion Action Plan is being monitored via the regular reports within the existing OSC work programme. The Single Equality Scheme was the

¹ Background Paper; Scoping report to 8 September 2009 Overview and Scrutiny Commission, Item 30

² Background Paper; Equalities and Inclusion Update report to 12 November 2009 Cabinet, Item 119

³ Background Paper; Equalities Update report to 14 July 2009 Overview and Scrutiny Commission, Item 18

subject of an OSC workshop on 12 January 2010 and was agreed by 11 February 2010 Cabinet⁴.

- 1.5 Councillors Steve Harmer-Strange, Mo Marsh and Ian Davey served on the Panel, chaired by Councillor David Watkins.
- 1.6 There were two scoping sessions followed by two public meetings during which evidence was heard from representatives of Job Centre Plus, Brighton and Sussex Universities Hospitals NHS Trust, and City Council officers. Minutes of the meetings appear as Appendices 2 and 3 in Vol 2 of this report. The Brighton & Hove Federation of Disabled People gave a written submission. (Appendix 4)
- 1.7 Members wished to hear the individual experiences of staff with a disability to inform the review. Invitations to employees to take part in the Panel were posted on the Council's Intranet and sent via the Disabled Workers Forum. The Panel are particularly grateful to those employees who gave their information in writing and two who told their stories directly to a Panel member⁵. The Panel would like to thank everyone who attended a meeting and answered questions or wrote in. A summary of the main points raised is included as Appendix 5 to this report.
- 1.8 The Panel Chairman was pleased to be invited to speak about the Scrutiny Panel at the March meeting of the Disabled Workers Forum (DWF).
- 1.9 The time-limited Panel was unable to consider the impairments and conditions that may fall within discrimination legislation. A separate scrutiny panel is being established to investigate local services for people with Autistic Spectrum Condition.

2 THE 'SOCIAL MODEL' AND COUNCIL SUPPORT FOR COUNCIL STAFF AND JOB APPLICANTS WITH DISABILITIES

- 2.1 'Disabled' is a term compatible with the social model of disability which is used in this report. In the social model of disability, people with impairments are disabled because of barriers caused by the physical and social environment, rather than by an impairment or medical condition.
- 2.2 In the Social Model disabled people are not defined by their disability but by their individual skills and experience. The Panel aims to promote

⁴ Background Paper; Single Equalities Scheme report to 10 February 2010 Cabinet, Item 179

⁵ The Panel were aware, that the personal stories given in this review were not necessarily representative of all disabled staff but they formed an important part of the research.

moves towards the social model of disability in the City. Diagrams of the medical and social models are included at Appendix 12.

- 2.3 The panel wished to stress the good work that is under way. Recommendations of this scrutiny review are built on the current progress and existing areas of good practice which are spread widely across the Council.
- 2.4 In addition to Human Resources and partners such as Job Centre Plus, and the Bus Company Economic and Learning Partnerships of the Local Strategic Partnership, progress in supporting disabled staff and job applicants involve many teams in the Council including Equalities and Inclusion, Supported Employment, City Employment Initiatives, Learning and Development, Health Safety and Wellbeing, Communications, Architects and Building Surveyors, Estates, IT and Legal Services.
- 2.5 In relation to the Panel remit set out at 1.2 above, progress reported to the Panel has been:
- 2.5.1 A Disability Employment Officer is in post reporting to two managers; a staff working group is drafting guidance on Reasonable Adjustments; Equalities Impact Assessments of council policies, including sickness absence and home working policy are under way; and staff buses on the 11X service are to be Disabled Discrimination Act compliant.
- 2.5.2 The City Employment Skills Plan, Childrens' and Young Peoples' Plan and LAA delivery plan set out actions to address performance on unemployment in the Local Area Agreement.
- 2.5.3 The Council has been successful in gaining significant funding through the government's Future Jobs Fund to provide job opportunities for unemployed 18 – 24 year olds, some of whom may also have disabilities, who have been on Jobseekers Allowance for between 9 and 12 months.
- 2.5.4 Working with Job Centre Plus, a colourful easy to read brochure and poster has been produced. Pre-employment training was being done such as tours of the Council.
- 2.5.5 Regarding performance against Best Value Indicators on recruitment of disabled staff⁶: recruitment and selection processes such as the job application process are being reviewed; the City Council is being promoted as an employer through placing advertisements in the annual directory published by RADAR and is also working with Job

⁶ Background Paper; LAA and Organisational Health; 09/10 mid-year Performance Report to 9 December 2009 Cabinet, Item 132

Centre Plus via the Local Employment Partnership, LEP. RADAR is a UK disability campaigning organisation working to improve career progression opportunities for people living with ill-health, injury or disability. The LEP has received a national recruitment innovation award.

2.5.6 DiverseCity campaigns are encouraging applications from all minority groups.

2.5.7 Records have indicated gradually increasing proportions of job applications, interviews and job offers made by the Council to people with disabilities. As set out in Appendix 7 in the year to March 2008, the Panel heard that 3.3% of individuals albeit including 'unknowns' who had declared a disability in their application were successfully appointed to vacancies within the Council. Staff search providers for higher earners are being briefed to help increase the proportion of top earners with a disability within the Council.

2.5.8 To help retain staff with a disability; specialist equipment can be borrowed on a trial basis and an additional training session 'Disability Discrimination Act Masterclass' was arranged for HR practitioners at Hove Old Market.

- 2.6 Regarding day-to-day working in different departments the Panel found that: proactive managers are providing a wide range of practical support for individual disabled members of staff. This varies from part-funding a wheelchair to enable emergency evacuation from Council place of work, to providing RADAR keys to access disabled toilet, sound system in a Council office reception area plus computer software and other accessible equipment, some funded via Access to Work⁷ scheme.
- 2.7 Other managers are using their discretion to enable different working patterns where possible which may be helpful for disabled employees (such as jobsharing, additional flexibility in hours, working from home) or providing mentoring or coaching and work experience for people with learning disabilities or other differences, and arranging apprenticeships or work placements.
- 2.8 The Council's Disabled Worker Forum holds regular meetings that are well-regarded, to help disabled staff to feel more empowered. Various types of publicity attract new members and raises awareness. Members of the DWF are particularly pleased to be consulted on the Council's Single Equality Scheme, Reasonable Adjustments Guidance and other council policies.

⁷ Access to Work can help you if your health or disability affects the way you do your job. It gives advice and may provide support with extra costs.

- 2.9 Accessibility to Council premises is being improved; recent examples being a library, Brighton Town Hall and Kings House. ICT provides individual assessment of needs and consultative and technical support for staff including a range of assistive computer software and other technologies
- 2.10 A range of training offerings are provided by the Council for staff and Members such as sensory impairment, equalities confidence and Equalities Impact Assessment (EqIA) courses. E-learning is also available.
- 2.11 The Council uses the Job Centre Plus 'Two Ticks' symbol; positive about disability, for its commitment to promoting employment opportunities for disabled people. The goals of Two Ticks appear in Appendix 8. Job Centre Plus describes its review of the documentation as very impressive. It is also a founder member of the local Leader Group (Local Employers Acting on Diversity, Equality and Race).
- 2.12 The Panel commented that staff and job applicants who are well-supported can work more fully to their potential or perform better at interview. A small amount of help or a minor change can make a big difference to anyone's abilities whether or not a disability or inequality may be involved.
- 2.13 Everyone's needs alter from time to time and such changes, or 'reasonable adjustments' whether they be more user-friendly equipment, improved access and working environment or different ways of working can be beneficial to all. Employers have a duty to consider reasonable adjustments for disabled employees to ensure they do not experience substantial disadvantage compared with others.
- 2.14 Bearing in mind the progress already being made the Panel investigated what more can the Council do to enable people to be comfortable to apply for jobs and talk to their manager about disabilities. By investigating the barriers that disabled people face, organisations can learn about changes that need not be costly but can benefit a range of different people.
- 2.15 The Council has joined the national Employers' Forum on Disabilities (EFD) which focuses on disability as it affects every aspect of an employer's business. The EFD describes the strategic, commercial, legal, societal ethical and professional benefits of disability awareness and confidence. Its annual Disability Standard Benchmark Report for 2009 summarised in Appendix 9, includes top priorities for action for employers wanting to deliver best practice:

Valuing disabled people including employees,
Spreading ownership for disability equality,

Realising the potential of disabled employees
Procurement and
Tracking progress

- 2.16 The panel wanted to stress the areas of good support for staff and applicants with disabilities.
- 2.17 Taking into account the information received in the scrutiny review, the Panel has made a number of recommendations to encourage further progress in these areas and to enable the Council to develop its leadership role across the City. Members feel that better communication and coordinated use of the considerable expertise and awareness across the Council is key.

Recommendation 1: Coordination and Communication

The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.

3 EMPLOYMENT AND DISABILITIES; AVAILABLE DATA

- 3.1 At the 2001 Census, 18.6% of Brighton & Hove adults of working age considered themselves disabled or with a limiting long term illness which affected their activities⁸. A not dissimilar proportion, 16.7% (322 people) of those answering the question in the 2009 B&H Council staff survey said they considered themselves to have a long-standing illness

⁸ Under the DDA a disabled person is someone with a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. The Equality Act expands the meaning of 'disabilities' and 'day-to-day activities.'

Interpretation of 'disabilities' can be limited to obvious physical and sensory impairments. Awareness is often low about other conditions which may be 'hidden' but may fall within the legislation.

Examples of impairments include some medical conditions; sensory impairments, mobility difficulties, mental health conditions or learning differences. People in these circumstances and others such as people with a facial disfigurement may have legal protection from discrimination.

Similarly 'discrimination,' direct and indirect, can in legal terms have a wider meaning than generally understood. Unlawful discrimination against a disabled employee or job applicant can arise if an employer treats him or her less favourably without justification than others because of his or her disability; or if an employer does not make reasonable adjustments.

Some people are covered by disability discrimination legislation but prefer not to be regarded as disabled and do not disclose a disability; there is no requirement to do so.

or disability, broadly reflecting the make-up of the population as a whole.

- 3.2 These percentages contrast with just 5.5% or 271 of 4,937 Council staff (at March 2008 and excluding schools) who are on record as disclosing a disability by 'ticking the box' from the staff workforce profile⁹.
- 3.3 Even allowing for underdisclosure of a disability by staff, all employers face considerable challenges to remove employment barriers – that is, to match the proportion of disabled employees with the proportion of the total working population who are disabled.
- 3.4 The difficulties in evidencing, defining and tackling worklessness is set out in the City Employment and Skills Plan 2007/8 – 2010/11, which aims to improve employment and skills for all. It estimates that around 20,000 people in the City are workless *and want to work*, some of whom have a disability and therefore likely to face additional barriers to employment.
- 3.5 The Panel discussed the challenges for all organisations in monitoring information as required under the DDA and the 'Two Ticks' system, acknowledging that data relying on self-declaration will always be unreliable. Other methods such as tracking career progress and action on Access to Work or reasonable adjustments could be used as a proxy for reporting.
- 3.6 Encouragingly, a gradual year-on-year increase between 2003 and 2008 in the percentage of job applications, interviews and job offers made to disabled people was reported to the scrutiny panel (Appendix 7) but these excluded the 'unknown' category.
- 3.7 The Panel were aware of the off-target performance against two of the relevant LAA targets. These are NI 152: Working age people on out of work benefits for reasons including illness or disability and NI 117: Young people not in employment education or training. The latter had risen to 500, 42% of whom are recorded as having a learning difficulty or disability. Performance was reported to December 2009 Cabinet as 'off-target' against the two indicators. Benefits and allowances were paid to around 23,000 people who are out of work; some but not all of whom are out of work because of an illness or disability.
- 3.8 The Scrutiny review noted an 8-month time-lag in the data. Recognising the importance of up to date monitoring to evaluate fairness and progress against policies and recent initiatives, and highlight any issues, the Panel asked that further information be reported to the Parent Committee, the Overview and Scrutiny

⁹ Included in the Council's 2010 – 2011 Single Equality Scheme.

Committee as systems develop with partners to record disaggregated information on work and disabilities. (See recommendation 7)

- 3.9 The Federation of Disabled People told the Panel that deaf people are particularly excluded and asked what can be done to raise awareness of employment opportunities for this community and about provision such as British Sign Language. (See Appendix 4)
- 3.10 A review of the job recruitment and selection policy is under way in the Council. The advent of the Equality Act and new Council structure was a timely opportunity to update processes and training information for instance checking on appropriate access and questions for job applicants (see recommendation 8)

4. DISABLED COUNCIL STAFF

- 4.1 Regarding performance against the staff disabilities Best Value indicators BV016 and BV011c, at the end of September 2009 there were 268 Council employees who met the disability definition compared with 7,316 working disabled people in the City (except school staff). Thirteen of the top 363 earners in the Council have a disability. Achievements of 3.66% (BV016) and 3.58% (BV011c) respectively as reported to December 2009 Cabinet put the Council's performance against these indicators as red or off-target areas.
- 4.2 Records from Job Centre Plus indicate that people often do not want to declare or recognise a disability to the employer and were this to happen, performance against BV016 could be expected to be on target.
- 4.3 Members discussed the challenges in monitoring information on disabled staff and job applicants where there seems to be significant underdisclosure of impairment. The workforce equalities profile shows at 31 March 2008, of 4,937 of council staff 5.5% were known to be disabled, 78.8% non-disabled and 15.7% unknown.
- 4.4 The Panel received limited additional statistics on staff disabilities. Members investigated the views of disabled staff from a summary of the latest staff survey and by hearing some personal stories.

Staff Survey 2009

- 4.5 As shown in Appendix 6, the 2009 staff survey showed a tendency for staff considering themselves disabled to have different opinions about some areas of work, compared with non-disabled. The differences were sometimes small but there were statistically significant negative replies in a number of areas.

- 4.6 Disabled employees said they felt more subject to bullying at work, more discriminated against or harassed; were less likely to feel valued by the council or advocate the council, more often having different work demands that are hard to combine, and less confident that the employer would take action to tackle discrimination or harassment.
- 4.7 Disabled staff were less likely to reply that the council is well run, acts on the concerns of local residents, treats all types of people fairly and recognises the diversity of customers when delivering services.

Summary of some Personal Stories

- 4.8 The Scrutiny Panel invited employees with disabilities to speak at a public or private meeting, give evidence in writing, speak to an individual member of the Panel or to a scrutiny officer. Members undertook to keep individuals' information private and received the personal stories of twelve disabled staff members; four members of the Disabled Workers Forum spoke as a group at the second Panel scoping meeting.
- 4.9 Disabled staff were asked; what is your experience as a disabled person of working for the Council and what if any changes would you like to see? For reasons of confidentiality, the Panel did not seek views of those employees' line managers nor their colleagues.
- 4.10 This was a relatively small number of staff taking part in the scrutiny review, who were not necessarily representative of all disabled staff or of all Council staff. However there seemed to be some recurring themes raised by other witnesses:
- a) To tackle negative attitudes and change 'culture,' is needed in the community and at work: especially for line managers and recruiting managers; more 'visibility' and openness about disabilities eg with national and local role models
 - b) Greater awareness/communications amongst staff and managers: to provide information on practical and legal disability issues and enable more people to feel comfortable about disclosing a disability if they wish
 - c) Easier access to reasonable adjustments for disabled staff; equipment, working environment and work patterns to encourage greater flexibility and 'kindness' at work. A disabled person has to be more persistent and this can be stressful
 - d) More progress on physical access for staff and applicants to council buildings, council bus on 11X service, lifts, toilets, work areas, parking and emergency evacuation
 - e) How can the Disabled Workers Forum and disabled staff be better represented within the Council? Would like to attend DWF but cannot do so because of work responsibilities

- f) Effect of the working environment eg a noisy office can affect people with different disabilities or none
- g) Accessible recruitment and selection processes; encouraging more disabled job applicants (flexibility in specifying type of jobs, requirement and criteria), format of information and applications, where are job adverts placed, guaranteed interview, enhanced disability training for interviewers, providing useful feedback to unsuccessful applicants)
- h) Help with training and career progression
- i) Closer data monitoring of staff disabilities including year on year staff survey, exit interviews
- j) Policies eg on reasonable adjustments, flexible working, absence management and adverse weather are not well known or acted upon by some line managers and recruiting managers

5. DISABLED WORKERS FORUM/ AWARENESS OF DISABILITY ISSUES

- 5.1 The Council's Disabled Workers' Forum is one of the three staff Forums, supported by the Equalities and Inclusion team, the other two being BME and LGBT. Its vision is 'To enable all people whatever their impairment, to feel empowered and valued. We would like Brighton & Hove City Council to recruit and retain more disabled employees and ensure that they are able to develop career paths and maximise their full potential.'
- 5.2 The Disabled Workers Forum aim to support all disabled employees within the council, including those who become disabled during their working lives, by:
 - Taking staff equality seriously and working towards a safe environment where all employees can disclose that they are disabled workers without fear of discrimination or victimisation, and are confident that reasonable adjustments will be provided in a timely and efficient way
 - Raising awareness at all levels, considering needs of disabled staff and responding appropriately
 - Supporting all staff forums by working together to challenge discrimination in all forms
 - Providing a confidential environment to share the experience of being a disabled employee
 - Being a focal point for sharing disability issues throughout the council
- 5.3 It meets every six weeks and dates are advertised on the Intranet, noticeboards and elsewhere. Any person who considers themselves to be disabled is welcome to attend and all disabled staff have the right to attend meetings during work time. It links with the other Forums and HR via the Human Resources Equalities Group. Regular publicity brings in new members. The Forum helps focus many areas of

disabilities and provide signposting to further support such as the availability of accessible equipment. Different speakers are routinely invited; recently the Technical Access Officer and the Disability Employment Officer.

- 5.4 The Scrutiny Panel were aware that the DWF is well regarded in its general support for disabled staff, its role being particularly important to help reduce inequality, increase opportunities and use staff resources well across all areas of the Council. Other minority staff groups, BME, LGBT may have a wider range of Forum Members. DWF attendees in comparison could tend to be in less senior job roles, have a wider range of issues and possibly feel more vulnerable and less confident.
- 5.5 Members suggested that more could be done to increase membership of the DWF amongst under-represented groups such as people with learning differences, staff on the autistic spectrum, and those who are unable to attend the meetings and also help people who feel unable to be 'heard' and speak up once there.
- 5.6 There appeared to be some unresolved issues raised at DWF meetings and members questioned the process for dealing with these.
- 5.7 At a national level Members were aware of recent campaigns such as the 'Time to Change' and 'Mind ' anti-stigma campaigns to end mental health discrimination and 'Radiate' launched by RADAR earlier this year following a study 'Doing seniority differently;' raising expectations of what disabled people can do. Brighton and Sussex Universities Hospital NHS Trust Equalities and Human Rights Manager gave evidence of links at a higher level of seniority within the Trust organisation (Appendix 3).
- 5.8 The Panel argued that DWF and its aims should be more prominent within the Council and that better coordinated use should be made of the considerable expertise and awareness within the Council including the Supported Employment and Equalities and Inclusion Teams.
- 5.9 An appointed 'champion,' a named senior manager taking responsibility for staff disabilities, would help achieve this. However it would be for a senior manager to declare his or her disability, rather than to have disclosure imposed. Therefore inviting all Directors in turn to meetings would be an interim solution.
- 5.10 The Council has had a successful LGBT Mentoring scheme in place for 4 years recognised as best practice at a national level by Stonewall. The BME Forum has a self-organised buddying programme. Therefore the Panel recommends that the DWF develop a form of mentoring scheme for disabled employees. This will contribute to a change in culture over time and for individual members of staff would help answer questions for individuals: should I disclose a disability? what support is available? where can I access support and advice?

Recommendation 2: Disabled Workers' Forum

The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity, coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.

DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.

- 5.11 Managers need to be aware that they must provide reasonable adjustments and that information is available from HR. Staff need to know who they can go to for help and support.
- 5.12 The DWF has a central role to play in communicating information on staff disabilities policies throughout the Council. Greater awareness of disabilities and how the Social Model would work in practice would likely widen membership and profile of the Forum. Members suggested Factsheets and additional information for Managers on the Intranet would link in.

Recommendation 3: Communications Campaign

The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.

6. DISABILITIES AWARENESS/TRAINING/ACHIEVING EXCELLENCE

- 6.1 Managers would already be helping all team members improve on their role and asking all staff 'are you getting all the help you need?' in the regular Personal Development Plans and one-to-one meetings; the Head of HR reminded the Panel that this was the primary route for discussion of staff development and performance for all the Council's employees. All line managers had scope to use their judgement based on an individual's aspirations, the needs of the Council and the working environment.
- 6.2 Courses on Equality Impact Assessments, Disability and Equalities Awareness and confidence have been arranged by the Council for officers and Members in recent years and e-learning modules on

equalities are available in the 'surf-to-learn' programme. However the Panel was disappointed that the number of trainees from the courses has been relatively low (appendices 9 and 10) which would indicate that knowledge and awareness is variable.

- 6.3 Higher attendance at courses would widen views about disabilities; such as the social model of disability and input into EqIAs of council policies. Effective communication, learning and development for both employees and Members is key to implementing the Single Equality Scheme and addressing potential discrimination. This includes training that enables staff to identify and challenge prejudice with regard to disability.
- 6.4 The Panel received evidence that some line managers and recruiting officers across the council do not have similar levels of people management skills nor up-to-date awareness of council policies, and legal requirements on disabilities. Even managers with high-level responsibilities in their own technical fields may need extra support in their knowledge and understanding of the main disability issues. Taking managerial discretion into account the approach to a number of the policies for example on reasonable adjustments and absence management should be more consistent.
- 6.5 A union representative said that more education and training on disability had been needed for some time to help towards deep-rooted cultural change in attitudes. Work stress can lead to disability and staff and managers can be surprised about their rights and responsibilities, according to the union representative (Appendix 3).
- 6.6 The Disability Discrimination Act Masterclass held in April was welcomed by the Panel. This was well attended by officers and a timely update from EFD prior to the Equality Act 2010 commencing in August.
- 6.7 The Panel recommends that similar sessions be repeated and staff disability training be made compulsory at induction and for existing line managers and recruiting/selecting managers including senior and long-standing officers. Priority of place at training sessions should be given to managers with disabled employees in their teams and recruiting officers.

Recommendation 4: Training

The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council

The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering

on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.

- 6.8 As a member of the regional South East Employers (SEE) and the national Employers' Forum on Disability (EFD) which shares best practice amongst employers, the Council has access to a range of good practice training materials and toolkits. The Panel was of the opinion that better use overall could be made of the SEE and EFD which has a direct advice line for individual queries.
- 6.9 The EFD Disability Standard recognises excellence and enables assessment of performance on disability as it affects business, to put in place action plans to deliver business improvement. Typically membership of the EFD comprises commercial companies; however some public sector organisations take part in the Standard.
- 6.10 A main element is taking a strategic approach to understand and evaluate how disability affects every aspect of people, communities, suppliers and key stakeholders in the City.
- 6.11 In view of the of the City's well-known cultural reputation as diverse and inclusive, and achievement of the national Stonewall accreditation, the Panel is of the view that the city has the ability formally to achieve excellence in disability confidence within the EFD as well as in the Equalities Framework.
- 6.12 Therefore Members recommend that the Council considers taking part in the EFD disability standard.

Recommendation 5: Achieving Excellence

The panel recommends that the Council increases publicity on guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.

7. PHYSICAL ACCESSIBILITY

- 7.1 Works to Council buildings open to the public are being made to enable improved access for disabled citizens in compliance with the Disability Discrimination Act. This also improves the environment for disabled staff if they are working in the same areas and performance is recorded against indicator (BV 156 – disabled access to local authority buildings open to the public)
- 7.2 Disabled staff are increasingly asking about adjustments such as doors, lifts, ramps, toilets and work spaces in buildings not open to the public. Parts of some council-owned properties formerly 'staff-only,' are

now also open to the public. Access to parking spaces and training rooms/facilities is an issue for some staff.

- 7.3 The Council is not required to make adjustments *in anticipation* of employing disabled staff; however there is a duty to consider specific adjustments to suit disabled employees and prospective employees. Nevertheless the DDA Best Practice Guide for Employers recommends 'mainstreaming some reasonable adjustments' pointing out that planning ahead could be cost-effective and the Panel wanted accessibility to be considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff.
- 7.4 Members were not aware of a process to bring together this range of expertise across Council teams and agreed that a coordinated approach to works at Council-owned buildings would enable good use of resources.
- 7.5 Members are aware of changes during the current council restructuring and recommends that when staff accommodation strategies and new work practices are being developed, the needs of disabled staff are taken into consideration; for example where selecting fixtures and fittings, furniture and finishes, positioning controls, choosing colour schemes and providing signage.
- 7.6 Members asked for more clarity and awareness of fire policy regarding evac chairs and evac buddies as these appeared not to be well-known in all Council buildings. The panel recommends that checks on equipment, systems and Personal Emergency Evacuation Plans be made as a matter of priority.
- 7.7 The Budget Council resolved to ensure the buses that operate on the Council bus, service 11X, are Disabled Discrimination Act compliant.

Recommendation 6: Physical Accessibility and Fire Policy

The Panel recommends that to make good use of resources accessibly for disabled staff to Council-owned buildings is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.

The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.

The Panel requests that compliance with personal emergency evacuation policy be checked as a matter of priority.

8. DATA/MONITORING/PERFORMANCE

- 8.1 In addition to the Council's performance against LAA targets NI 152 and NI 112 (see section 3 above) Members noted the 'Red' off-target Best Value indicators BV011c; percentages of top earners with a disability; and BV016; percentage of employees declaring they meet the DDA definition compared with the percentage of working disabled people in the City. These were reported to November 2009 Cabinet.
- 8.2 As there is no obligation to do so, disabled staff and job applicants including those who apply via Job Centre Plus do not always disclose a disability to the employer by 'ticking the box.' The Panel were reassured that if this were to happen, it can be shown that from aggregated data from Job Centre Plus, the Council's performance on BV016 would be 'Green' and on target.
- 8.3 With the exception of the performance indicators, and year-on-year gradual increase in job applications received from disabled people excluding unknowns between 2003 and 2008 the Panel received only limited staff disabilities data. The Council's workforce profile forms part of the Single Equality Scheme.
- 8.4 Some disabled staff in information to the Panel said they were reluctant to tick the box for fear of being at a disadvantage or singled out in some way.
- 8.5 The Panel considered why some disabled staff and applicants were reluctant to self-declare and considered the advantages and disadvantages of doing so. For instance additional support such as Access to Work funding could be available in some cases. Some people may not know that they have a characteristic that is covered by discrimination legislation. In evidence to the Panel, representatives of Job Centre Plus advised in favour of declaring. General guidance was published on the direct.gov website.
- 8.6 Job Centre Plus representatives described BSUH NHS Trust as a local example of good practice. Speaking to the Panel the BHUS NHS Trust Equalities and Human Rights Manager described the pro-active measures taken by the Trust in encouraging staff to declare in updating their HR information including disability status.
- 8.7 She said 85% of new staff do declare whether or not they have a disability and in some cases the manager of someone who does not wish to self-classify would select on their behalf. Improved knowledge of the workforce helped ensure disabled staff were not suffering detriment. BSUH staff had to understand their duties so their open-mindedness was challenged. Capability procedures were being

checked to see if there had been any links with a disability status and a review of reasonable adjustments was to be done.

- 8.8 Some Panel Members felt that disclosure was not necessarily in the personal interest of someone who did not regard themselves as disabled or did not wish to acknowledge an impairment. Others felt that the Council should more actively encourage disclosure.
- 8.9 On balance the Panel agreed that recommendations elsewhere in this scrutiny report would help remove barriers to disclosure, and create a more positive and secure culture for disclosure. This is itself would progress more accurate monitoring and evaluation, help empower staff with disabilities by demonstrating the wider extent of disabilities and speed culture change more towards a social model of disabilities.
- 8.10 To strengthen employment monitoring within the Council when job applicants or staff are asked their disability status, such as during routine updating of Human Resources records, the Panel recommended that the implications of ticking the box and where to get further advice should be set out.
- 8.11 As the Council is seeking level 3/‘excellent’ accreditation in the Equalities Framework Review by December 2010, the Panel asked that monitoring data and progress towards performance targets be reported to the Overview and Scrutiny Commission.

Recommendation 7: Monitoring and Evaluation

The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of ‘ticking the box’ are set out and where to get further advice.

The Panel recommends that disability monitoring regarding staff and job applicants be reported to Panel’s parent committee OSC.

9. RECRUITMENT AND SELECTION

- 9.1 Disabled people are less likely than non-disabled people to have a job; many want to work and come off benefits. Job Centre Plus suggested closer engagement with Pathways to Work¹⁰ providers and offered to facilitate a meeting.

¹⁰ Pathways to Work is a JobCentre Plus programme to help people who are claiming Employment and Support Allowance or incapacity benefits to get work. Partner organisations from the private and voluntary sectors, called ‘providers,’ include the Royal British Legion Industries (RBLI) and Action for Employment (A4E)

Item 70 Appendix 1

- 9.2 The Panel heard examples of support for disabled people from City Employment Initiatives and Supported Employment Team, to prepare for and gain employment, for current disabled staff and those who become disabled whilst at work.
- 9.3 Unlike other organisations, local authorities cannot advertise for disabled applicants to the exclusion of non-disabled people. But the Panel heard that more awareness and flexibility is needed in the processes for recruitment and selection with updated training for recruiting officers.
- 9.4 The Council's processes and training for recruitment and selection are under review and the Panel asked that review take account of the suggestions made for instance:
- a) Tasks/jobs could be arranged to be suitable for people with particular kinds of impairments
 - b) There could be more detail in adverts and interview packs about the location, size of team and general working environment of jobs
 - c) Some disabled people would benefit from fewer than 16 hours per week
 - d) Job specifications, qualifications and requirements could be considered carefully that would disqualify disabled people who would otherwise perform the job well
 - e) Adverts could be placed where more disabled people are likely to see them
 - f) It could be easier to access information in easy to read format about jobs and to get application forms, on the Council's website and by other methods
 - g) Positive images and words could be used in adverts to be particularly welcome to disabled people – eg accessible, supportive
 - h) Central support could be provided for people in completing application forms in venues or with organisations that disabled people may associate with and publicise this
 - i) Applicants should be asked whether any specific requirements are needed for the interview
 - j) Making sure that appropriate questions are asked at interview.

- k) Good quality training for managers in recruitment and selection from shortlisting to arranging interview type and space including working interviews, interview technique and interview feedback.
 - l) Training on how to avoid unfair discrimination and the responsibilities of line managers; reasonable adjustments should be considered in the current Reasonable Adjustments project.
- 9.5 The Panel recommends the review of the recruitment and selection processes and training, taking into account suggestions received from the Supported Employment Team and Federation of Disabled People removing potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.

10. CAREER PROGRESSION

- 10.1 The Panel wanted to show that disabled employees have equal access to training and development opportunities, are encouraged to put themselves forward for training and development opportunities and given additional support in accessing these. They were concerned that disabled staff should not be disadvantaged by inaccessible training rooms.

Recommendation 8: Recruitment and Selection

The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.

The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.

11. COUNCIL POLICY DEVELOPMENT

- 11.1 Equality Impact Assessments of Council policies are in progress to help identify any trends in unequal impact on groups including disabled staff or areas.
- 11.2 Progress in completing EqlAs was generally on target for 2008 – 2009. An update on planned EqlAs completed during 2009 - 2010 is to be published shortly. The Panel asked that this performance be reported back to the Overview and Scrutiny Commission.

Recommendation 13: Equalities Impact Assessments

The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported to the Overview and Scrutiny Commission.

12. PARTNERSHIP WORKING

- 12.1 As part of the work underpinning the City Inclusion Partnership Equality and Human Rights Charter the Council supports a sub-group to focus on HR issues which can share best practice in the area of disability equality.

Recommendation 10: Partnership Working

The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.

Scrutiny Panel's Recommendation	Formal Management response	Recommended decision
1. Coordination and Communication		
<p>The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.</p>	<p>The Diversity Peer Challenge review also identified this as an area for improvement. In order to address this, it is proposed to develop an internal equalities communication plan. This is set out in the Single Equalities Action Plan.</p> <p>In the last year, we have set up cross-council working groups bringing together a range of people with expertise to develop:</p> <ul style="list-style-type: none"> • a Reasonable Adjustments Guide for Managers • an Assistive Technology User Site on The Wave. 	Agreed.
2. Disabled Workers Forum		
<p>a. The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity, coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.</p>	<p>The council provides both practical and financial support to the Disabled Workers Forum (DWF). A member of the Equalities and Inclusion team not only provides support but also provides an informal route through which the Forum can raise issues of concern with the council.</p> <p>The council currently gives the Forum £5,000 per year to support its training and development, publicity and social networking activities. It is down to the Forum's Executive to decide how to use the funding and, each year, it produces a budget forecast that is signed off by the Equalities and Inclusion Team.</p> <p>The Staff Forums, including the DWF, will continue to be consultees on council Equality Impact Assessments.</p>	Agreed.

<p>b. DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.</p>	<p>This is a matter for the DWF. However, the council would fully support the DWF in finding someone within the organisation to act as a Disability Champion.</p> <p>Managers, including some senior managers, already attend Forum meetings by invitation.</p> <p>The council's mentoring scheme is open to all staff including disabled employees.</p>	<p>Agreed.</p>
<p>3. Communications Campaign</p>		
<p>The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.</p>	<p>We will continue to provide information to managers and staff on disability issues through the council's magazine and the HR site on the intranet. This will include information on:</p> <ul style="list-style-type: none"> • recruitment and selection including interviewing/testing of disabled candidates • making reasonable adjustments for employees in the workplace • useful contacts to approach for help and advice on disability issues. 	<p>Agreed.</p>
<p>4. Training</p>		
<p>a. The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council.</p>	<p>Subject to financial resources being available, the council intends to run similar sessions in the future.</p>	<p>Agreed.</p>

<p>b. The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.</p>	<p>Equalities, including disability, issues will be embedded within the new corporate learning and development programme and will be delivered through:</p> <ul style="list-style-type: none"> • e-learning • skills workshops • information toolkits • action learning sets. <p>Due to the availability of resources, training will be targeted at those where a need has been identified through the PDP process.</p> <p>A foundation level diversity e-learning module is also being developed that will be mandatory for all new staff. New managers will also be required to complete a supplementary module.</p>	<p>Agreed.</p>
<p>5. Achieving Excellence</p>		
<p>The panel recommends that the Council better publicises the guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.</p>	<p>The Council has recently strengthened its links with the Employer's Forum on Disability (EFD) by inviting Bela Gor, its Legal Director, to speak on disability issues at the DDA Masterclass training session.</p> <p>We will continue to promote the EFD as a useful source of information on the HR site on the council's intranet.</p> <p>The Disability Standard is currently being redeveloped by the EFD. The council will consider participating in the new standard once it is available.</p>	<p>Agreed.</p>

6. Physical Accessibility		
<p>a. The Panel recommends that to make good use of resources accessibility for disabled staff to Council-owned buildings is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.</p>	<p>The council's Health, Safety & Wellbeing team already work with Architects when work is being planned to ensure this happens.</p>	<p>Agreed.</p>
<p>b. The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.</p>	<p>The needs of staff, including those with disabilities, is assessed at the time any new accommodation layout is being designed or working practices changed.</p>	<p>Agreed.</p>
<p>c. The panel requests that compliance with personal evacuation policy be checked as a matter of priority.</p>	<p>Compliance with the personal evacuation policy has been checked and is fine.</p>	<p>Agreed.</p>
7. Monitoring and Evaluation		
<p>a. The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of 'ticking the box' are set out and where to get further advice.</p>	<p>Whilst we try to encourage as many job applicants and employees as possible to provide this data, we must recognise that they are under no obligation to do so.</p> <p>The roll out of employee self-service will enable individuals to update their own personal information directly onto the system. This may encourage individuals who have not yet provided this information, to do so.</p> <p>We also send a Workplace Adjustments Form to all prospective employees so that they can let us know, before they join us, if they need any reasonable adjustments to carry out their job.</p>	<p>Agreed.</p>

<p>b. The Panel recommend that disability monitoring regarding staff and job applicants be reported to Panel's parent committee OSC.</p>	<p>This information is already available to the Overview and Scrutiny Commission as part of the Head of Communities and Equality's Single Equality Scheme update report.</p>	<p>Agreed.</p>
<p>8. Recruitment and Selection</p>		
<p>a. The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.</p>		<p>Agreed.</p>
<p>b. The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.</p>	<p>The staff survey has asked staff, for some time now, about how they rate opportunities for career progression within the organisation.</p>	<p>Agreed.</p>
<p>9. Equalities Impact Assessments</p>		
<p>The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported back to the Overview and Scrutiny Commission.</p>	<p>The Overview & Scrutiny Panel will receive progress reports as appropriate from the Head of Communities and Equality.</p>	<p>Agreed.</p>
<p>10. Partnership Working</p>		
<p>The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.</p>	<p>The council will continue to work with other organisations both within and outside the City to promote and share best practice on equalities, including disability, issues.</p>	<p>Agreed.</p>

Subject:	Old Market Trust		
Date of Meeting:	23 September 2010		
Report of:	Director of Finance and Resources		
Contact Officer:	Name:	Catherine Vaughan	Tel: 29-1333
	E-mail:	catherine.vaughan@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Brunswick & Adelaide		

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

- 1.1 This report sets out urgency action taken by the Director of Finance and Resources in accordance with Part 7.2 A 7(2) of the constitution ("Urgency Powers").

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the urgency action taken.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In 1998 the council made a loan to the Old Market Trust of £275,000 in order to maintain the Trust's activities through refurbishing the building for use as a venue. While the loan was formally due for repayment in 2006 in accounting terms it had been treated in the council's accounts as a grant payment. However to provide protection against the Old Market being sold at a profit in the short term the council registered a charge to this value against the title to the building. The council also registered a charge in relation to £585,000 of SEEDA money given to the Old Market Trust for which the council was the Accountable Body.
- 3.2 On 15th September 2004 Policy & Resources Committee agreed the following recommendation:
- To convert over time, the loan made to the Old Market Trust in 1998 to a grant. This would be integrated into the fundraising appeal and provide both support to the Old Market but also a strong challenge to succeed.*
- 3.3 Over the subsequent years the Old Market Trust continued to face significant financial challenges and finally went into voluntary liquidation in January 2010. Receivers were subsequently appointed to sell the Old Market building. The council had two second ranking charges registered against the title to the Old Market as described above. SEEDA confirmed that they would not be making a claim in respect of their money.

- 3.4 The highest ranking charge belonged to Barclays Bank who appointed receivers to sell the Old Market in order for them to be able to recover some of their loan. The sale price was insufficient for them to recover their loan in its entirety, let alone the loans of any lower ranking lenders. The council sought evidence that the property had been widely marketed in order to ensure that the best sale price had been achieved in the circumstances.
- 3.5 In order to effect their sale, the receivers required the council to execute deeds of discharge in respect of the two council charges and this was done using the Director of Finance's urgency power to enable the sale to complete on schedule. This was a technical matter but one for which the council's constitution gave no express powers and therefore the use of urgency powers was required. The council had no control over the timetable for the sale and did not want to be in the position where the sale was potentially jeopardised through a failure to act reasonably.
- 3.6 There was no advantage for the council not to execute the deeds of discharge in the absence of any money left after Barclays had taken the proceeds of sale and indeed there may have been financial risk of not doing so if the sale had fallen through as a result and the bank considered seeking remedy from the council.
- 3.7 The council's understanding is that the venue will now be used by STOMP who, as a local company will have an interest in engaging with the local community and other cultural providers.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 4.1 There are no financial implications arising from this decision. The loan made by the council in 1998 was not expected to be repaid and had been converted over time to a grant by the decision of Policy & Resources Committee in 2004. Confirmation was obtained from SEEDA that they did not wish to seek repayment of their grant funding for which the council was accountable body.

Finance Officer Consulted: Catherine Vaughan *Date: 01/09/10*

Legal Implications:

- 4.2 The legal implications are essentially contained in the body of the report and it is a matter of formality to execute deeds of discharge in a situation such as this, where there is no prospect of receiving repayment of a loan out of the proceeds of sale.

Legal Officer Consulted: Anna MacKenzie *Date: 18/08/10*

Equalities Implications:

- 4.3 There are none.

Sustainability Implications:

- 4.4 In terms of the future use of the building, the purchase by Yes No Productions creates a more sustainable future for the Old Market both in terms of its upkeep and maintenance as a historic building as well as its operation.

Crime & Disorder Implications:

- 4.5 Should the building have become vacant, there could have been the risk of dilapidation and vandalism.

Risk and Opportunity Management Implications:

- 4.6 The matter of balancing the risk of not recouping the original loan made against supporting a highly regarded arts venue were previously taken into account by the council when investing in the Old Market..

Corporate / Citywide Implications:

- 4.7 The Old Market was sold to Yes /No Production Limited Pension Scheme which is part of a group of companies which includes the international band STOMP. The company has an interest in the city's cultural sector and will work in partnership with other cultural providers to ensure the Old Market remains part of the city's offer.

5. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 5.1 Covered in the body of the report.

6. REASONS FOR REPORT RECOMMENDATIONS

- 6.1 Covered in the body of the report.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

None

Subject:	Surveillance Policy		
Date of Meeting:	23 September 2010		
Report of:	Director of Finance and Resources		
Contact Officer:	Name: Jo Player	Tel: 29-2488	
	E-mail: jo.player@brighton-hove.gov.uk		
Key Decision:	No		
Wards Affected:	All		

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

- 1.1 The purpose of this report is to apprise the Cabinet of the activities that have been undertaken utilising the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the last report to Cabinet in June 2010 and to confirm that these activities were authorised in line with the necessity and proportionality rules and the council's priority of fair enforcement of the law.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Human Rights Act 1998 requires the City Council to respect the private and family life of citizens. This is a qualified right and, in certain circumstances, the City Council may interfere in an individual's right, providing that interference is in accordance with the law.
- 3.2 The Regulation of Investigatory Powers Act 2000 (RIPA) is the statutory mechanism for authorising covert surveillance, and accessing communications data. It seeks to ensure that any interference with an individual's right is both necessary and proportionate. An explanation of the meaning of these terms is included in the Policy document.
- 3.3 Following concern that Public Authorities were using surveillance techniques in an inappropriate manner, the Home Office issued revised Codes of Practice on Covert Surveillance and Interference with Property and another covering Access to Communications Data. These Codes came into force on 6th April 2010.

- 3.4 The Codes provide guidance for officers who operate under the RIPA regime as well as setting down a series of recommendations, which if adopted by a public authority, are considered best practice. The recommendations concern the appointment of a Senior Responsible Officer and the role of members within the regime.
- 3.5 Cabinet approved the appointment of the Director of Finance and Resources as the Senior Responsible Officer at the last Cabinet meeting on 17th June 2010.
- 3.6 The Codes of Practice also make recommendations as to the role of elected members with regard to surveillance activity. The Codes recognise that members should not be involved in making decisions on specific authorisations. They should review the authority's use of the 2000 Act and set the policy annually. An annual report on the Council's use of surveillance has gone before Cabinet since 2008. A full report on the Council's surveillance activity will go before Cabinet in November.
- 3.7 Elected members should also consider internal reports on the use of the 2000 Act on a quarterly basis to ensure that it is being used consistently with the authority's policy and that the policy remains fit for purpose. Attached at appendix 1 is a break down of the last quarter's surveillance activity.

4. CONSULTATION

- 4.1 There has been no consultation in the compilation of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted: Karen Brookshaw Date: 17/8/2010

Legal Implications:

- 5.2 The legal framework governing the use of covert surveillance and accessing communications data is addressed in the body of the report. As set out in the report, the use of these powers may interfere with qualified Convention rights incorporated into UK law by the Human Rights Act 1998. It is therefore important for the council to rigorously monitor the use of covert surveillance and to follow the revised policy and reporting requirements to ensure that the powers are exercised lawfully and proportionately. This report properly complies with the relevant Codes of Practice in seeking members' involvement in reviewing the use of covert surveillance activity.

Lawyer Consulted: Elizabeth Culbert Date: 17/8/2010

Equalities Implications:

- 5.3 The proper and consistent application of the RIPA powers should ensure that a person's basic human rights are not interfered without justification. Each

application will be assessed by a gatekeeper for necessity and proportionality prior to authorisation by a senior manager and the 'authorisations' reviewed by a third manager who has responsibility for maintaining a central register. This process should identify any inconsistencies or disproportionate targeting of minority groups and enable action to be taken to remedy any perceived inequality.

Sustainability Implications:

- 5.4 There are no sustainability implications.

Crime & Disorder Implications:

- 5.5 If used appropriately, the activities described in the report should enhance our capacity to tackle crime and disorder.

Risk & Opportunity Management Implications:

- 5.6 Any failure to comply with the provisions of the legislation could render any evidence obtained as inadmissible, resulting in a failed prosecution, and have a detrimental impact on the council's reputation.

Corporate / Citywide Implications:

- 5.7 Proper application of the powers will help to achieve the 'fair enforcement of the law' objective and help to protect the environment and the public from rogue trading.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Consideration was given to recommending that Cabinet stipulate those crimes that were trivial and therefore the powers referred to in the report should never be used. This approach is not considered necessary given the level at which authorisations are made.
- 6.2 A review of 'surveillance activities' could be the subject of the normal scrutiny process and this option has equal merit.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The introduction of the Corporate Enforcement Policy should help to ensure that identified breaches of the law are dealt with in the most appropriate manner. However, it is essential that officers are able to use the RIPA powers for all crimes regardless of how trivial some may be perceived, but only after exhausting all other methods of enforcement. As authorisation is generally given at Head of Service level and above, it is unlikely that these powers will be abused.
- 7.2 The implementation of an Annual Review has made the whole process transparent and demonstrated to the public that the correct procedures are followed.

SUPPORTING DOCUMENTATION

Appendices:

1. RIPA activity between June-August 2010

Documents in Members' Rooms

None

Background Documents

None

**QUARTERLY REPORT TO MEMBERS ON USE OF SURVEILLANCE
ACTIVITY IN ACCORDANCE WITH THE REGULATION OF
INVESTIGATORY POWERS ACT 2000**

Year 2010

Quarter: 2(July- September)

	No in Quarter	No in Year to Date
Number of Directed Surveillance Authorisations Granted	1	2
Number of Directed Surveillance Authorisations Rejected	0	0
Number of Directed Surveillance Authorisations Cancelled	2	2
Number of Covert Human Intelligence Sources Authorised	0	0
Number of Juveniles or Vulnerable Persons authorised as Covert Human Intelligence Sources	0	0
Number of Applications for Covert Human Intelligence Sources Rejected	0	0
Number of Covert Human Intelligence Source authorisations Cancelled	0	0
Number of Applications for Acquisition of Communications Data Approved	0	0
Number of Applications for Acquisition of Communications Data Rejected	0	0
Number of errors with regards to communications data (as defined in Statutory Code of Practice) recorded	0	0
Number of errors with regards to communications data (as defined in Statutory Code of Practice) reported to the Interception of Communications Commissioner	0	0

Have all authorisations been granted by officer of level prescribed by law? Yes

Comments on Quarterly Activity (to include any recommended changes to policy, and, explanations for any activity outside scope of policy).

No activity outside scope of the policy. Authorisation relates to an incident of criminal damage.

Monitoring Officer Signature

M. A. Ghebore-Ghiorghis

Senior Responsible Officer Signature

A handwritten signature in black ink, appearing to read 'C E Vaughan'. The signature is written in a cursive style with a large initial 'C'.

Date 24th August 2010

Document is Restricted

