





**Brighton & Hove
City Council**

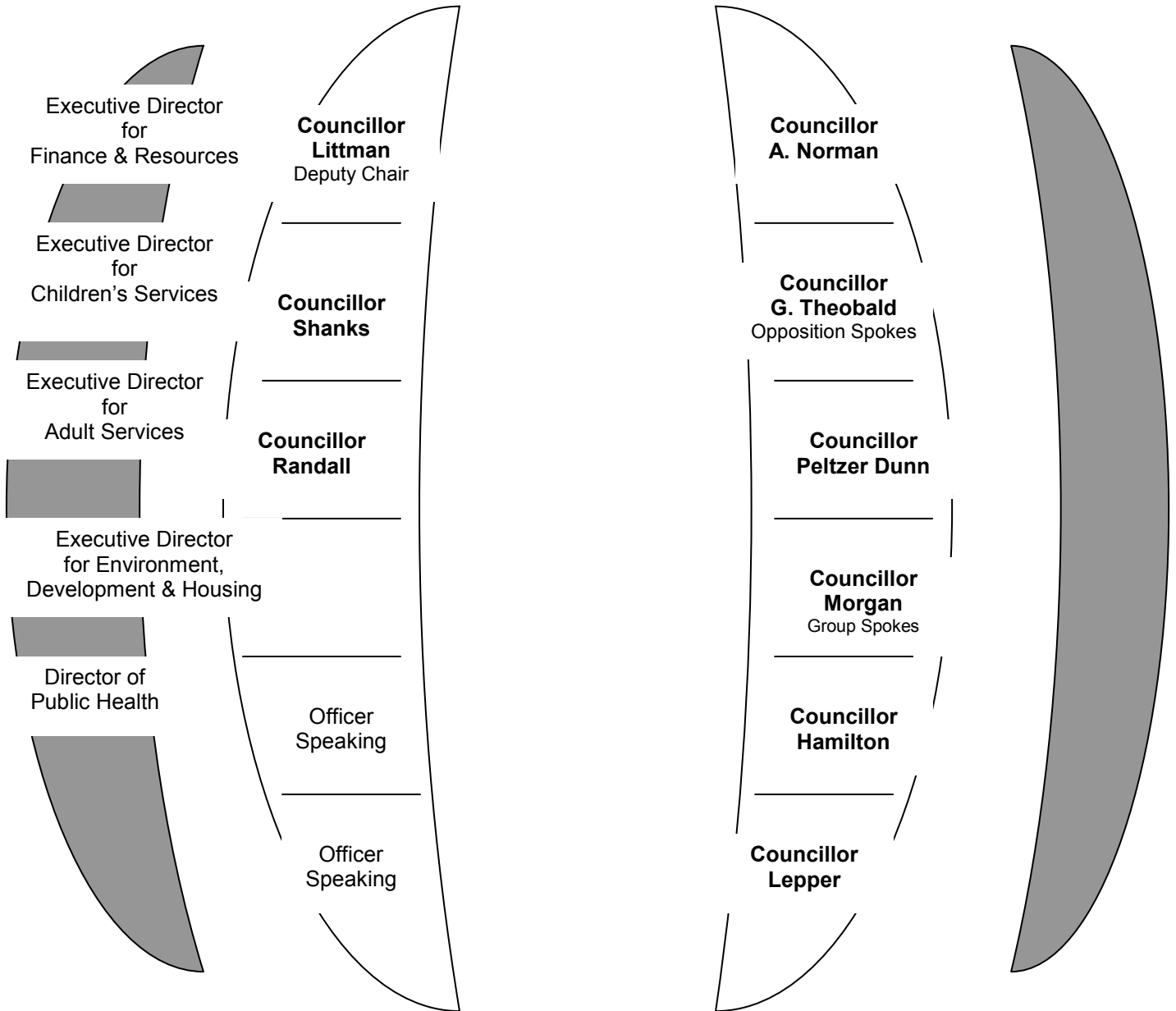
Policy & Resources Committee

Title:	Policy & Resources Committee
Date:	1 May 2014
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: J Kitcat (Chair), Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Morgan (Group Spokesperson), Hamilton, Lepper, A Norman, Peltzer Dunn, Randall and Shanks
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gcsx.gov.uk

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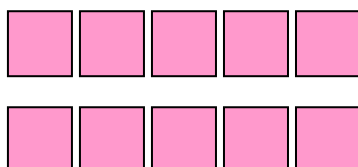
Democratic Services: Policy & Resources Committee

Monitoring Officer	Councillor J. Kitcat Chair	Chief Executive	Head of Democratic Services
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Public Speaker	Councillor Speaking
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Public Seating



Press



AGENDA

PROCEDURAL MATTERS

164. PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

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

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

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

165. MINUTES

1 - 16

To consider the minutes of the meeting held on the 20th March 2014 (copy attached).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

166. CHAIR'S COMMUNICATIONS

167. CALL OVER

- (a) Items (170 – 181) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

GENERAL MATTERS

168. PUBLIC INVOLVEMENT

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

- (a) **Petitions:** to receive any petitions presented by members of the public to the full council or notified by the due date of the 15th April 2014 for the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 24th April 2014;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 24th April 2014.

169. MEMBER INVOLVEMENT

17 - 20

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions presented by Members to the full council or notified by the due date of the 15th April 2014 for the meeting itself;
- (b) **Letters:** to receive any letters from Councillors;
 - (i) Portslade Old Police Station. Letter from Councillor Robins (copy attached);
- (c) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

POLICY & RESOURCES COMMITTEE

- (i) Integrating a Financial Inclusion Strategy. Notice of Motion approved and referred from the Council meeting held on the 27th March 2014 (copy attached).

FINANCIAL MATTERS

170. ASSET MANAGEMENT FUND 2014/15 21 - 26

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

Contact Officer: Angela Dymott *Tel:* 29-1450
Ward Affected: All Wards

171. LOCAL GOVERNMENT PENSION SCHEME 2014 - EMPLOYER DISCRETIONS 27 - 38

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

Contact Officer: Katie Ogden *Tel:* 29-1299
Ward Affected: All Wards

STRATEGIC & POLICY MATTERS

172. SHOREHAM AIRPORT 39 - 48

Joint report of the Executive Director for Environment, Development & Housing and the Executive Director for Finance & Resources (copy attached).

Contact Officer: Oliver Asha *Tel:* 29-2554
Ward Affected: All Wards

173. BRIGHTON AND HOVE SEASIDE COMMUNITY HOMES - REGISTERED PROVIDER APPLICATION

Report of the Executive Director for Environment, Development & Housing (copy to be circulated separately).

Contact Officer: Sylvia Peckham *Tel:* 293318
Ward Affected: All Wards

REGENERATION & PROPERTY MATTERS

174. ROTTINGDEAN TERRACES 49 - 54

Joint report of the Assistant Chief Executive and the Executive Director for Finance & Resources (copy attached).

Contact Officer: Ian Shurrock *Tel:* 29-2084
Ward Affected: Rottingdean Coastal

POLICY & RESOURCES COMMITTEE

CONTRACTUAL MATTERS

175. SUSSEX STATIONERY CONSORTIUM PROCUREMENT OF OFFICE SUPPLIES 55 - 60

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

Contact Officer: James Breen

Tel: 29-3593

Ward Affected: All Wards

GENERAL MATTERS

176. HEALTH AND WELLBEING BOARD 61 - 78

Report of the Monitoring Officer (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis

Tel: 29-1500

Ward Affected: All Wards

177. REVIEW OF CODE OF CONDUCT COMPLAINTS PROCEDURE 79 - 102

Extract from the proceedings of the Audit & Standards Committee meeting held on the 25th March 2014, together with a report of the Monitoring Officer (copies attached).

Contact Officer: Oliver Dixon

Tel: 29-1512

Ward Affected: All Wards

178. AREA PANEL BOUNDARIES AND THE HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE 103 - 112

Joint report of the Monitoring Officer and the Executive Director for Environment, Development & Housing (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis

Tel: 29-1500

Ward Affected: All Wards

179. ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 8th May 2014 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, each Group may specify one further item to be included by notifying the Chief Executive no later than 10.00am on the 25th April (the eighth working day before the Council meeting to which the report is to be made), or if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.

STRATEGIC & POLICY MATTERS

180. SHOREHAM AIRPORT - EXEMPT CATEGORY 5 **113 - 126**

Appendices to the joint report of the Executive Director for Environment, Development & Housing and the Executive Director for Finance & Resources, listed as item 172 on the agenda (circulated to Members only).

Contact Officer: Oliver Asha

Tel: 29-2554

Ward Affected: All Wards

PROCEDURAL MATTERS

181. PART TWO MINUTES - EXEMPT CATEGORY 5 **127 - 128**

To consider the part two minutes of the meeting held on 20th March 2014 (circulated to Members only).

Contact Officer: Mark Wall

Tel: 29-1006

Ward Affected: All Wards

182. PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and 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 and deputations to committees and details of how questions and deputations 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.

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

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Date of Publication - Wednesday, 23 April 2014

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 20 MARCH 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Morgan (Group Spokesperson), Davey, Hamilton, Lepper, A Norman, Peltzer Dunn and Shanks.

PART ONE

139. PROCEDURAL BUSINESS

(a) Declarations of Substitutes

139.1 Councillor Davey declared that he was attending the meeting as a substitute for Councillor Randall.

(b) Declarations of Interest

139.2 There were no declarations of interest.

(c) Exclusion of the Press and Public

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

139.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

140. MINUTES

140.1 **RESOLVED:** That the minutes of the last ordinary meeting held on the 13th February 2014 be approved as a correct record of the proceedings and signed by the Chair subject to the following amendments:

- (i) Item 121 General Fund Revenue Budget & Council Tax 2014/15 – to include a note that Councillors G. Theobald, A. Norman and Peltzer Dunn wished their names recorded as having voted against recommendations 2.1 and 2.2.

- (ii) Item 127 ICT Strategy and Resourcing Update: paragraph 127.4 to read; “Councillor G. Theobald welcomed the report and thanked officers for the work that had been done. However, he questioned whether the lack of investment was the main reason for the situation that had arisen and suggested that a clear strategy was needed to improve provision across the authority for officers and members of the public as well as councillors if the proposed level of expenditure was to be undertaken.”

140.2 **RESOLVED:** That the minutes of the special meeting held on the 6th March 2014 be approved as a correct record of the proceedings and signed by the Chair subject to the following amendment:

- (i) Item 135 Brighton i360 – paragraph 135.6 to read, “Councillor G. Theobald asked for confirmation that should any proposals for the redevelopment of the West Pier be submitted, they would not be prohibited as a result of the i360 development being approved.”

141. CHAIR'S COMMUNICATIONS

- 141.1 The Chair noted that the City Deal bid had been successful and looked forward to the various projects being taken forward and working with the partner organisations that were involved in the bid across the city and the region.
- 141.2 The Chair noted that the Deputy Leader was meeting with colleagues today to progress matters in relation to the Coast 2 Capital partnership.
- 141.3 The Chair also noted that the Seafront Scrutiny Review Panel had held its first public meeting, and had been encouraged by levels of interest and participation, which it was hoped would then help to fashion the much needed maintenance, restoration and development of the seafront.
- 141.4 The Chair then offered his congratulations to The Transport Operations team who had won an award for Exceptional Customer Service at the British Parking Awards 2014.

142. CALL OVER

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

- Item 145 Pay Policy Statement 2014-15
- Item 148 Educational Capital Resources and Capital Investment Programme 2014/15
- Item 149 2014/15 Local Transport Capital Programme
- Item 150 Concessionary Bus Travel – 3 Year Fixed Deals
- Item 152 Planned Maintenance Budget Allocation 2014-15 and Programme of Works for the Council's Operational Buildings
- Item 153 ICT Data Centre and Hosting
- Item 154 Review of the Council's Constitution
- Item 155 Local Discretionary Social Fund Review
- Item 157 Annual Update of the Council's Corporate Plan

Item 158	Sexual Health Services
Item 160	Sexual Health Services – Exempt Category 5
Item 161	Concessionary Bus Travel - £ Year Fixed Deals – Exempt Category 3
Item 162	Part Two Minutes – Exempt Categories 3 & 5

142.2 The Head of Democratic Services confirmed that the items listed above had been reserved for discussion, and that the following reports on the agenda with the recommendations therein had been approved and adopted:

Item 146	Treasury Management Policy Strategy 2014/15
Item 147	Annual Investment Strategy 2014-15
Item 151	Article 4 Direction – Offices to Residential
Item 156	Risk Management Strategy 2014-2017

143. PUBLIC INVOLVEMENT

143.1 The Chair noted that two petitions were due to be presented at the meeting and that there were no questions or deputations from members of the public. He therefore welcomed Ms. Scales to the meeting and invited her to present the first petition regarding the Old Police Station in St. Andrew's Road, Portslade.

143.2 Ms. Scales thanked the Chair and stated that a 156 people had signed the e-petition which was requesting the council to consult with the residents over the future of the Old Police Station and its possible use as a community facility. The residents had not been consulted on the redevelopment of the building into housing accommodation and believed that works had been put on hold and therefore sought the opportunity to put forward a case for a heritage centre, which could become a resource for local schools and adult education services.

143.3 The Chair thanked Ms. Scales for attending the meeting and stated that the matter had been raised by the ward councillors and officers had visited the site and provided the ward councillors with a briefing note on the proposed development for social housing which had been approved and was due to proceed as planned. He therefore felt that it was not possible to accede to the petition's request and proposed that it be noted.

143.4 **RESOLVED:** That the petition be noted.

143.5 The Chair then invited Mr. Tilbury to come forward and present the petition concerning the privatisation of NHS Sexual Health Services.

143.6 Mr. Tilbury thanked the Chair and stated that a combined paper and e-petition had been signed by over 750 people who wanted to register the need to protect NHS services and to oppose the privatisation of services. There was a real concern over the tendering process being proposed for the sexual health services and the possible splitting of services which had had a negative impact elsewhere in parts of the country. He therefore hoped that these concerns would be taken into consideration and the services protected accordingly.

143.7 The Chair thanked Mr. Tilbury for attending the meeting and noted that the committee was due to consider a report later on the agenda which sought to secure an integrated

provision for sexual health services in the city and therefore proposed that the petition be noted and taken into consideration during the debate on the report.

143.8 **RESOLVED:** That the petition be noted.

144. MEMBER INVOLVEMENT

144.1 The Chair noted that a Notice of Motion, concerning disabled access to the Rottingdean terraces had been referred to the committee for consideration by the Council at its meeting on the 30th January 2014. He also noted that Councillor Hyde had requested to speak on the matter and invited her to come forward to address the Committee.

144.2 Councillor Hyde thanked the Chair and stated that she hoped that the council would be able to consider meeting the request from the Parish Council to support the provision of a ramp for disabled access to enable disabled residents and visitors access to the terraces. She noted that the Parish Council had commissioned a report from the Federation for the Disabled and that this had been referred to officers for consideration. She noted that the report welcomed the intention to open up the terraces and acknowledged that it was not possible to create an ideal ramp for wheelchair users but that should not prevent the provision of a ramp. She was also aware that officers had visited the site and expressed the view that the steepness of the slope would prevent the provision of a suitable ramp, however the Parish Council were of the view that it could be achieved and sought a financial contribution from the city council to enable it to meet the access requirement. She therefore hoped that the committee would consider the allocation of resources to support the provision of a ramp.

144.3 The Chair thanked Councillor Hyde for attending the meeting and stated that he believed there were several issues relating to the request and the council's position and therefore proposed that a full report should be brought to the next meeting for consideration.

144.4 **RESOLVED:** That the notice of motion be noted and an officer report on the matter be requested for the next meeting in May 2014.

145. PAY POLICY STATEMENT 2014-15

145.1 The Executive Director for Finance & Resources introduced the report which detailed the council's pay policy for 2014/15 as required by the Localism Act 2011. She stated that there had been no significant changes to the policy since its last publication in 2013 and therefore recommended it to the committee.

145.2 Councillor Littman welcomed the report and stated that he wished to thank the officers involved in producing the policy and noted that it continued to support the drive for value for money.

145.3 Councillor G. Theobald welcomed the transparency that the pay policy provided and stated that the public had a right to know the information detailed in the policy. However, he remained concerned that Members were not given the opportunity to vote on the levels of redundancy and severance packages above £100k which was outlined in the Government's Guidance that related to Section 40 of the Localism Act 2011. He

also referred to pages 34 and 35 of the agenda and queried whether all professional fees were paid for those officers in the organisation that were required to maintain their professional qualification.

145.4 The Monitoring Officer stated that the question of salaries over £100k being determined by all Members was only guidance and was not a mandatory requirement. Having looked at a number of other authorities none had been found which complied with the guidance. The Council's Appointments Panel for senior officers had been established so that it could consider the level of remuneration to be offered and then recommend that to full council for approval. He also noted that the council was obliged to publish the salary details of senior and second tier officers and the use of the Appointments Panel reflected best practice.

145.5 The Executive Director for Finance & Resources stated the payment of professional fees differed across the organisation for various reasons and she would provide Councillor Theobald with further information following the meeting.

145.6 The Chair noted the comments and put the recommendation to the vote which was carried.

145.7 **RESOLVED TO RECOMMEND:** That the Council be recommended to approve the adoption of the pay policy statement 2014/15 attached at Appendix A to the report.

146. TREASURY MANAGEMENT POLICY STRATEGY 2014/15

146.1 RESOLVED:

(1) That it be noted that that there are no changes to the Treasury Management Policy Statement and Treasury Management Practices approved by Policy & Resources Committee on 15 March 2013; and

(2) That the Borrowing Strategy for 2014/15 as set out in Appendix 3 to the report be approved.

147. ANNUAL INVESTMENT STRATEGY 2014/15

147.1 **RESLOVED TO RECOMMEND:** That the Council be recommended to approve the Annual Investment Strategy for 2014/15 as set out in Appendix 1 to the report.

148. EDUCATION CAPITAL RESOURCES AND CAPITAL INVESTMENT PROGRAMME 2014/15

148.1 The Executive Director for Children's Services introduced the report which detailed the level of available capital resources allocated to the Education Capital Programme and sought approval of the programme as part of the council's Capital Investment Programme 2014/15. He noted that the Children & Young People Committee had received the report at its meeting on the 10th March 2014 and an extract from the proceedings had been circulated as an addendum. He also noted that the Government had also made an additional allocation of £24.6m for future years related to basic need

which was a significant addition to the available £8.8m listed in paragraph 2.1 of the report.

148.2 Councillor Shanks welcomed the additional allocation of funding from the Government which should help to provide for the needed secondary school places across the city.

148.3 Councillor A. Norman also welcomed the additional settlement from the Government and noted that it should help to support the capital programme for schools across the city.

148.4 The Chair noted the comments and put the recommendations to the vote.

148.5 **RESOLVED:**

(1) That the level of available capital resources totalling £8.887 million for investment relating to education buildings financed from capital grant, revenue contributions and borrowing be noted.

(2) That it be agreed that the allocation of funding as shown in Appendices 2 and 3 to the report be included within the council's Capital Investment Programme 2014/15.

149. 2014/15 LOCAL TRANSPORT CAPITAL PROGRAMME

149.1 The Lead Commissioner for City Regulation & Infrastructure introduced the report which outlined the capital funding that was available for Local Transport Plan (LTP), projects in 2014/15. He stated that it was an annual programme of works which was brought to committee for approval and was a programme that reflected the Corporate Plan objectives. He noted that provision needed to be identified to address the continued deterioration of the seafront and that a scrutiny review was being undertaken to look at how the issues affecting seafront could be addressed. He also drew the committee's attention to some errors in the figures listed in the report; on page 11 the capital renewal/maintenance sub-total figure in 2015/16 future implications column should be £2,080 and not £3,500; on page 14 the Grand Total row for the 2015/16 Future Implications column should read £5,580 and not £7,000 and the Grand Totals row for the 2013/14 Previous Allocation Column should read £6,349 and not £6,456.

149.2 Councillor Davey welcomed the report and noted the £9m investment in the transport infrastructure which was important and stated that he was happy to accept the Conservative amendment to the recommendations.

149.3 Councillor Morgan thanked the officers for the report and stated that he had a number of questions and was concerned about the proposal to bring forward £1.420m borrowing from the 2015/16 grant allocation for future projects. He queried whether it was intended to charge motorists given the increase to £55k for the provision of electric car charging points and noted that only Section 106 monies would be available for improvements to bus stops and dropped curbs. He also questioned why further expenditure was being identified for the 20mph phase 3 if the consultation had not been completed and sought clarification in relation to the £100k for Shelter Hall.

149.4 The Lead Commissioner for City Regulation & Infrastructure stated that the additional £100k for Shelter Hall was required for temporary works to the structure and detailed design works for the bid as further funding needed to be secured. The additional £55k for electric charge pints was part of the wider regional programme within East and West Sussex and it was likely that the option to charge users in the future would be looked at. The use of section 106 funding for the provision of additional bus stops was anticipated to see an increase in their provision throughout the city, as well as improvements to pavements and more dropped curbs. In relation to the implementation of 20mph zones, further reduction measures were required and would be supported e.g. parking restrictions and signage.

149.5 Councillor G. Theobald moved an amendment on behalf of the Conservative Group to add an additional recommendation to the report's recommendations and welcomed the additional allocation of grant funding from the government. He noted that there was a need to address the problems in terms of seafront maintenance and the Arches and also expressed concern over the level of road maintenance, which was an important factor in enabling visitors to the city.

149.6 Councillor Peltzer Dunn formally seconded the amendment.

149.7 Councillor Davey noted the comments and that the developments at Lewes Road, Seven Dials and Old Shoreham Road had brought significant funding for maintenance. There had been a historical under-investment in the transport infrastructure which was now being addressed and he hoped would bring further improvements in the future.

149.8 The Chair noted that only a quarter of the required funding for road maintenance was provided for by the government nationally and suggested that there was an over-centralised funding system which prevented local authorities from being able to address their needs. He noted that the Conservative amendment had been accepted and therefore put the recommendations as amended to the vote.

149.9 **RESOLVED:**

- (1) That the 2014/15 Local Transport Plan [LTP] capital programme budget of £8.899m for the Capital Renewal (Maintenance) and Integrated Transport work programmes set out in Appendix 1 of this report;
- (2) That the Committee approves funding for the LTP programme of £7.479m from the LTP 2014/15 grant allocation as set out Appendix 1, and up to £1.420m brought forward from the LTP 2015/16 grant allocation to enable completion of the King's Road Arches (adjacent to the i360 site) as set out at paragraph 3.5 of the report;
- (3) That officers be instructed to continue to seek alternative sources of external funding for transport schemes in the LTP Capital Programme and that any LTP funding freed up in this way, or not required on the projects listed in Appendix 1, be allocated to the Maintenance Funding Block.

Note: The special circumstances for non-compliance with Council Procedure Rule 23, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in

advance of the meeting), are that officers required additional time to finalise the proposed programme of investment in order take into account two recent, key decisions on the council's 2014/15 budget and the future of the i360 viewing tower.

150. CONCESSIONARY BUS TRAVEL - 3 YEAR FIXED DEALS

150.1 The Executive Director for Finance & Resources introduced the report which outlined the process of negotiations with the local bus companies and sought delegated authority to conclude the negotiations for a 3-year fixed deal concessionary bus travel contract. She noted that the Department for Transport (DfT) had developed a reimbursement model for local authorities but that the council had previously entered into fixed deals with the local providers which were now due for renewal. The intention was to seek to extend these fixed deals rather than use the DfT model as they would provide benefits to both parties that the model would not.

150.2 Councillor Davey stated that there was a need to conclude the negotiations and he hoped that an agreement could be reached as there was a significant cost to the council. He also wished to commend the officers for their work on this matter to date.

150.3 Councillor A. Norman stated that the previous arrangements had worked well and she hoped that similar agreements could be achieved and also wished to acknowledge the officers on their work to date.

150.4 The Chair noted the comments and put the recommendations to the vote.

150.5 RESOLVED:

- (1) That the forecast comparisons between the current fixed deal payments and the estimated level of reimbursement through the DfT model be noted;
- (2) That the progress made to date on the negotiations for new fixed deals; as set out in appendix 1 (in part 2 of the agenda) be noted; and
- (3) That the Executive Director of Finance & Resources, after consultation with the Chair of Policy & Resources Committee, be authorised to finalise terms for concessionary fares fixed reimbursement deals with both Brighton & Hove Bus and Coach Company and Stagecoach South.

151. ARTICLE 4 DIRECTION - OFFICES TO RESIDENTIAL

151.1 RESOLVED:

- (1) That the amendment to the boundary of Central Brighton, New England Quarter and London Road article 4 direction area as shown in Appendix 2b for the reasons outlined in this report be authorised; and
- (2) That the re-consultation on the article 4 direction in view of the boundary change for a period of 6 weeks be authorised.

152. PLANNED MAINTENANCE BUDGET ALLOCATION 2014-15 AND PROGRAMME OF WORKS FOR THE COUNCIL'S OPERATIONAL BUILDINGS

- 152.1 The Executive Director for Finance & Resources introduced the report which detailed the proposed allocation of improvement and essential repair works to civic offices, historic, operational and commercial buildings within the Corporate Planned Maintenance Budget for 2014/15 of £3,327,880. She noted that the council's workstyles programme was being used to reduce the property portfolio and to allow for investment in those buildings where it was required.
- 152.2 Councillor Littman welcomed the report and thanked the officers concerned for a very good piece of work which contributed to the council's value for money programme.
- 152.3 Councillor Morgan noted that Hove Town Hall was not listed under the venues and queried whether it should be and whether other buildings had not been included.
- 152.4 The Executive Director for Finance & Resources stated that she would provide the Councillor with further detailed information following the meeting as she did not have that available.
- 152.5 The Chair noted the comments and put the recommendations to the vote.

152.6 RESOLVED:

- (1) That the annual programme of planned maintenance works to the council's operational buildings at an estimated cost of £3,827,880, as detailed in Appendices 2 and 3 of the report be approved; and
- (2) That the Executive Director Finance & Resources be granted delegated authority to enter into contracts within this budget, as required, and in accordance with Contract Standing Orders.

153. ICT DATA CENTRE AND HOSTING

- 153.1 The Executive Director for Finance & Resources introduced the report which detailed the results of an options appraisal and proposed that a procurement process be undertaken to enable a cost effective, flexible and resilient data centre to be provided for the council's ICT systems. She noted that partner authorities from the SE7 Group had been consulted helped to formulate the proposals for the relocation of the data centre and future storage requirements.
- 153.2 Councillor G. Theobald stated that this was a significant decision and one that he could not support at this point in time as he was unsure as to whether the committee members were technically qualified to make a judgement. He felt that more information was needed before a decision was taken and had expected an officer on briefing on the matter before it came to committee.
- 153.3 The Executive Director for Finance & Resources referred to the options appraisal and noted that the best option was to have a co-located and hosted service which it was hoped an open procurement process would achieve. She apologised for the lack of a

briefing for Members but offered to take interested groups through the options appraisal at a separate meeting.

153.4 Councillor A. Norman stated that she was also concerned about the process and was not happy with the report at it stood and felt that given the substantial amount of money involved that an officer briefing should have been offered.

153.5 The Chair noted the comments and stated that he felt the process was very clear and referred to the options set out in appendix 1 to the report. He therefore put the recommendations to the vote.

153.6 **RESOLVED:**

- (1) That the findings of the options appraisal of the council's future needs for data centre services as set out in paragraph 3.6 of the report be noted;
- (2) That the procurement of a contract for off-site data centre provision, with a contract term of up to 5 years with an option to extend for a further 2 year period be authorised; and
- (3) That the Executive Director Finance & Resources be granted delegated authority to identify and implement the most appropriate method of procurement, in accordance with the council's Contract Standing orders, to award the contract and, subject to satisfactory performance of the contractor, to exercise the option to extend the contract for a further 2-year period.

Note: Councillors G. Theobald, A. Norman and Peltzer Dunn wished their names recorded as having voted against the above resolutions.

154. REVIEW OF THE COUNCIL'S CONSTITUTION 2014

154.1 The Monitoring Officer introduced the report which detailed the proposed changes to the council's constitution to take account of changes to officer delegations and the need to account for legislative changes and to incorporate best practice. He noted that recommendations had come forward from the Constitutional Working Group and the Planning Protocol Working Group. He also noted that following further discussions with the Members of the Constitutional Working Group certain aspects relating to the position of Neighbourhood Forums and Rottingdean Parish Council would be clarified and reported to Full Council as part of an addendum for the meeting on the 27th March. He then drew the committee's attention to the fact that the recommendation to Full Council should include paragraphs 3.2 to 3.12 rather than 3.11 as listed in the report.

154.2 Councillor Littman stated that he wished to thank the officers that supported the Constitutional Working Group and the Members who formed by of the Working Group, and stated that he believed it was an excellent example of cross-party working.

154.3 Councillor Peltzer Dunn also thanked the officers for their support to the Working Group and referred to pages 181 paragraph 1(b) and 183 paragraph (c) (3), and 192 paragraph 6 second bullet point, and asked if clarification could be made. He believed

that the question of Members 'lobbying' Members of the Planning Committee needed to be clear and suggested that Ward Members should have the ability to speak to a matter at Planning Committee for a full 3 minutes each rather than find they had to share the allotted 3 minutes for objecting to an application. He also noted that no reference was made to those wishing to speak in support of an application and queried whether this should be included in the protocol.

- 154.4 The Monitoring Officer noted the comments and stated that further clarification could be made in regard to the issue of 'lobbying.' He also noted that the Planning Protocol Working Group had considered the question of enabling each Ward Member to speak for a full 3 minutes but had felt that it was appropriate to retain the 3 minutes in total for Ward Members to object to an application. However, he would raise the question again with the Head of Planning to see if the question could be reconsidered. He also noted that ultimately the Chair of the Planning Committee had the discretion and flexibility to extend the time allotted for objections to an application. With regard to the need to reference speaking rights for supported to an application, he stated that he would raise this with the Planning Protocol Working Group, but noted that there was no automatic legal right to speak at a committee meeting.
- 154.5 Councillor Peltzer Dunn referred to the role of the Neighbourhood Forum and Rottingdean Parish Council and suggested that the protocol should be revised to say that they would only have the ability to comment on developments in the area that related to their boundaries.
- 154.6 The Monitoring Officer stated that he would amend the definition in the protocol to clarify that Neighbourhood Forums and Rottingdean Parish Council could only comment on those applications which related to their specific areas.
- 154.7 Councillor Morgan stated that he wished to add his thanks to the officers who supported the Constitutional Working Group. He also noted the proposed change on page 197 with the Scrutiny Team moving into the Policy Team and noted that he had previously presented a letter to the Committee seeking assurances that the role and work of scrutiny would remain independent to that of policy. He was therefore cautious about the proposal and felt that it was important to retain a relevant and independent scrutiny function.
- 154.8 Councillor G. Theobald referred to page 184 and queried whether officer support would be made available for planning appeals when a committee decision went against officer recommendations and was then taken to appeal.
- 154.9 The Monitoring Officer stated that the principle remained in that a Member decision would be supported by officers and therefore the Head of Planning needed to consider how best to provide officer support for any appeal where the decision had been made against officer recommendations. He would raise the matter with the Head of Planning and seek to amend the protocol accordingly.
- 154.10 Councillor A. Norman noted that it was proposed to extend the web casting of meetings to include the Environment, Transport & Sustainability and Housing Committees. She stated that having had to watch the web cast of the last committee meeting she had found difficulties with the quality and accessibility of the web cast on

her council lap top. She therefore wondered if these problems should be addressed before the facility was extended to other committee meetings; as she believed she was not alone in experiencing such problems.

154.11 The Chair stated that there could be a number of factors that would affect the quality of the web cast such as the speed of the internet connection, the area people live in, the actual computer being used etc... He noted that the web cast facility had been approved following a procurement process and that the current provider was based in Hove and worked closely with Democratic Services to provide a good service. He would also be happy to look at Councillor Norman's set up to see if any changes would enable an improvement to be made.

154.12 Councillor Norman thanked the Chair and stated that she was keen to ensure that the provision was good value for the user.

154.13 The Chair noted the comments and put the recommendations to the vote with the amendment to include paragraph 3.12 which was carried.

154.14 **RESOLVED:**

- (1) That the proposed changes to officer delegations set out at paragraphs 3.13 to 3.15 and Appendices 7 (a) to (c) of the report be approved and that the changes come into effect on 1st April 2014;
- (2) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the changes agreed by Policy & Resources Committee and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate all the changes referred to at (1) above;

154.15 **RESOLVED TO RECOMMEND:**

- (3) That full Council be recommended to approve the proposed changes to the Council's constitution as set out in paragraphs 3.2 to 3.12 and Appendices 1 to 6 of the report.
- (4) That the Chief Executive be authorised to take all steps necessary or incidental to the implementation of the changes agreed by Council and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate all the changes referred to at (3) above.

155. LOCAL DISCRETIONARY SOCIAL FUND REVIEW

155.1 The Executive Director for Finance & Resources introduced the report which detailed the approved Local Discretionary Social Fund that had been approved by the committee in 2012 and the results of a review of the scheme as agreed after a year of its operation. She noted that there was uncertainty about the level of funding that would be available in 2015/16 and therefore officers were looking at how it could be maintained given the success of supporting those people in need and the desire to maintain that support in the medium to long term for the acutely vulnerable.

155.2 Councillor Littman welcomed the report and stated that officers had done a tremendous job to date in supporting those people in need and enabling them access resources that they were not aware of and therefore hoped that the committee would agree to continuing with the scheme.

155.3 Councillor Morgan welcomed the report and agreed that there was a need to maintain the scheme as much as possible.

155.4 The Chair put the recommendations to the vote.

155.5 RESOLVED:

- (1) That the Local Discretionary Social Fund Policy as amended and set out in Appendix 1 to the report, to take effect from 1st April 2014 be agreed; and
- (2) That the planned funding approach to enable a scheme to continue beyond 2014/15 as set out in paragraphs 4.14 - 4.21 of the report be noted.

156. RISK MANAGEMENT STRATEGY 2014 - 2017

156.1 RESOLVED:

- (1) That the Risk Management Strategy 2014 – 2017 (Appendix 1); and the Risk Management Programme by year (Appendix 2) be approved;
- (2) That the Executive Director, Finance & Resources be delegated authority to alter the risk management process (which is published on the intranet 'the Wave') as necessary so that it is kept up to date with changing requirements and best practice;
- (3) That it be noted that any changes made to the risk management process will be reported as part of the risk management annual progress report to the Audit & Standards Committee;
- (4) That it be noted that the Audit & Standards Committee will monitor the performance and progress in the implementation of the Risk Management Strategy over the next three years.

157. ANNUAL UPDATE OF THE COUNCIL'S CORPORATE PLAN 2014/15

157.1 The Chair introduced the report which provided an update to the Corporate Plan and stated that it brought together the councils ambitions and purpose and detailed its priorities as an organisation. He was pleased to note the number of achievements that had been made and that none of the commitments were shown as red, which was welcome beating in mind the challenges that existed in terms of being able to meet all of the commitments.

157.2 The Chief Executive stated that the plan had been updated substantially since its first publication in 2011 and noted that the four priorities remained with a number of

outcomes that the council was seeking to achieve. The key areas of focus were set out and she hoped that the plan provided a clear sense of direction albeit that the council faced a number of challenges in the forthcoming period. She and the Executive Leadership Team were committed to leading the organisation to deliver high performance services and she wished to thank everyone involved in bringing the plan together.

157.3 Councillor Morgan welcomed the report and offered his congratulations to all those involved in it. He then sought clarification in regard to specific areas around secondary school places, external lettings, the banking partnership, the sustainable community strategy and park & ride and the levels of recycling.

157.4 The Chair noted that the sustainable community strategy had been updated and was now part of Brighton & Hove Connected and therefore suggested that there was no direct link with park & ride.

157.5 The Executive Director for Children's Services stated that secondary school places would be an area of focus in relation to improving school standards and offered to update the plan to account for this aspect.

157.6 The Chair stated that he would ask officers to provide further information in regard to the banking partnership and ethical banking. In relation to the levels of recycling he accepted that there was room for improvement and noted that there had been changes to the routes and vehicles reaching the end of their capacity which had contributed to the challenges being faced. However, he believed that issues were being addressed noted that he and the Chief Executive had regular meetings with the senior managers at City Clean to ensure that improvements could be made and taken forward.

157.7 The Chair noted that the plan would be updated to take account of the issue raised in relation to secondary school places and so put the recommendations to the vote with that proviso, which were carried.

157.8 RESOLVED TO RECOMMEND:

- (1) That the Corporate Plan annual update 2014/15, given as Appendix 1 and subject to a revision to include secondary school places, be approved, and recommended to Full Council on 27th March 2014 for adoption; and
- (2) That the progress made on the Corporate Plan commitments from the 2013/14 annual update, as summarised in Appendix 2 to the report be noted.

158. SEXUAL HEALTH SERVICES

158.1 The Lead Commissioner for Sexual Health & HIV introduced the report which detailed the change of responsibility for commissioning sexual health services from the NHS to local authorities and the proposed procurement process for awarding a contract for these services beyond March 2015 by the Council. He stated that it was hoped to be able to reach an agreed position with the current providers in the city but should negotiations fail, to be able to run a competitive procurement process in order to secure a contract for 2015.

- 158.2 Councillor Shanks welcomed the report and stated that it had been considered by the Health & Wellbeing Board and she hoped that the negotiations could be concluded with a positive outcome.
- 158.3 Councillor A. Norman noted that a petition on the issue had been submitted earlier in the meeting and that the report was recommending the agreement of a contract with the current providers; however she questioned whether it would be better to test the market. It was a high value contract and it would be better to test the market to determine the best provider for the service.
- 158.4 The Lead Commissioner for Sexual Health & HIV stated that the two providers were able to meet the service model that had been identified and it was felt that they offered the most cost effective service and provide the best practice. The hope was that negotiations would be concluded with an agreed contract, but because of the time frame agreement for the option to undertake a procurement process was also sought.
- 158.5 The Chair referred to the report and stated that he believed the proposed approach was the right one and therefore supported the recommendations as outlined. He also noted that it would be helpful to have a discussion in closed session so that the information provided to Members in the appendix listed at Item 161 on the agenda could be taken in to consideration. He therefore proposed that the meeting should move into closed session and asked for the public gallery to be cleared.
- 158.6 The meeting then moved into closed session at 6.10pm.
- 158.7 The Chair reconvened the meeting at 6.15pm.
- 158.8 The Chair then put the recommendations to the vote.
- 158.9 **RESOLVED:**
- (1) That it be agreed that the commissioners should seek to negotiate a contract to deliver an integrated sexual health service with the current providers; with the option of moving to a competitive process if negotiations fail;
 - (2) That the Director of Public Health be granted delegated authority to conduct the negotiations on the Council's behalf, and to run a competitive procurement in the event that the negotiations fail; and
 - (3) That the committee should receive a report on the outcome of the negotiations before a new contract is awarded.

159. ITEMS REFERRED FOR COUNCIL

- 159.1 The Chair noted that no items were referred to the Council meeting on the 27th March 2014 for information.

Part Two Summary

160. SEXUAL HEALTH SERVICES - EXEMPT CATEGORY 5

160.1 **RESOLVED:** That the information be noted.

161. CONCESSIONARY BUS TRAVEL - 3 YEAR FIXED DEALS - EXEMPT CATEGORY 3

161.1 **RESOLVED:** That the information be noted.

162. PART TWO MINUTES - EXEMPT CATEGORIES 3 & 5

162.1 **RESOLVED:** That the part two minutes of the special meeting held on the 6th March 2014 be approved as a correct record of the proceedings and signed by the Chair subject to the figure in paragraph 137.11 being amended as agreed.

163. PART TWO PROCEEDINGS

163.1 **RESOLVED:** That the information contained in the appendices, Items 160 and 161, to the respective reports listed as Items 150 and 158 on the agenda and the minutes of the last meeting, Item 162 remain exempt from disclosure to the press and public.

The meeting concluded at 6.17pm

Signed

Chair

Dated this

day of

2014

Councillor Alan Robins

Brighton & Hove City Council
Kings House
Grand Avenue
Hove, BN3 2LS

The Chief Executive
C/o Mark Wall
Head of Democratic Services
Brighton & Hove City Council

15th April 2014

Dear Chief Executive,

Old Police Station, St. Andrew's Road, Portslade

Please could this letter be placed on the agenda of the Policy & Resources Committee for its meeting on 1st May 2014.

The old police station on St. Andrew's Road in Portslade is a building which means so much to the local community. Elements of the interior are well preserved, especially the police cells which remain in good repair and are particularly atmospheric. Having visited it myself recently I have no doubt of its potential as a key heritage asset for the city.

I know from my discussions with residents that external organisations have expressed an interest in providing support and help towards securing funding that could achieve this aim. All we are asking for is just a little more time to see whether these plans can come to fruition. Given that, would the chair of the committee commit to allowing a three month moratorium prior to work starting on conversion to housing? This would give us as a community the chance to engage with interesting external parties to see whether together we can build a robust plan to preserve the building as a heritage attraction.

This site has real historical significance to the people of Portslade. Please give us at least the opportunity to preserve some of that heritage for future generations.

Yours sincerely,



Councillor Alan Robins
Labour Councillor for South Portslade

Tel: (01273) 291157
B/berry: 07557 197 591
Email: alan.robins@brighton-hove.gcsx.gov.uk
Labour & Co-operative Member for South Portslade Ward

Subject: Notice of Motion : Integrating a Financial and Digital Inclusion Strategy

Date of Meeting: 1 May 2014

Proposed by: Councillor Wilson

Contact Officer: Name: Mark Wall **Tel:** 29-1006

E-mail: mark.wall@brighton-hove.gcsx.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

NOTICE OF MOTION

INTEGRATING A FINANCIAL AND DIGITAL INCLUSION STRATEGY

“This council resolves:

To request the Policy & Resources Committee to consider implementing a warning system about pay day lenders on all council computers and via publically accessible internet connections provided by the Council, including libraries. This would ensure a warning about pay day lenders is displayed if a user attempts to access a known pay day lending site, and the suggestion made that they instead access information on the Money Advice Service and East Sussex Credit Union and other responsible lenders. There should remain an option on the page for users to choose to continue to the requested site if they wish.”

Supporting Information:

Several local authorities have already banned access to pay day lenders websites via their computers, including

- Blackpool
(<http://www.blackpool.gov.uk/News/Articles/2013/October/Blackpool-Council-bans-access-to-payday-loans-websites.aspx>)
- Bolton
(http://www.theboltonnews.co.uk/news/10634734.Payday_loan_websites_banned_from_council_computers/)
- Durham(http://www.thenorthernecho.co.uk/news/10833280.Council_bans_internet_access_to_payday_loans_from_its_computers/)
- Nottingham
(<http://m.nottinghamcity.gov.uk/index.aspx?articleid=25533>)

Subject:	Asset Management Fund 2014/15		
Date of Meeting:	1st May 2014		
Report of:	Executive Director Finance & Resources		
Contact Officer:	Name:	Angela Dymott	Tel: 291450
	Email:	angela.dymott@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report seeks approval for the £0.275 million balance of the 2014/15 Asset Management Fund allocation and should be read in conjunction with the Policy & Resources Committee report of 13th September 2013, which previously agreed an allocation of £0.725million from the Asset Management Fund 2013/14 for Workstyles Phase 3.

2. RECOMMENDATION:

2.1 That Policy & Resources Committee approve the recommended remaining allocations of AMF bids totalling £0.275 million as detailed in paragraph 3.4 of this report.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 The Asset Management Fund (AMF) 2014/15 is a capital fund to support property improvements, property related Health & Safety requirements and access improvements under the Equality Act 2010. It forms part of the Capital Strategy 2014/15 along with the Strategic Investment Fund (SIF) of £0.25 million and the ICT Strategy Fund of £2.0 million. The AMF 2014/15 consists of a budget of £1.0 million funded from capital receipts.

3.2 The AMF is managed and administered by Property & Design and relates to property related works or improvements to council properties that address three key areas:

- 1) General property improvements (not covered by the planned maintenance budget and other funding streams.)
- 2) Property related provisions under the Equality Act 2010
- 3) Property related Health & Safety legislation

3.3 Bids are normally sought annually from client departments/delivery/support units, and are then evaluated and recommendations made for the implementation of the successful bids. However, £0.725 million of the 2014/15 AMF allocation was approved by a Special Policy & Resources Committee of the 13th September

2013, to part fund the Workstyles Phase 3 project, which includes refurbishment works at Portslade Town Hall, Hove Town Hall and Montague House

3.4 The proposed overall 2014/15 AMF allocation is as follows:

Description	Cost £m
1. Major Property Improvements	
Workstyles Phase 3: Portslade Town Hall, Hove Town Hall and Montague House (<i>agreed P&R 13th September 2013</i>)	0.725
2. Equality Act Improvements	
Rolling programme of access improvements to corporate buildings	0.100
3. Property Related Health & Safety Legislation	
Asbestos Management	0.050
Legionella Management	0.080
Fire Risk Assessment Works	0.045
TOTAL	1.000

3.5 Details of the individual recommendations are listed in Appendix 2

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Failure to improve the council's core office accommodation, address property related access obligations under the Equalities Act 2010 and property related Health & Safety legislation would increase council risks and liabilities, inhibit service delivery, may lead to a negative perception of the council, reduce the value of our assets and prevent fulfilling the council's priorities, aims and objectives as stated in the Corporate Property Strategy and Asset Management Plan.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The Workstyles project involves extensive staff consultations on customer and service delivery requirements, different ways of working, office layouts and designs.

6. CONCLUSION

6.1 This report seeks to approve the remaining balance of the AMF financial allocation and the recommended bids as detailed at paragraph 3.4 and Appendix 1 for property improvements, access requirements under the Equality Act 2010 and property related Health & Safety requirements for 2014-2015

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

The Capital Resources and Capital Investment Programme 2014/15 presented to Budget Council on 27 February 2014 included the allocation for the Asset Management Fund (AMF). If the allocations are approved they will be incorporated into the Capital Investment Programme 2014/15.

The AMF will support the Workstyles Phase 3 project with a contribution of £0.725m in 2014/15 as reported to Policy and Resources on 12 September 2013.

Any additional revenue and running costs arising from direct investment through AMF should be met through the existing revenue budget of individual services.

Finance Officer Consulted: Rob Allen

Date: 03/03/14

7.2 Legal Implications:

The proposed works fulfil legislative requirements under health & safety law, including the Regulatory Reform (Fire Safety) Order 2005 and requirements in relation to the control of Legionella.

The access improvement works proposed will assist the council in meeting its obligations under The Equality Act 2010.

Lawyer Consulted:

Oliver Dixon

Date: 03/03/14

7.3 Equalities Implications:

The provision of on going access works under the rolling programme will assist in the council in meeting requirements under the Equalities Act 2010. The Workstyles Phase 3 project will subject to a full Equalities Impact Assessment for each site and teams affected.

7.4 Sustainability Implications:

There will be reductions in carbon emissions at Hove Town Hall, with the provision of further Photo Voltaic Panels, replacement of oil fired boilers with modern gas condensing boilers and replacement of existing single glazed façade with energy efficient double glazed curtain walling.

There will be increased provision of staff cycle storage and new shower facilities at Hove Town Hall to encourage staff to cycle to work

SUPPORTING DOCUMENTATION

Appendices:

- 1. Other Implications**
- 2. Details of Recommendations**

Other Implications

1.1 Crime & Disorder Implications:
None

1.2 Risk and Opportunity Management Implications:
There is a Workstyles Phase 3 risk register which covers the projects at Hove Town Hall, Portslade Town Hall and Montague House. Building works at all three sites are covered under the CDM (Construction & Design Management) Regulations and other statutory requirements where applicable

1.3 Public Health Implications:
Works to council properties to ensure the water management of the council's property portfolio is meeting the requirements of the Approved Code of Practice ensures public health requirements are met with regard to Legionella and asbestos management.

1.4 Corporate / Citywide Implications:
The works at Hove Town Hall, Portslade Town Hall and Montague House make better use of civic accommodation in line with the corporate modernisation Workstyles project and the Corporate Property Strategy and Asset Management Plan.

Details of Bids

1) Major Property Improvements

The Special Policy & Resources Committee of 13th September 2013 detailed proposals to dispose of Kings House, 76-79 Buckingham Road, 80 Buckingham Road and the relinquishing of the lease at Denmark Villas. The resultant capital receipts combined with this allocation from the Asset Management Fund (and similar allocations in 2015/16 and 2016/14 financial years) will be used towards the implementation of Workstyles Phase 3 which includes the major refurbishment of Hove Town Hall, Portslade Town Hall and improvements to Montague House.

2) Rolling Programme Of Access Improvements

Work is proposed to the following buildings

Brighton Centre

- Upgrading the existing 'accessible' WCs to the East and West bars, to meet guidance in Approved Document M
- Installation of a 'Changing Places' WC (for adults with severe disabilities)

Hove Town Hall

- Upgrading accessible WCs. Recent assessment highlighted that the accessible WCs close to the council chamber at ground floor and the public gallery at first floor need to be upgraded to bring them in line with current regulations
- Upgrading automatic doors to council chamber, public gallery and associated spaces: Recent assessment highlighted that the doors do not have movement sensors and could close whilst someone is moving through them.
- Upgrade of final exit secure (police) entrance: Recent assessment highlighted that these doors are prohibitively heavy and the slope beyond has no landings, handrails

Other Buildings

- Provision of an internal ramp at the Booth Museum to access the existing wheelchair accessible WC.
- Reconfiguring of the existing accessible WC at Hove Museum
- Reconfiguring the public access ramp at Moulsecoomb North Hub

3) Property Related Health & Safety Legislation

Asbestos Register

This allocation meets three requirements:

- 1) The annual cost of the asbestos section of the proposed comprehensive Property Management and Performance data base, called Atrium that has been procured through SE7, that amounts to £8,000.

2) A contribution of £6,000 towards the annual cost of the asbestos section of the 'Safety Online' software which has to be maintained for a years overlap with the 'Atrium' system

3) A £36,000 allocation contributing towards a centralised corporate fund to meet the actions as detailed in the asbestos surveys. This fund is used to manage the risk and prevent exposure and the spread of Asbestos Containing Material and is prioritised in the Corporate Asbestos Register.

Legionella Works (L8)

On going works are required to council properties to ensure the water management of the council's property portfolio is meeting the requirements of the Approved Code of Practice – HES-L8 to prevent the occurrence of legionella in installed equipment and water systems. Works are planned to be carried out to Civic, Social Care and Schools buildings as identified by the Council's Compliance Manager. Works include removal of pipe 'dead legs', temperature calibrations ,measures to keep water at prescribed temperatures and provision of secondary returns to avoid stagnation.

Buildings include properties such as Hove Town Hall, Brighton Town Hall, Goldstone, Elm Grove and Carden Primary Schools, the Royal Pavilion and Booth Museum

Fire Risk Assessment Works

This bid will contribute towards a prioritised rolling programme of works to council properties following Fire Risk Assessments of council properties. Various works have been identified and this bid will allow the highest priority works to be completed in accordance with the Regulatory Reform (Fire Safety) Order 2005.

£25,000 of this allocation has already been approved for work at Hove Town Hall in the Special Policy & Resources Committee of 13th September 2013. (with a further allocation from the 2015/16 financial year). Work will also be carried out to Aldrington CE Primary – and Hove Park Upper Secondary School

Subject:	Local Government Pension Scheme 2014 – Employer Discretions		
Date of Meeting:	1 May 2014		
Report of:	Executive Director Finance & Resources		
Contact Officer:	Name:	Clare Penfold	Tel: 291352
	Email:	Clare.penfold@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Local Government Pension Scheme Regulations 2013 came into force on 1st April 2014 and apply to any active member of the Local Government Pension Scheme at and after that date.
- 1.2 The purpose of this report is to determine the council's policy on the new additional employer discretions that form part of these regulations that are to apply to employees. This report also reviews the way the council applies salary bandings to determine employee contribution rates.
- 1.3 Councillor pensions are not affected by these proposals and councillors have been written to separately on the changes to their entitlement from 1st April 2014.
- 1.4 When assessing recommendations for discretion, due regard is made to the policies already agreed for existing Local Government Pension Scheme employer discretions and those agreed for teachers in accordance with similar provisions under the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997.
- 1.5 There is a requirement within the new regulations that the policies, in respect of the newly defined employer discretions, must be published and notified to Scheme members by 1st July 2014. These discretions can be backdated to 1st April 2014 and will be published on the Wave.
- 1.6 In adopting the Local Government Pension Scheme Regulations 2013 scheme the Council is proposing that it continues to apply its current discretions and the report sets out the position on these.

2. RECOMMENDATIONS:

- 2.1 That the Policy & Resources Committee agreed to maintain its current pension discretions as set out at paragraphs 2.1.1- 2.1.7 and apply these to the Local Government Pension Scheme Regulations 2013. Specifically these are:-

- 2.1.1 The council continues its current practice not to fund in whole or in part, any purchase of additional pension benefits via Additional Regular Contributions (ARCs) or Purchase of Added Years or Additional Pension Contributions (APCs) as set out at section 4.1 of the report.
- 2.1.2 The council maintains its policy that any actuarial reduction due to early payment of benefits due to flexible retirement is absorbed by the individual member unless they have been placed at risk of redundancy as set out at paragraph 4.2.10
- 2.1.3 The council maintains its policy, to support applications for Voluntary Early Retirement made on compassionate grounds and, where agreed, to waive any actuarial reduction as set out at section 4.3 of the report. In all other applications for voluntary retirement, the actuarial reduction will be absorbed by the individual member.
- 2.1.4 The council maintains its policy not to award any additional pension as detailed in section 4.4.
- 2.1.5 The council continues to assess and apply rebanding of pension contributions on an annual basis as at 1st April regardless of material changes throughout the financial year as detailed in section 4.5.
- 2.1.6 The council does not switch on the 85 year rule for employees who voluntarily retire between the ages of 55-60 and continues with its current policy to only consider this as an exception on compassionate grounds.
- 2.2 That the Policy & Resources Committee agree that the council's pension policy is updated in accordance with the new scheme and delegations.

3. CONTEXT/ BACKGROUND INFORMATION

Principle changes to the Local Government Pension Scheme

- 3.1 A Career Average Revalued Earnings (CARE) scheme is to be introduced for benefits accrued after 31st March 2014. Under a CARE scheme pensionable pay for each year of membership is used to calculate pension benefits accrued for that particular period of membership; rather than the current final salary scheme which uses the pensionable pay at the end of the membership to determine benefits accrued for the total membership. All benefits accrued before 1st April 2014 will be protected as part of the final salary scheme. Further final salary protection will be provided for those who were active members on 31st March 2012 and were within 10 years of their normal pension age as at 1st April 2012.
- 3.2 A revised accrual rate of 1/49th under the CARE scheme mean that pensions are set to grow quicker than against the current accrual rate of 1/ 60th. For example, an employee with pensionable pay of £30,000 would build up £500.00 per annum in their pension account with a 1/60th accrual rate and £612.24 per annum with the 1/49th accrual rate.
- 3.3 Non contractual overtime is to become pensionable with effect from 1st April 2014. This will result in increased employer contributions where non contracted overtime is used. However, pay modernisation changes which came into force in

2013/14 will help to minimise the use of non contractual overtime particularly for those staff graded SO1/2 to M8.

- 3.4 Employee contributions are to be determined by the banding that an employee's actual pay falls into. Currently this is assessed on whole-time equivalent salary. This may impact on future fund valuations and the employer contribution rate that is set by the fund actuary as part-time employees are likely to pay lower contributions rates. Annual contribution rates are to be assessed by the Payroll Systems Team at the end of March.
- 3.5 Normal Pension Age will become the same as a member's State Retirement Age. The State Retirement Age is scheduled to increase in stages up to age 68.
- 3.6 A 50:50 option is to be introduced allowing members to opt to pay 50% of their allocated pension banding contribution to purchase 50% benefits for the same period. Employer contribution will continue at 100% throughout this period. The intention is to give scheme members more financial flexibility and reduce the number of people opting out of the scheme. This is a short-term option and the council must re-enrol a member in the main scheme to pay full contributions every three years in-line with the council's auto re-enrolment date unless a member has already opted to return to the main scheme. If re-enrolled into the main scheme a member may make a further election to rejoin the 50/50 scheme.
- 3.7 Any member joining the scheme after 1st April 2014 who opts out of the scheme with less than two years' pension scheme membership (including any transfers made into the scheme) will be paid a refund of employee pension contributions. The current time limit for service and payment of refunds is three months. Members who joined the scheme before 1st April 2014 who leave the scheme with more than three months' but less than two years' membership (including any transfers made into the scheme) will have the choice whether to take a refund of contributions or defer their benefits as allowed by the current scheme rules. Where a member leaves the scheme with service of less than three months the refund will continue to be paid via the payroll. Refunds for membership with periods of up to two years' but more than three months will be paid by the pension scheme administrators.

4 NEW PENSION SCHEME ANALYSIS AND PROPOSALS

4.1 Additional Pension Contributions

- 4.1.1 The facility to pay Additional Pension Contributions (APCs) is a new provision from 1st April 2014 which replaces the existing Additional Regular Contributions (ARCs) and former Purchase of Added Years as a means of topping up Local Government Pension Scheme benefits.
- 4.1.2 Scheme members may purchase additional Local Government Pension Scheme benefits by means of Additional Pension Contributions (APCs) up to a maximum limit of £6,500 per annum as set by the scheme regulations. This limit is set from 1st April 2014 and will be reviewed each April in line with Pensions Increase.
- 4.1.3 The amount to be paid is determined by the pension scheme administrator in accordance with actuarial guidance based on age and gender. The guidance

may be reviewed at any time and may result in a revision of the rate of contributions to be paid each April. It would be difficult to substantiate the benefits to business needs against the additional high cost of contributing towards guaranteed benefits at rate that is subject to revision.

4.1.4 The council's current policy is that it will not fund in whole or in part any Additional Regular Contributions (ARCs).

4.2 Flexible Retirement

4.2.1 The council's flexible retirement policy is intended as a short-term measure to enable a member to ease themselves into retirement by a stepping down process that allows them to become accustomed to lower pay and reduced working hours. It can also be used as a viable management tool for succession planning.

4.2.2 An average of 21 employees has taken flexible retirement each year over the past three years with 26 cases agreed in 2013-14, 92% of which resulted in no cost to the council.

4.2.3 Cases where there is no cost to the council for early payment of pension benefits, i.e. all employees over the age of 60 or those aged 55-60 who have no 85 year rule protection are reviewed and authorised by the Head of the Employing Service and the Head of Human Resources and OD. These are cases where there is either no cost for early payment of pension benefits or the cost is absorbed by the member through an actuarial reduction to the benefits paid.

4.2.4 Cases where there is a cost to the council for early payment of pension benefits, i.e. employees aged 55-60 who meet the criteria for 85 year rule protection are taken to the Early Retirement Compensation Panel. The service is expected to relinquish hours from their budget in these circumstances to aim to achieve a target level of annualised savings of 33.3%..

4.2.5 The 2014 regulations will allow for employees to retire voluntarily from age 55 onwards without employer consent where the member reduces their working hours or grade. Where flexible retirement is not agreed by the council, under the new regulations a member would be able to leave the council's employment under the new voluntary retirement regulations.

4.2.6 The existing regulations allow for all or part of the pension benefits to be brought into payment which is reflected in the council's policy. In practice the pension scheme administrators have never been asked to action part payment of benefits by any fund employer nor have they received Government Actuary Department (GAD) guidance to date as to how such benefits should be calculated.

4.2.7 Where an actuarial reduction cannot be applied to a member's pension benefits, due to operation of the 85 year rule, the cost of early payment of pension falls to the service.

4.2.8 The council's criteria for good business decisions is for services to aim to achieve a target level of annualised savings of 33.3% for assessing business cases.

Where there is a cost to the service for early payment of pension benefits the savings target is achieved by relinquishing hours from the service's budget.

4.2.9 Currently East Sussex County Council does not support a flexible retirement option for their employees. West Sussex County Council currently assess flexible retirement applications on a case by case basis where applications must make a business case and members must take a reduction in pay of at least 20%.

4.2.10 It is the council's current policy that any actuarial reduction to be applied due to early payment of benefits due to flexible retirement is absorbed by the member unless they have been placed at risk of redundancy. Such cases are reviewed on a case by case basis.

4.3 Voluntary Early Retirement

4.3.1 With effect from 1st April 2014 members will be entitled to leave the council's employment and claim their benefits from age 55 onwards without the council's consent. This has previously only been permissible from age 60 onwards. There will be no 85 year rule protection for benefits that are claimed before age 60. Whilst this gives flexibility to members as to when they can retire and claim their benefits the decision to do so will have a significant financial impact on those who would otherwise satisfy the criteria for 85 year rule protection from age 55-60. For example, the actuarial reduction for members claiming their benefits 10 years early would be 42% for males and 40% for females along with a 26% reduction to any retirement lump sum taken; for 7 years early 32% (males), 31% (females), 19% lump sum; and for 3 years early 16% (males), 15% (females), 8% lump sum.

4.3.2 Under the new regulations, the council has the discretion to waive in whole or in part any actuarial reduction that is applied in such circumstances. In addition the council has the discretion to 'switch on' the 85-year rule protection to an individual leaving between the age of 55 and 60. To waive the actuarial reduction or to switch on the 85 year rule protection would result in prohibitively high costs to the council.

4.3.3 The council's current policy is to only waive actuarial reductions in the case of successful applications for early payment of pension benefits on compassionate grounds. Such cases are reviewed on a case by case basis. It is recommended that the council retains its current policy as this provides a clear policy as to when and how the actuarial reduction can be waived in a fair and consistent practice.

4.4 Award of additional pension

4.4.1 The council has the discretion to award additional pension to an active member or where an active member was dismissed by reason of redundancy, or business efficiency or whose employment was terminated by mutual consent on grounds of business efficiency.

4.4.2 Where employment has ceased the award must be made within 6 months of the employment ending.

- 4.4.3 The council's current policy is to not award additional pension benefits; however there is scope in cases of redundancy to enhance the severance payment up to a maximum of 104 weeks' pay.
- 4.4.4 Over the past three years there have been five retirements from the council of the grounds of efficiency of the service; only one of these was during 2013-14.
- 4.4.5 With effect from 1st April 2014, the maximum additional pension that may be awarded under the Local Government Pension Scheme regulations is £6,500. This amount will be reviewed each April in accordance with the Pensions (Increase) Act.
- 4.4.6 The total additional pension that can be awarded is £6,500 and this limit will be reduced by any amount of additional pension already purchased under regulations 16(2)(e) and 16(4)(d).
- 4.4.7 The council's current policy is not to award any additional pension.

4.5 Re-banding of employee pension contributions

- 4.5.1 Employer pension contributions are assessed and set by the pension fund actuary as part of a triennial fund valuation. From the 2013/14 fund valuation the council's contribution rate is set at 18.5% (2014/15); 19% (2015/16); 19.5% (2016/17). There is an additional charge of £249,000 to be paid in 2016/17 but as yet it is not clear how this will be collected.
- 4.5.2 Pension benefits are not determined by the amount of contributions paid by an employee but by reference to scheme membership and salary. Scheme benefits are guaranteed and the employer contribution rate is set to ensure there are sufficient funds to pay scheme benefits in relation to each employing authority's members.
- 4.5.3 The rate at which active members pay employee pension contributions is determined by salary bandings. With effect from 1st April 2014 the actual whole time or part time pay will be used to assess the contribution rate for each separate employment. Previously the whole time equivalent salary has been used in all cases.
- 4.5.4 The council has the discretion as to whether to assess and change the contribution rate where there is a change of employment or a material change that affects pensionable pay during a financial year; or alternatively to assess annually as at 1st April.
- 4.5.5 Whilst an increase to employee contributions during a financial year does not impact on the level of benefits paid it could ease the burden on employer costs determined at valuation. The council has determined that is more efficient to make the assessment on an annual basis rather than at points of change during the year.
- 4.5.6 Information in relation to pay and contributions is supplied annually to the pension scheme administrator by way of an end of year return which is used to

update pension records. If more than one contribution rate were to be used throughout a financial year this would skew the calculations completed by the scheme administrators resulting in inaccurate data on the pension records and a high volume of remuneration queries sent to the council to be checked and corrected.

- 4.5.7 The East Sussex Pension Scheme Administrators confirmed that East Sussex County Council and the majority of other fund employers barring those with a very small workforce reassess bandings on an annual basis.
- 4.5.8 The council's current policy is to assess contribution rates annually as at 1st April.

4.6 Other information

- 4.6.1 The contracted-out rate of National Insurance is to be abolished in 2016. Currently employees who are a member of an occupational pension scheme pay a lower rate of National Insurance as they have contracted out of the State Second Pension (SSP). This could potentially impact on scheme membership due to employees having to pay more in National Insurance Contributions. The contracted out rate of national Insurance for employers will also be abolished in 2016 and this is expected to add over £2 million of costs to the General Fund. However, the government has said that national expenditure control totals for local government will be adjusted and the council should therefore receive additional grant to offset this increased cost.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Due to restricted timescales a specific meeting was held with representatives from the GMB and Unison to discuss the council's policy discretions. Otherwise this would have been tabled for discussion at the Staff Consultation Forum. The unions are in agreement and support the proposed policy discretions.
- 5.2 The council's policy remains under annual review and wherever possible, future changes would be planned for discussion through the Staff Consultation Forum.

6. CONCLUSION

- 6.1 In conclusion it is recommended that the council does not change its existing pension's policies but transfers these to the new and amended provisions of the Local Government Pension Scheme 2013.
- 6.2 The existing policies provide equitable and fair application of employer discretions to scheme members whilst protecting the financial interests of the council.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations in this report as they are a continuation of existing practice.

- 7.2 The council's employer's contribution rate to the East Sussex Pension Fund is 18.5% for 2014/15. The impact of non contractual overtime becoming pensionable could result in additional costs to the General Fund of approximately £180,000. This is based on the level of overtime for 2013/14 but the changes following pay modernisation are expected to reduce this in 2014/15. The budget assumptions for 2014/15 included a 1% increase for pay costs and any additional costs arising from this change will need to be met from this provision. Any exceptional increase in costs as a result of this change will be reviewed as part of the TBM process in the context of the corporate risk provisions set aside within the budget.
- 7.3 The abolition of the contracted out National Insurance rate for employees may result in employees leaving the pension scheme which could result in a saving to the Council on employer contributions. However, it is not possible to quantify this at this stage.
- 7.4 It is anticipated that any additional costs to the council from the abolition of the contracted out rate for employers National Insurance will be met by additional grant from central government.

Finance Officer Consulted: Jeff Coates

Date: 11/03/14

Legal Implications:

- 7.5 These are set out in the body of the report.

Lawyer Consulted:

Elizabeth Culbert

Date 06/03/14

Equalities Implications:

- 7.6 An Equalities Impact Assessment has been completed for each of the discretions and no significant adverse impact has been identified. All decisions made under these discretions will be monitored from an equalities aspect.

Sustainability Implications:

- 7.7 None.

Any Other Significant Implications:

- 7.8 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Discretions under the Local Government Pension Scheme 2014 – Brighton & Hove City Council Policy Statement - DRAFT

Documents in Members' Rooms

1. None

Background Documents

1. Discretions under the Local Government Pension Scheme 2014
2. LGPS 2014 – At a Glance
3. LGPSR Policy Statement 2008
4. Retirement Redundancy and Other Compensation Policy Statement 2013
5. The 85 year rule (ESCC)

Discretions under the Local Government Pension Scheme 2014 – Brighton & Hove City Council Policy Statement - DRAFT

1 Introduction

- 1.1 Brighton & Hove City Council, as the Employing Authority, and East Sussex County Council, as the Administering Authority, are required to publish, and keep under review, their policies on discretionary powers under pensions regulations for those employees entitled to join the Local Government Pension Scheme.
- 1.2 The council is required by law not to fetter, in any way, the exercise of its discretions, and accordingly this Policy Statement does not record or create any contractual or other legal right for employees. It is simply a statement of current council policy as at 1 April 2014. The council has the general right, on notice, to change or revoke the policy as it alone sees fit. Furthermore, the council has the right not to apply the policy, or to apply it with such variations as it alone determines, in any particular case or cases.

2 Additional Pension Contributions - Regulations 16(2)e/16 (4)d

- 2.1 If you are a member of the Pension Scheme you may increase your pension benefits, up to a maximum of £6,500, by the payment of regular Additional Pension Contributions (APCs).
- 2.2 If you are a member of the Pension Scheme you may increase your pension benefits, up to a maximum of £6,500, by the payment of a lump sum contribution.
- 2.3 The council has decided that it will not fund in whole or in part any APC's a member has opted to pay by either regular contributions or lump sum payment.

3 Flexible Retirement – Regulation 30(6)

- 3.1 If you are a member of the Pension Scheme, and you are aged 55 or over, you may apply for immediate payment of your pension benefits if you reduce your working hours or grade in line with the council's Retirement, Redundancy and Other Compensation Policy Statement.
- 3.2 The council will assess each application on a case by case basis including an assessment of business needs. Any actuarial reduction to be applied to the benefits will be absorbed by the individual and no additional compensation will be paid by the council.

4 Early Retirement without Employer's Consent – Regulation 30(8)

- 4.1 If you have attained age 55 you may leave the council's employment and elect to claim your pension benefits, subject to any actuarial reduction, with immediate effect.

- 4.2 The council has decided not to waive in whole or in part any reduction to a member's pension unless an application is made on compassionate grounds.
- 4.3 Any such application will be assessed on a case by case basis. Please refer to Retirement at Brighton & Hove Procedures.

5 Award of additional pension – Regulation 31

- 5.1 Employers have the discretion to award additional pension up to a maximum of £6,500 to an active member or deferred member where employment is to cease/has ceased on the grounds of redundancy or efficiency of the service. Such an award is to be made within 6 months of the date of employment ending.
- 5.2 The council has decided that it will not award additional pension under these circumstances.

Subject:	Shoreham Airport		
Date of Meeting:	1 May 2014		
Report of:	Executive Director Environment Development & Housing and Executive Director of Finance & Resources		
Contact Officer:	Name:	Nick Hibberd	Tel: 293020
	Email:	nick.hibberd@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report provides an update on negotiations taking place between the Shoreham Airport freeholders: Brighton & Hove City Council and Worthing Borough Council (“the Councils”); the lessees Albemarle Shoreham Airport Limited (“ASAL”) and potential lessees, Brighton City Airport Limited (“BCAL”), on the future lease and management arrangements at the Airport.
- 1.2 The aim of the negotiations is to ensure that the Airport becomes a sustainable and profitable operation; supporting complementary business interests and economic growth on site; and securing much needed investment in the Airport’s Terminal and Municipal Hangar buildings.

2. RECOMMENDATIONS:

- 2.1 That the Committee agree the main principles in accordance with “List of Proposals” agreed by Worthing Borough Council (set out in Appendix 1):
 - 2.1.1 ASAL shall surrender Airport Lease (subject to 2.1.2 to 2.1.7 below):
 - 2.1.2 The Councils grant a long lease of the Terminal Building, Hangar and car park to ASAL on substantially the same terms as the surrendered lease;
 - 2.1.3 ASAL shall grant BCAL a lease of the Terminal Building, Hangar and car park on similar terms to the Councils’ lease to ASAL;
 - 2.1.4 The Councils grant a long lease of the Eastern Development Area and Western Development Area to ASAL on the same terms as the surrendered lease;
 - 2.1.5 The Councils grant a long lease of the airport operational land (i.e. the old Airport Lease minus the sections granted under 2.1.2 and 2.1.4) to BCAL on substantially the same terms as the surrendered lease;
 - 2.1.6 The £1m deferred consideration shall be further deferred until a building built on the Eastern Development Land or Western Development Land is completed and occupied in part or whole.
- 2.2 That the Committee provide delegated authority to the Executive Director Environment Development & Housing and the Executive Director of Finance &

Resources to enter into leases and other supplementary agreements in order to complete 2.1

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Shoreham Airport ("the Airport") is owned by Brighton & Hove City Council (BHCC) - two thirds; and Worthing Borough Council (WBC) - one third. The land consists of an operational airport along with commercial properties and industrial buildings.
- 3.2 In June 2006 the Councils granted long leases of the Airport land and the commercial land to the Erinaceous Group for the sum of £8.1 million. The overall transaction included a requirement for Erinaceous to pay £4 million towards the improvement of the Airport. A significant proportion of this investment was to be made in repairing and refurbishing the Grade II listed Terminal Building and Municipal Hangar and failure to make the required investment in the Airport within five years would trigger a deferred payment of up to £1 million to the Councils.
- 3.3 Immediately after the sale of the Airport, Erinaceous granted two long underleases on the commercial and airport land to an investment company now also controlled by the owners of ASAL. Erinaceous went into receivership in 2008 and following payment of a nominal sum ASAL became the Councils' lessees in September 2008. For the sake of brevity, this is a very brief overview of what is a complex set of lease arrangements at the Airport.
- 3.4 When it purchased the head leasehold interest ASAL took on the requirement to invest £4 million in the refurbishment of the Airport by 28 October 2013. In 2012 ASAL approached the Councils to enquire about the possibility of purchasing the freehold of the Airport. The Councils did not consider that it was in their interests to sell the freehold. During 2013 it became clear that the £4million investment in the Airport was not going to be achieved by the revised deadline.
- 3.5 The council sold the airport to Erinaceous prior to the financial crash of 2008 for a significant sum. Whilst values have improved since the crash, market conditions for regional airport operations remain challenging and it is acknowledged that for the time being that the most realistic source of profit sufficient to pay the deferred consideration would need to come from future land and development deals.
- 3.6 Since the approach of ASAL to the Councils in 2012, regular discussions have been taking place that have explored the most effective way to achieve the following aims:
- Achieve a financially viable and profitable operational Airport.
 - Secure the investment needed to repair and refurbish the Terminal Building and Municipal Hangar;
 - Support existing businesses and educational establishments (e.g. Northbrook College) at the Airport and enhance economic growth at the site.
 - Through the Greater Brighton City Deal and other funding sources undertake flood defence works (the "Adur Tidal Walls" project) to protect the Airport and its

- businesses; and to enable the development of employment land identified in the draft Adur Local Plan on the eastern side of the Airport.
- Promote the Airport site as one of the Greater Brighton City Deal Growth Hubs.
 - Secure payment of the £1million owed to the Councils
- 3.7 In September 2013 ASAL presented a Business Plan and Action Plan to the Councils. Included in these plans was a proposal to increase the role played by Brighton City Airport Limited (BCAL) with regard to the operational aviation activities of the Airport.
- 3.8 BCAL have subsequently entered into a management agreement with ASAL to take over the operation of the Airport including holding the Civil Aviation Authority Licence.
- 3.9 In order to allow time for further negotiations with ASAL, and discussions with BCAL, the Councils have postponed the requirement that £1million be paid until 31st May 2014.
- 3.10 ASAL have produced a list of proposals that seek to achieve the aims set out in paragraph 3.5. In doing so ASAL intend to extract itself from the Airport operation and allow a company with aviation expertise to operate the Airport on a permanent basis, namely BCAL. The list of proposals produced by ASAL are set out in Appendix 1 along with a site map in Appendix 2.
- 3.11 BCAL have a stake in the Airport. The Directors of BCAL are also the Directors of Flying Time Aviation (FTA), a fast growing business that accounts for a significant proportion of Airport movements. BCAL believe that with the correct investment, the Airport can be profitable and have presented details of their Business Plan to officers of the Councils. A briefing paper outlining the investment BCAL have made in the Airport and its business proposals for future is provided in exempt Appendix 3.
- 3.12 Council officers met with ASAL and BCAL on 31st January 2014 to discuss the list of proposals and the Business Plans of BCAL. A briefing note that summarises the key points from the meeting and subsequent developments has been produced by John Mitchell, strategic director for Adur & Worthing Councils and is provided in exempt Appendix 4.
- 3.13 Your officers are aware of the concerns of Airport stakeholders about its future and their ability to influence decisions taken about the running of the Airport. For that reason the Councils have asked that arrangements are made for stakeholder representation in the running of the Airport.
- 3.14 Both ASAL and BCAL have estimated the costs of refurbishing and repairing the Airport Terminal Building and Municipal Hangar. Officers of the Councils consider it prudent to undertake a Schedule of Dilapidations to ensure that the extent of the repair work necessary is confirmed. This work has been commissioned by the Councils.
- 3.15 Together with Shoreham Harbour Port, Shoreham Airport is identified in the City Deal with government as one of the regions growth hubs. This reflects the confluence of airport flight and engineering operations with Northbrook FE

College and a host of engineering companies and sector related businesses, such as Ricardo who are based in close vicinity. Through the Greater Brighton Economic Board, the council has committed to work closely with neighbouring authorities and Coast to Capital LEP to retain existing employment and training provision and foster new business opportunities for the benefit of local communities.

- 3.16 Throughout 2012/13/14 Officers have regularly briefed the Leaders and Chief Executives of the Councils to ensure they are aware of the negotiations taking place regarding the Airport's future. The Leaders recognise the value of the Airport as an important site for job retention and significant economic growth.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Officers have considered demanding the £1m deferred consideration from ASAL. However ASAL would enter an insolvency situation if the £1m were demanded and due to the complex structure of leases and underleases this would likely result in the Airport falling into the hands of either another of the Albemarle group of companies as immediate sublessees holding long leases or alternatively a bank.
- 4.2 If the council does nothing then BCAL will stop investing time and money in the Airport, the sister company Flying Time Ltd will move its base of operations to another airport and, without significant investment coming from elsewhere the Airport will languish and is likely to close.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A group of aircraft owners and operators work closely with one another in order to lobby the Councils and the Airport operators. Any new structure will provide an official forum for discussions between BCAL and the aircraft owners and operators.

6. CONCLUSION

- 6.1 Having considered the draft list of proposals produced by ASAL and the Business Plans of BCAL, officers believe that there is value in agreeing to the list of proposals which in turn will allow the drafting of revised leases and the commencement of due diligence.
- 6.2 In the short term the proposals for the Airport should enable much needed investment in Airport equipment; the Terminal and Municipal Hangar; and provide reassurance to the businesses and stakeholders at the Airport about its future operation.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The payment of £1 million has been deferred further to the 31/5/2014 to allow conclusion of the negotiations. The revised proposal will transfer the linking of the £1 million deferred payment from the refurbishment of the airport buildings to

being linked bringing forward proposals for the development land. The development land is also subject to an existing overage agreement of 20% of increased value. Any proceeds will be split two thirds to Brighton and Hove City

- 7.2 The council will contribute toward the costs of undertaking the Schedule of Dilapidations referred to in 2.13. The cost of this work is not significant and can be met from within existing budgets.

Finance Officer Consulted: James Hengeveld

Date: 31/3/2014

Legal Implications:

- 7.3 S123 of the Local Government Act, 1972 allows the Council to dispose of land held by them in any manner they wish, provided that the disposal is for a consideration not less than the best that can be reasonably obtained. The consideration test was achieved with the original disposal in 2006, subject to the deferred payment of £1 million if the investment of £4 million was not achieved. It is not unreasonable to further defer that payment.
- 7.4 Worthing BC have agreed to the proposed way forward and this committee report is consistent with the report considered by that council's Cabinet.

Lawyer Consulted: Bob Bruce

Date: 20.03.14

Equalities Implications:

- 7.5 Matter considered and no issues identified.

Sustainability Implications:

- 7.6 Matter considered and no issues identified.

Any Other Significant Implications:

- 7.7 Reputational issues of protecting business in the area, maintaining an operational airport and securing investment in the Airport would have a positive reputational impact on the council.

Crime & Disorder Implications:

- 7.8 None

Risk and Opportunity Management Implications:

- 7.9 None

Public Health Implications:

- 7.10 None

Corporate / Citywide Implications:

7.11 Continued running of the Airport has a positive effect on the Greater Brighton City Deal

SUPPORTING DOCUMENTATION

Appendices:

1. Heads of Terms for proposed transaction
2. Plan
3. Exempt
4. Exempt
5. Exempt

Documents in Members' Rooms

None

Background Documents

None

Appendix 1

Shoreham Airport: List of Proposals

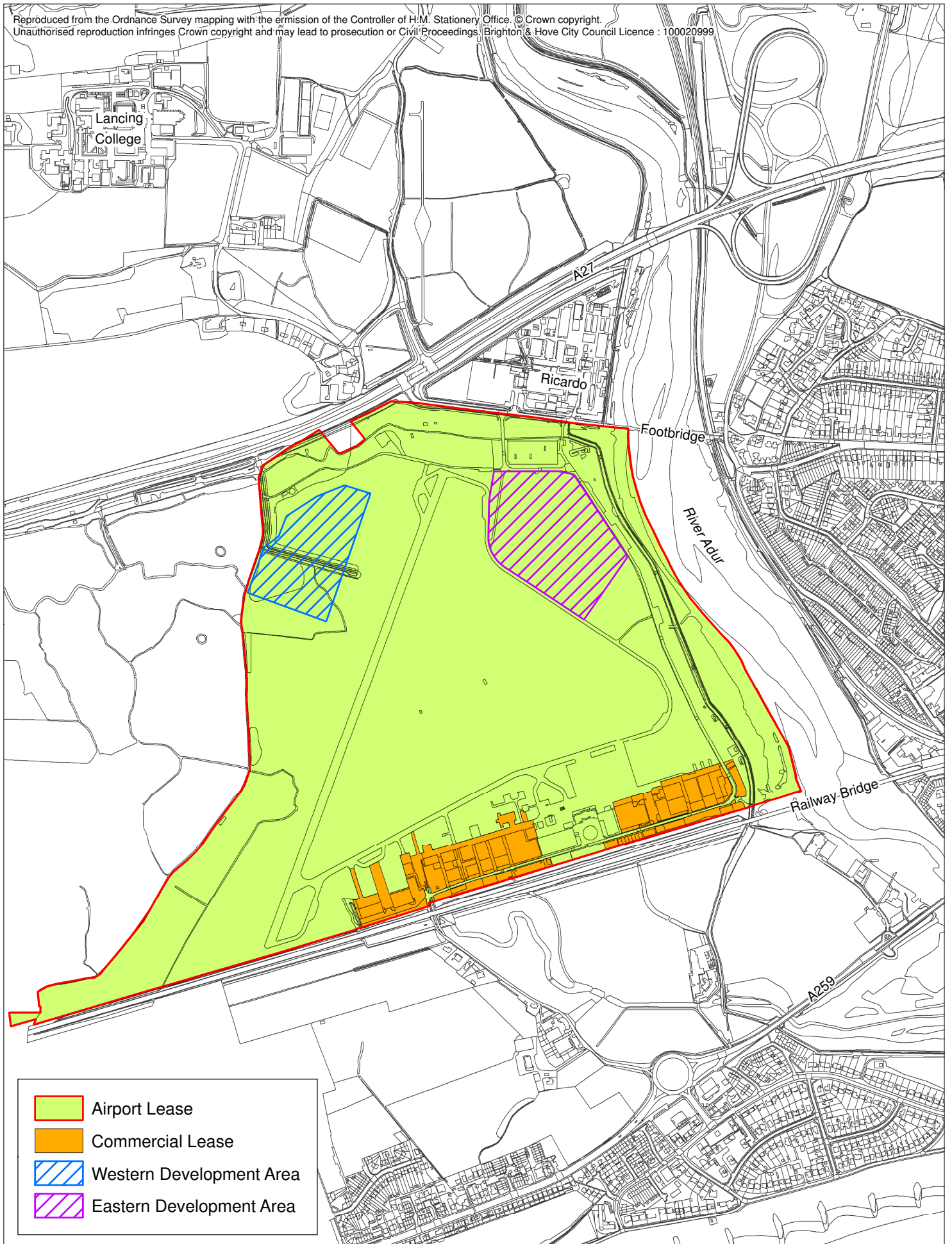
The aims from both sides perspectives:

1. To get Albemarle Shoreham Airport Limited (ASAL) & Albemarle (Shoreham) LLP (LLP) out of the airport operation.
2. To get BCAL operating the airport on a long term lease.
3. The £1m to be deferred and paid from profits on eastern development.
4. Albemarle to retain its leasehold interest in the east and west development sites (subject to the Councils 20% override and £1m deferred consideration) and the buildings mentioned below.
5. Albemarle be allowed to restructure its leasehold interests.
6. Enhance job creation.
7. Enhance long term viability.
8. Enhance Brighton City Deal and Shoreham Hub.

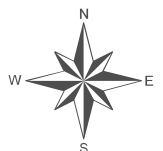
To achieve this:

- A. That the Councils agree to a deed of variation of the lease to allow the payment of the £1 million deferred payment under the original lease to be further deferred and payment be linked to the development land.
- B. That the Councils agree to ASAL surrendering the airport lease – land edged orange on attached plan 1.
- C. That the Councils agree to grant new simultaneous leases:
 - C1. One to BCAL of the 'open land' they need to operate the airport. (The area of land to the north of the runway needs to be fine-tuned so that it is the land required to comply with CAP 168 that would be demised. The boundary line may need to change depending on the location of the proposed roundabout. If it impacts adversely on the western plot then the boundary line will be pushed back.)
 - C2. One to LLP of the development sites – "west" and "east" plots, the Terminal, Municipal Hanger, Car Parks and small section of land in the south western corner. Exact details to be agreed by negotiation.

- D. The Council's agree to the above on the basis that LLP grant simultaneous full put and repair underlease to BCAL of the Terminal, Municipal Hanger and Car Parks.
- E. The Councils agree to the above on the basis that BCAL take a lease on the same terms as the existing Airport Lease (albeit with a slightly reduce term) and an underlease as per point D.
- F. The Councils agree to. ASAL assigning the commercial headlease to the LLP



-  Airport Lease
-  Commercial Lease
-  Western Development Area
-  Eastern Development Area



Subject:	Rottingdean Terraces		
Date of Meeting:	1st May 2014		
Report of:	Assistant Chief Executive Executive Director of Finance & Resources		
Contact Officer:	Name:	Ian Shurrock Toni Manuel	Tel: 29-2084 29-0394
	Email:	ian.shurrock@brighton-hove.uk toni.manuel@brighton-hove.uk	
Ward(s) affected:	Rottingdean Coastal		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 A Notice of Motion was presented to the Policy & Resources Committee on 20th March 2014 requesting the Committee to allocate £4000 towards the cost of a ramp to facilitate access to the Rottingdean Terrace stage. The Committee agreed that a report should be presented to a future meeting, in order that the request could be considered with the appropriate background information. The council has already supported Rottingdean Parish Council (RPC) with resources and advice in relation to the ramp amounting to approximately £1000. Therefore a recommendation is for Members to agree an allocation of up to £3000 towards the cost of the ramp.
- 1.2 A broader issue is also covered in the report recommendations; the need to ensure that agreements with community groups are formalised in relation to the funding of specific projects at the outset. This is to ensure that when the offer of funding (or no funding is available) for a project is made by the council, community groups are clear that if they proceed with the project it is on that basis. Partnership working between the council and community groups is very important and it would be beneficial for this relationship to be sustained by the formalised mutual agreement of the funding of projects.

2. RECOMMENDATIONS

- 2.1 That Members agree an allocation of up to £3000 towards the cost of the ramp to the Rottingdean Terrace Stage subject to satisfactory granting of planning permission.
- 2.2 That the Committee instruct officers to develop a model form of legal agreement with groups such as parish councils who wish to fund projects on council land or apply for funding.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 Rottingdean Terraces is a council owned; man-made structure built into the side of the cliff and dates back to at least the 1930's. In 2011, the council (assisted by funds from Rottingdean Arts and RPC) made improvements to the space creating an outdoor stage for performance and a public seating area. The area of land is part of the council's Seafront remit with bookings and events on the stage managed by the council's Outdoor Events Team.
- 3.2 At the request of RPC, Brighton & Hove City Council (BHCC) officers met with Rottingdean Parish Councillors on site to look at the viability of installing a ramp to enable wheelchair access to the middle level of the Terraces. This is where audiences sit during performances and where the public can access at all other times.
- 3.3 The installation of a ramp to negotiate the level changes within the Terraces is feasible. However, the landscape does not lend itself to the installation of a suitable ramped approach from the pavement level as that initial slope is very steep (see Appendix 2). Following consultation and advice from the Federation of Disabled People, the final plans developed for access for disabled people were a combination of signage to alert users to the steepness of the initial slope down to the Terraces from pavement level, advice on the safest route for wheelchair users (see Appendix 1) plus a new tiered ramp up onto the Terraces structure itself.
- 3.4 Although acknowledged as not ideal in terms of access for disabled people, providing signage informs people of the existing access limitations and, should a new, suitably designed ramp be provided for the actual Terraces, it could improve access for wheelchair users, ambulant disabled people and those pushing prams and buggies.
- 3.5 RPC was advised by BHCC Officers from the outset that funding for the ramp was not available towards the cost either from the Seafront maintenance budget (which is prioritised for health and safety requirements) or from the council's limited DDA/Access Improvement budget. Both budgets are heavily oversubscribed.
- 3.5.1 In terms of the funding available for works to the Seafront, there is not enough for all of the works that need to be undertaken at any one time. Issues around maintenance, repair and development of the Seafront infrastructure are currently being investigated through a Members Scrutiny Panel. Representatives from RPC were invited to take part in this process and recently gave evidence at a public meeting of the Panel. The Scrutiny process has identified a whole range of issues relating to the Seafront which need to be addressed, many of which have significant implications for the city as a whole. The scale of the works required by the council to restore the seafront infrastructure is immense and the costs have been estimated at between £70m - £100m.
- 3.5.2 In terms of the DDA/Access Improvement Budget: A limited annual allocation of funding is made available for prioritised access improvement works across all city council buildings and spaces from the Asset Management Fund (AMF). Access audits are undertaken of buildings and spaces where the city council provides

services to the public. This helps to highlight, prioritise and broadly cost the removal or avoidance of identified physical and sensory barriers. City council buildings are given an overall rating and year on year barriers to services are removed to improve the number of buildings deemed to be as accessible to the public as far as is reasonably possible.

3.5.3 Where the council is the main service provider, priority is also given to those improvements that remove barriers within buildings and spaces that have the greatest usage, thereby making a positive impact for the greatest number of citizens. Examples of works undertaken include the reconfiguration of building approaches and internal layouts, converting lifts for safe evacuation in the event of fire, upgrading automatic doors, provision of handrails, installation of hearing enhancement systems and improvements to various accessible toilets, such as the recently completed new provision within Rottingdean Grange Library, Art Gallery and Museum.

3.6 Rottingdean Parish Council indicated that they wished to proceed with the ramp and provide the funding. The council has supported RPC with resources and advice in relation to the ramp amounting to approximately £1000.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The analysis of the access issue is considered in 3.2 – 3.4

5 COMMUNITY ENGAGEMENT & CONSULTATION

5.1 There has been on-going communication between the council and Rottingdean Parish Council on this issue.

6. CONCLUSION

6.1 Although BHCC officers were clear verbally that there was no funding in existing budgets for the cost of the ramp, there was no written agreement with RPC confirming this formally in writing prior to the commencement of the planning and design work. RPC are clearly of the view that the city council should make a contribution financially towards the ramp and had not agreed in writing to proceed with the ramp as sole funder. In the spirit of partnership and as a goodwill gesture, it is recommended that funding is made available in this case (subject to satisfactory granting of planning permission). The recommendation that an allocation of up to £3000 is made is a reflection of the resources and advice already provided amounting to approximately £1000. Any future joint work should be subject to a prior written agreement as to funding arrangements.

6.2 Formal, signed agreements on the funding of projects by community groups on council land would assist in future in maintaining clarity and sustaining partnership working.

7. FINANCIAL & OTHER IMPLICATIONS

Financial Implications

- 7.1 Funding issues are explained in section 3.5 above. The £3000 contribution, if approved, would therefore need to be allocated from the 2014/15 One-off Risk Provision.

Finance Officer Consulted: Anne Silley

Date: 04/04/2014

Legal Implications

- 7.2 To avoid any misunderstandings and ensure that there is a clear audit trail for community funded projects on council land, it is proposed that a single model form of agreement is developed.
- 7.3 Any other legal implications are set out in the body of the report.

Lawyer Consulted: Bob Bruce

Date: 02/04/14

Equalities Implications

- 7.4 These are considered in the body of the report.

Sustainability Implications

- 7.5 None

Any Other Significant Implications

- 7.6 None

SUPPORTING DOCUMENTATION

Appendices

1. Access route for wheelchair users as advised by Fed Centre for Independent Living (using eastern side of the High Street slope)
2. Steep slope down from Rottingdean Village

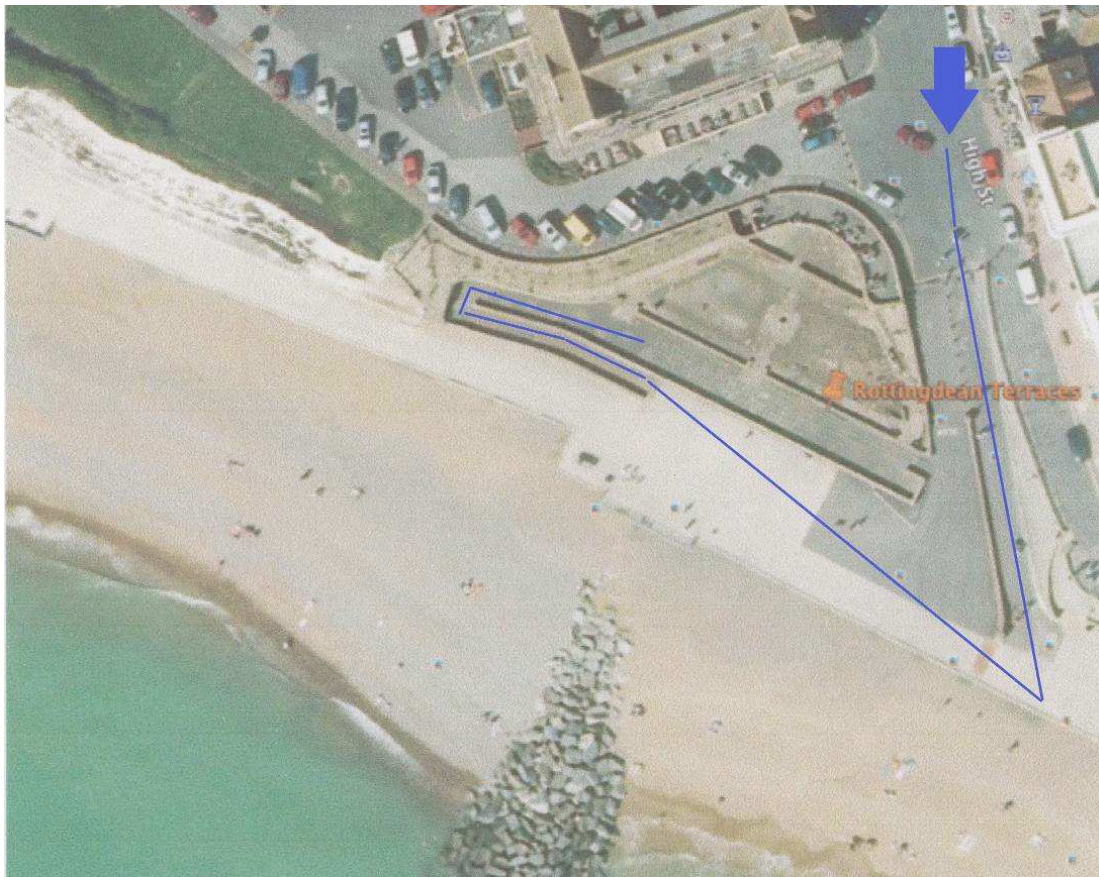
Documents in Members' Rooms

1. None

Background Documents

1. None

Access route for wheelchair users as advised by Fed Centre for Independent Living (using eastern side of the High Street slope)



**Steep Slope Down From Rottingdean Village
(With Terraces to the Right at the Bottom)**



Subject: Procurement of a Contract for Office Supplies on behalf of Sussex Stationery Consortium

Date of Meeting: 1 May 2014

Report of: Executive Director (Finance and Resources)

Contact Officer: Name: James Breen **Tel:** 29-3593

E-mail: James.breen@brighton-hove.gov.com

Wards Affected: None

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

This report seeks approval for the procurement of an office supplies contract for which the Council is acting as lead authority on behalf of the Sussex Stationery Consortium (a consortium arrangement with other public bodies).

2. RECOMMENDATIONS:

That Policy and Resources Committee:

- 2.1 Approves the procurement by Brighton & Hove City Council on behalf of the Sussex Stationery Consortium of a contract for the provision of office supplies for a term of 3 years from 18 December 2014 to 17 December 2017, with an option to extend the contract for up to 12 months to 16 December 2018; .
- 2.2 Grants delegated authority to the Executive Director Finance and Resources -
- (i) to carry out the procurement of the contract referred to in 2.1 above, including the award and letting of the contract; and
- (ii) to exercise the option to extend the contract by up to 12 months should he/she consider it appropriate, at the relevant time.

3. CONTEXT/BACKGROUND INFORMATION:

- 3.1 The Council proposes to procure on behalf of the Sussex Stationery Consortium ("the SSC"). Current membership of the SSC consists of:
- Adur District Council
 - Arun District Council
 - Brighton and Hove City Council
 - Chichester District Council
 - East Sussex County Council
 - East Sussex Fire & Rescue Service

- Eastbourne Borough Council
- Hastings Borough Council
- Lewes District Council
- Rother District Council
- Wealden District Council and
- Worthing Borough Council
- Seaford Town Council
- South Downs National Park

- 3.2 The SSC was formed 10 years ago as one of the first collaborative contract groups across Sussex. The group currently consists of a number of unitary, borough, county, district, parish and town councils, local authorities and other agencies who wish to combine their purchasing power to gain a better working contract for Office Supplies. Brighton & Hove City Council is the lead authority for the SSC and there is a consortium agreement in place between the Council and the other public bodies which currently governs how the consortium operates and binds those participating organisations. A new consortium agreement will be entered into once the new contract for office supplies is awarded. In addition to current SSC members, it is anticipated that the contract may be made available to other public bodies located across the South of England who wish to take advantage of the cost-savings generated by the arrangement.
- 3.3 The current SSC contract is a consortium agreement contract with one supplier, Office Depot, which has been in force since December 2010 and is due to expire on 17 December 2014. Brighton & Hove City Council is the lead contracting authority in this arrangement. The Consortium spend is approximately £751,000 per annum. The other Consortium members access the contract in varying degrees, some for stationery & paper, others for stationery and computer consumables, and some for stationery alone. It is anticipated that a similar collaborative arrangement will continue following the procurement of the new contract, which is intended to provide a seamless supply of the service for the Council and the other public bodies.
- 3.4 The proposed contract for office supplies encompasses office stationery, office sundries, paper, computer consumables, office furniture, and cleaning supplies.
- 3.5 Central Government, through the London Centre of Excellence and the National Procurement Strategy, has encouraged collaborative working between public bodies which the Council's membership of the SSC achieves.
- 3.6 It is anticipated that other public bodies outside the Sussex area will be able to use the arrangement to take advantage of the cost savings it will generate. Opening up the procurement of office supplies via the SSC to the wider market will assist public bodies to meet goals for the following Key Deliverables:-

KD1 – Maximisation and Effective Use of Resources:
Office Supplies are 'routine' commodities for authorities and consist of low value, low risk items. A consortium arrangement realises economies of scale, and the

increase in volume potential for the supplier leads to cheaper unit cost per item.

KD2 – Corporate Governance and Compliance The implementation of a new contract will achieve value for money and allow visibility of expenditure.

- 3.7 The procurement will be conducted in accordance with applicable EU and UK legislation using the 'restricted procedure'. An OJEU (Official Journal of the European Union) advertisement will request expressions of interest, and the opportunity will be advertised on the EU-Supply.com (the Council's nominated business tendering portal).
- 3.8 The tender will be evaluated on a 40% quality and 60% price split. A cross-functional evaluation panel consisting of a Council procurement officer and at least two procurement officers from the SSC, will carry out the evaluation of the tender.
- 3.9 An electronic auction may be held to determine final pricing for this contract.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS:

- 4.1 **Do nothing** – this is not recommended, as all corporate departments need to purchase stationery, it would not be possible to just allow the current contract expire with no alternative in place.
- 4.2 **Framework Agreements** – There are existing national framework agreements that the Council on behalf of the SSC could use in place of a tender process. However, national frameworks would not provide comparable savings and value for money which can be achieved by using the SSC arrangement already in place.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 It is not deemed necessary in respect of this contract for any consultations to take place.

6. CONCLUSION

- 6.1 The new agreement is needed to ensure that the Council can purchase office supplies that are fit for purpose and represent best value for money, taking into account the cost-savings that can be achieved as part of a collaborative arrangement.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The estimated spend for this contract is £289,000 per annum based on the previous year's spending. Members are being asked to approve the overall spend which will be in the order of £867,000 for Brighton & Hove City

Council over the three years (excluding the possible 12 month extension of the contract).

It should be noted that Brighton & Hove City Council acts as the lead for the Sussex Stationery Consortium which has an overall spend of £751,000 per annum. The tender will aim to contribute to the Council's objective of reducing spend, delivering value for money and improving the effectiveness of the contract and internal efficiencies.

Finance Officer Consulted: John Timson 4 March 2014

Legal Implications:

- 7.2 The Policy & Resources Committee is the appropriate decision-making body in respect of the recommendations at paragraph 2 above, given that the value of the contract which is the subject of the proposed tendering exercise is likely to have corporate financial implications.
- 7.3 The value of the proposed contract for the Council means that the UK Public Contracts Regulations will apply in full to the procurement of the contract. The tender will need to be advertised in OJEU. The tender will be scored on the criteria of quality and price as part of the evaluation process.

Lawyer Consulted: Jo Wylly 19 March 2014

Equalities Implications:

- 7.4 The Council's Code of Practice on Equalities and Workforce Matters is enforced in all procurement and is incorporated within the contract.

Sustainability Implications:

- 7.5 Sustainability issues will be addressed during the procurement. The new contract will contain the following sustainable efficiencies:

All recycled paper products on the core list will have a minimum 75% content of recycled pulp, and preferably 100%.

All paper products must originate from sustainable sources; this is defined as not from a temperate rainforest or monoculture plantations. The Council reserves the right to inspect any mill as necessary.

The City Council has a responsibility to ensure that the procurement of Timber and Wood Derived Products is not at the expense of the future of the world's forests, but positively supports responsible forest management. To achieve this aim the City Council will only purchase timber and wood derived products that are either:

- from independently verifiable legal and sustainable or FLEGT licensed or equivalent sources, **or**

- recycled timber or wood derived products

The Council will ask the successful contractor to provide it with relevant information in relation to the contract to ensure compliance with this policy, and will ensure that such compliance will be monitored throughout the term of the contract.

Crime & Disorder Implications:

- 7.6 There are no direct implications in respect of the prevention of crime and disorder within this report.

Risk & Opportunity Management Implications:

- 7.7 Full risk assessments will be undertaken by the successful contractor in conjunction with each individual Contract Manager. Any key risks identified will be dealt with and regularly reviewed by the respective parties.

Corporate / Citywide Implications:

- 7.8 The procurement of this contract will achieve value for money, and obtain professional, properly defined and costed propositions and solutions for Office Supplies for all corporate departments.

SUPPORTING DOCUMENTATION

Appendices: None

Documents in Members' Rooms: None

Background Documents: None

Subject:	Health & Wellbeing Board		
Date of Meeting:	1st May 2014 8 th May 2014 - Full Council		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 29-1500
	Email:	Abrahm.ghebre-ghiorghis@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report proposes changes to the role, purpose and ways of working of the Health & Wellbeing Board to reflect the need for greater co-ordination and integration of health and local authority functions.
- 1.2 The proposals go beyond the minimum requirements of the Health & Social care Act 2012 and involve a fundamental change to the governance of health and wellbeing in the city. They provide for a “system leadership” across health and local authority by pooling together resources and decision making between the Council and the Clinical Commissioning Group (the CCG.)
- 1.3 The proposals in this paper are intended to enable the Health & Wellbeing Board to have real decision-making powers in the commissioning and delivery of services that have a bearing on health & wellbeing outcomes, including health, adult social care, public health, children and young people, housing and other services. They also propose structures for engagement and development of shared vision and direction across all health and local authority sectors in the City

2. RECOMMENDATIONS:

- 2.1 That Committee recommends to Council that:
 - (i) the proposals set out in paragraphs 6.7 to 11.2 and appendix 2 to the report be agreed;
 - (ii) the proposed changes come into effect immediately after Annual Council meeting on 15th May 2014;
 - (iii) the Chief Executive be authorised to take all steps necessary, conducive or incidental to the implementation of the proposals, including entering into section 75 Agreements;
 - (iv) Note the intention to provide system leadership, achieve greater joint commissioning and integration of services between the Council and the CCG;

- (v) agree to keep the effectiveness of the arrangements under review.
- (vi) Agree the recommendations of the Independent Remuneration Panel regarding allowances for the Lead Member for Adult Social Services as set out in paragraph of the report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council's Health & Wellbeing Board (HWB) has been in existence since 1st April 2012, initially in shadow form and, since 1st April 2013, as a statutorily constituted committee of the Council. In the days leading up to the creation of Health & Wellbeing Boards, there was considerable interest and discussion at national and local level. The expectation at that time was for Health & Wellbeing Boards to become "super committees" and fundamentally change the way that local authorities and the health service work by bringing different players together: being a catalyst for change and deeper integration.
- 3.2 Despite the laudable aims, the HWB in Brighton & Hove (as with other HWBs) has not been as effective as it could potentially be. The pressure on resources, the increasing conditionality of central government funding (through the better care system) and the new requirements under the Care Bill mean there is an urgent need to examine the existing arrangements and identify a better way forward. The current structures and governance arrangements are inadequate to deliver a more strategic, co-ordinated delivery of services.
- 3.3 There is a need for system leadership across health and local authority in the City to provide the necessary leadership and governance structure to achieve greater integration and co-ordinated approach resulting in better outcomes for the residents of the city.
- 3.4 The proposals in this paper are designed to facilitate an ever greater level of joint commissioning and integration of services between the health and local authority sectors. They will be reviewed at regular intervals with a view to ensuring that they remain relevant and reflect the health & wellbeing aspirations of the city.

4. The Legal Requirements

- 4.1 Section 194 Health and Social Care Act 2012 (the 2012 Act) requires first-tier local authorities (County Councils and Unitary Authorities) to establish a Health and Wellbeing Board for their area. More detailed requirements are set out in the Local Authorities (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 4.2 **Composition:** the 2012 Act provides that a HWB must consist of (1) at least one councillor (2) the Director of Adult Social Services, the Director of Children's Services, the Director of Public Health (3) a representative of the Local Healthwatch organisation for the area of the local authority (4) a representative of the relevant Clinical Commissioning Group, and (5) A representative of such other persons, or representatives of such other persons, as the local authority thinks appropriate.

4.3 **Functions:** the 2012 Act requires that HWBs **must**:-

- Prepare a Joint Strategic Needs Assessment;
- Prepare a Health and Wellbeing Strategy;
- Prepare a Pharmaceutical Needs Assessment (once every three years)
- Encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner;
- Provide such advice or other support they think appropriate for the purpose of encouraging the making of arrangements under s75 NHS Act 2006 (ie pooled budgets, lead commissioning and/or integrated provision of health related services);

4.4 The Act also provides that the HWB **may**:-

- Encourage persons who arrange for the provision of any health related services in its area to work closely with the HWB;
- Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health related services in its area to work closely together;
- Exercise any other functions that are exercisable by the Council;
(NB. Please note that the Council is prohibited from delegating its health overview and scrutiny functions to the HWB – see Section 196 (4) of the Health and Social Care Act 2012).

4.5. **Decision- Making:** it is expected that most decisions are taken by consensus (acclamation) without a need for show of hands. All councillor members of the board are automatically voting members. The Council has the power to decide whether the non-elected members of the Board are voting or non-voting members of the Board (see section 6 of the Regulations). The default position is that all members of the Board have one vote each.

4.6. **Status:** A HWB is to be established as a *Committee* of the local authority (see s194(12) of the Act). The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modify the rules in relation to committees for HWBs. The Regulations enable the functions of the HWB that are set out in the Act (referred to in paragraphs 2.2 and 2.3 above) to be discharged by a sub-committee of the Board (but not by officers.) The Regulations enable other functions (other than the 2012 Act functions) that are given to the Board by the local authority to be discharged by a sub-committee or by officers.

4.7. **Proportionality:** the Regulations disapply the rules requiring political proportionality on committees for the purposed of the HWB. This means the composition of the Board does not necessarily need to reflect the relative number of seats each political group has at Council. Indeed, it is possible for all Members of the Board to come from the same political group in the Council.

4.8. **Ways of working:** the HWB has a committee status, which means that all the rules in the Local Government Act 1972 regarding access to meetings, agenda and background papers apply to the Board. All its meetings are required to be in public unless discussing confidential or exempt business.

- 4.9. **Overview & Scrutiny of Health:** the Health Service Act 2006 and the Local Authorities (Overview & Scrutiny Committees Health Functions) Regulations 2013 make provision for overview and scrutiny of health matters by local authorities. Unlike the previous Regulations, the 2013 Regulations confer the function of health scrutiny, including referrals to the Secretary of State, on the local authority itself, not the Overview & Scrutiny Committee. Strictly speaking therefore, full Council could retain that function. The Regulations allow the Council to delegate the health scrutiny function to a committee of the Council. However, it is not allowed to delegate this to the Health & Wellbeing Board. Furthermore, the power of referral of matters to the Secretary of State is to be exercised by full Council only and cannot be delegated.

5. The Current Arrangements in Brighton & Hove

- 5.1 The approach adopted in Brighton & Hove at the time the Board was created was stated as intended to be “transformational” rather than “transactional.” In practice however, given the uncertainty regarding the role of the Board and the limited nature of the powers given to the board under the Act, the Council established the Board with the minimum powers necessary to comply with the Act.
- 5.2. The Board was constituted in shadow or pilot forum for the first year (1st April 2012 to 31st March 2013.) At the end of the shadow period, the Board was formally constituted as a statutory body under the 2012 Act with no substantive change to the arrangements in the pilot period.
- 5.3. **current composition:** the current composition of the Board is 7 Councillors, 3 Officers (Director of Adult Social Services, Director of Children’s Services and Director of Public Health) 2 representatives from the Clinical Commissioning Group 1 representative from Healthwatch and 1 co-optee from the Youth Council.
- 5.4. The Council or the Board (which can co-opt people in its own right) have not co-opted any other members. The current Councillor and CCG representation is above the statutory minimum specified in the Act and set out in paragraph 2.2 above.

6. Effectiveness of current arrangements

- 6.1. There is evidence of extensive joint working between local health and local authority services and there are good relations between local authority and NHS managers. The HWB has succeeded in overseeing the introduction of the joint needs assessment. However, the Board has been less effective in providing strategic leadership and increasing integration of health and local authority services. This is more so especially when judged against the budgetary and service challenges facing the Council and the health service over the next 5 years.
- 6.2. The LGA have developed a tool kit for diagnosis and development of Health & Wellbeing Boards with 5 indicative levels of development. Against the LGA development criteria, it seems that the Brighton & Hove’s HWB is probably at stage 2 and steps need to be taken to take it to a higher, “mature” or “exemplar,” level. Some of the shortcomings are functional and some are related to the form and ways of working. In particular:

- (a) There is a need for “system leadership” which is missing in existing arrangements and which would be difficult to achieve using existing structures;
- (b) Despite the provision in legislation authorising the delegation of additional functions to HWBs, Brighton & Hove has not used this to give the Board additional powers. Virtually all functions relating to Children’s Services and most of Adult Social Care and Public Health are still discharged through the traditional committees (Children and Young People and Adult Care & Health as well as the Joint Commissioning Board.) The committees are where “it all happens,” not at the Health & Wellbeing Board. The existence and role of the board is hardly noticed outside those attending;
- (c) The Board has the legal status of a committee and is run like any other committee. The opportunity was not taken to modify the normal procedures to make them fit for purpose;
- (d) There is lack of clarity in the relationship between the Board, the decision-making committees and the Local Strategic Partnership;
- (e) The Board could play a greater role in developing a joined up, outcome-focused budget strategy for the various functions. The existing arrangements with limited powers of the Board have not been effective in the achievement of these objectives;
- (f) There is no clear officer leadership for the Board in a way that can be seen in other committees. There is a need for active agenda shaping and a guiding role from senior officers.
- (g) The increasing pressure on resources due to the budgetary situation together with the increasingly changing demography and health needs of the population require a better co-ordinated and empowered system leadership. The requirements of the Better Care Fund and the changes to be introduced under the Care Bill also require a new and different integrated approach. The current arrangements are fragmented and not equipped to deal with the challenges.
- (h) There is no effective mechanism for securing consensus across health organisations and the local authority in the city.

6.3. It should be emphasised that any shortcomings in realising the full potential of the H&WB have been largely the result of its limited terms of reference and ways of working designed for normal committees rather than lack of effort or leadership on the part of those involved. In fact, much of what has been achieved has been despite rather than because of its limited remit and ways of working.

Experience from Other Authorities

6.4 Officers have made enquiries of many local authorities to see if there are any that have been successful in developing effective HWBs in the way it was intended when they were introduced. The result was disappointing though not surprising.

None of them seem to have delegated any meaningful functions beyond the mandatory statutory ones and most of them are operating in ways similar to the one in Brighton & Hove.

- 6.5 The LGA improvement and development tool kit referred to above is based on their review of various HWBs. This could be used as an additional tool to check where we are and identify areas for action/improvement. But what is clear is that, at the end of the day, we have to develop our own, local, Brighton & Hove arrangement that will deliver the outcomes we want.

7. The Way Forward

- 7.1 Having considered the challenges facing local authorities and the health sector, and taking into account national requirements, it is proposed to take a bold step to make fundamental changes to the existing governance arrangements. This is described in more detail in the following paragraphs.

Functions

- 7.2 It is proposed that the Health & Wellbeing Board retains all of its existing functions, including decisions regarding the Better Care Fund;
- 7.3 In addition to its existing delegated functions, it is proposed that the Board be given full delegated powers from the Council to discharge all of its public health, adult social care & health and children & young people functions;
- 7.4 It is proposed that the Board's delegated functions include the power to deal with matters currently comprised in any joint arrangements with health (section 75 arrangements, Joint Commissioning Board etc).
- 7.5 The Board should have referred functions regarding the "people" side of housing and, in particular, housing-related support to vulnerable adults and children.
- 7.6 **CCG related functions:** it is proposed that the H&WB has the following remit regarding CCG related functions:

A. Leadership and Agenda Setting and Accountability

- § To help shape the commissioning strategy of the CCG and ensure the CCG's commissioning intentions align with the health needs of the City.
- § To promote creative and innovative approach to health and wellbeing using the freedoms afforded by pooled funds.
- § To promote the agenda on integration - both in terms of sharing commissioning resource but also in terms of delivering a far more joined up service for people living in the City.
- § To hold the CCG to account for the impact of their commissioning decisions ensuring that:
 - health outcomes are improving in the way they should;

- health inequalities are proactively addressed in commissioning plans.

§ Provide collective leadership to a whole range of City wide collaborative working and whole system issues - including emergency planning, resilience and preparedness, urgent care etc.

B. Decision-making

§ To approve the commissioning plans of the CCG.

§ To manage funds that are part of a formal joint commissioning arrangement or pooled fund (e.g. the Better Care Fund).

§ To help shape and comment on the strategic direction and commissioning intentions of the CCG.

§ To hold the CCG and other partners to account.

7.7. It is proposed that the H&WB is given referred powers regarding any functions of the Council and the CCG relating to the health and wellbeing of people who live, work or visit Brighton & Hove. These will include, but are not limited to, housing, transport, environmental health, arts and culture.

7.8. The full version of the proposed terms of delegation for the Health & Wellbeing Board is set out in Appendix 2 to this report.

8. Other Structures

8.1. **Children and Young People Committee** It is proposed that the existing Children and Young People Committee be retained with general children's services functions, but with the intention that the focus of the committee will be on matters relating to education and youth services. The functions of the committee will also be comprised in the delegations to the HWB, which will mean that they have concurrent delegations, but the Director of Children's Services will decide what issues should be referred to the Children and Young People's Committee with the presumption being that all business, except matters relating to education and youth services will, as far as possible, be dealt with by the HWB. The Lead Member for Children and Young People will be consulted on any matters affecting Children and Young People. The ways of working will provide for the Lead Member being able to attend and speak at the Board meeting on matters affecting children and young people.

8.2. **Health & Wellbeing Overview & Scrutiny Committee:** It is proposed to retain the existing Health & Wellbeing Overview & Scrutiny Committee, which will serve as the statutory Health Overview and Scrutiny Committee. It is however proposed to move the statutory education co-optees from the scrutiny committee to the Children and Young People Committee. This is because the focus of H&WO&SC has been on health and, given the new focus for the Children's Committee regarding education and youth services, it makes sense for these to be co-opted into the Children's Committee. By law, they are entitled to vote as members of the committee on any matters relating to education.

- 8.3. There will be a link, though not a formal reporting line, between the **Children Safeguarding Board** and the **Adult Safeguarding Board** and the Health & Wellbeing Board.
- 8.4. **Officer Executive Board** It is proposed that there be an Officer Executive Board consisting of the Directors of Children, Adults and Public Health and Head of Housing from the Local Authority and two representatives from the CCG. Additional members from provider and other organisations, as agreed by the Board, may attend some or all meetings of the Board depending on the agenda. The function of the Board would be:
- Make decisions, under existing officer delegations, on matters that the Board considers do not require Member level decision;
 - To propose items of business to go to Member level decision-making (HWB or Children);
 - To help co-ordinate and plan the agenda of the HWB;
 - To deal with other matters that the Board members consider appropriate.
- 8.5. A structure chart showing the different parts of the arrangements together with a committee structure chart as attached as appendix 1 is shown in the appendix to this report.

9. Composition and Chairing of the Board

9.1 It is proposed that:

- (i) the Board be chaired by the **Leader of the Council**. This will reflect the important, cross-cutting, role of the Board and is in line with the practice in many authorities, including East Sussex CC;
- (ii) that the **Lead Member for Adult Care & Health** be a member of the Board;
- (iii) although there is no legal requirement to do so, it is proposed, to reflect political proportionality principles, that there be 3 opposition members of the Board (currently 2 conservative and 1 Labour);
- (iv) that the CCG be represented by 5 members. These will be decided by the CCG but are likely to include the Chair, the Chief Operating Officer, a member of the Local Members group, a lay member and the Accountable Officer;

Non-Voting Members

- (v) That the statutory officer co-optees (Directors of Children, Adults and Public Health) be non-voting Members of the Board;
- (vi) That the statutory health watch co-optee be retained as a non-voting member;
- (vii) That the Chair of the Children Local Safeguarding Board be a non-voting member of the Board;
- (viii) That a representative of NHS England be a non-voting member of the Board;

- (ix) That membership of the Youth Council Co-optee be discontinued and that a Youth Council representative/s continue to be co-opted into the Children and Young People Committee.
- 9.2. Although the Board will be chaired by the Leader of the Council, the statutory Lead Member for Adult Social Care and Health is expected to take the lead on most issues and be responsible for the discharge of the functions set out in the national guidance for Lead Members for Adult Social Services. The scope of the role was considered by the Independent Remuneration Panel and it was agreed that the role should attract the same allowance as the chair of a policy committee. As the Adult Care and Health Committee is being discontinued, this will not add any expenditure and, when the allowance for the Deputy Chair of the Adult Committee is taken into account, this would be a net saving.

10. Health & Wellbeing Partnership

- 10.1 It is proposed to create a Health & Wellbeing Partnership that brings together all key players and stakeholders at regular, at least twice yearly, intervals. The purpose is to share information, report on progress, develop a shared agenda and shared direction. The Partnership will consist of Members of the HWB and other co-optees agreed by the Health & Wellbeing Board from time to time, including representatives from Health providers in the City and the Community and Voluntary Sector.
- 10.2. Any organisation represented in the partnership may appoint a person to represent it and may send a substitute to meetings of the partnership.
- 10.3 The Health & Wellbeing Board will have the power to agree amend the terms of reference and membership of the H&W Partnership.

11. Health & Wellbeing Board Ways of Working

- 11.1 At the moment, the Health & Wellbeing Board is being run along traditional committee lines. There is an argument for exploring a different style of meetings depending on what is being discussed. These could include:
- § Traditional committee type meetings for specific decisions;
 - § More deliberative type meetings to discuss general long term strategy;
 - § Include sessions for developmental/information sharing activities;
 - § Disapplying the rules in Council standing orders regarding questions, deputations, petitions or make arrangements for these to be presented in some but not all meetings;
- 11.2 What is clear is that the overall arrangements should be such that the Board is able to make decisions quickly and operate more like a Board and less like a committee. It is therefore proposed that the following arrangements apply to the Board:
- § Anything in current standing orders (Rules of Procedure) which is the result of legal requirements and will apply to the Board;
 - § All other provisions of Standing Orders will apply to the Board unless the Board agrees otherwise;

- § In the application of standing orders, the Chair will have discretion to apply the rules with flexibility having regard to the nature of the business;
- § The above rules will be incorporated into the Council Procedure Rules

- 11.3 As part of the arrangements the Chairs of Committees whose functions are comprised in the delegations to the Board but are not members of the Board will be able to attend and speak at meetings of the Board on matters affecting the functions of their committees (for example children and young people and housing.)
- 11.4 As part of its remit, the Health & Wellbeing Board will have particular regard to equalities and inclusion and the effective engagement of communities of interest in progressing proposals affecting them.

12. COMMUNITY ENGAGEMENT & CONSULTATION

- 12.1 The proposals in this report were consulted on with Group Leaders, the Cross Party Constitutional Working Group and the CCG. The CCG are fully supportive of the proposals and any comments from the Member groups referred to above were taken into account in finalising the proposals.

13. CONCLUSION

- 13.1 For the reasons set out in the report, it is vital that the Council adopts new arrangements to reflect the challenges facing both organisations with ever increasing co-ordination, systems leadership and integration.

14. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Under the proposed arrangements the Health & Wellbeing Board will manage funds that are part of a formal joint commissioning arrangement, pooled funds (e.g. the Better Care Fund). This will bring new accountabilities for monitoring delivery against significant funding streams including the Better Care Fund which in 2015/16 will be £19.6 million, and S75 arrangements for Children's and adults services.

The HWB will influence the development of the budget strategies for the Council and the CCG.

Finance Officer Consulted: Anne Silley

Date: 09/04/14

Legal Implications:

- 14.2 These are addressed in the body of the report.

Lawyer

Abraham Ghebre-Ghiorghis

Date: 020314

Equalities Implications:

14.3 The arrangements will enable the Council and the CCG to tackle inequalities in health more effectively by having the ability to make decisions across service areas. As stated in paragraph 11.4 of the report, the Board will be mindful of the need to engage and consult communities affected by the Board's proposals.

Sustainability Implications:

14.4 There are no sustainability implications arising directly from this report.

Any Other Significant Implications:

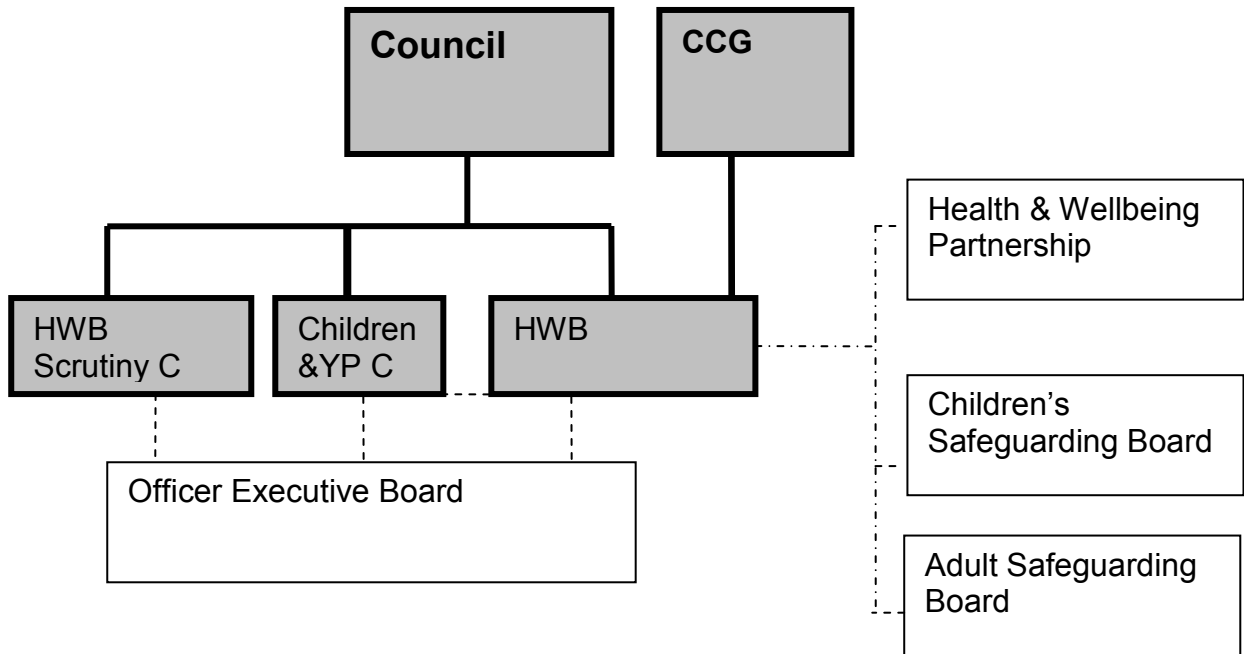
14.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Structure Chart
2. Draft terms of reference

Appendix 1



HEALTH & WELLBEING BOARD Explanatory Note

General

The Health & Wellbeing Board (HWB) is established as a Committee of the Council pursuant to Section 194 of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.

Purpose:

The purpose of the Board is to provide system leadership to the health and local authority functions relating to health & wellbeing in Brighton & Hove. It promotes the health and wellbeing of the people in its area through the development of improved and integrated health and social care services.

The HWB is responsible for the co-ordinated delivery of services across adult social care, children's services and public health. This includes decision making in relation to Adult Services, Children's Services, and decisions relating to the joint commissioning of children's and adult social care and health services (s75 agreements).

Composition

Voting members:-

5 elected Members

5 CCG representatives (For CCG to decide but expected Chair; Chief Operating Officer; 1 LMG Chair, 1 lay member and the Accountable Officer)

Non-voting members

Executive Director Children Services;
Executive Director Adult Services;
Director of Public Health;
Representative from HealthWatch.
Representative NHS England;
Chair of Children's Local Safeguarding Board;

Delegated Functions

General

1. To provide system leadership to the health and local authority functions relating to the health and wellbeing of the people who live, work and visit Brighton & Hove;
2. To promote integration and joint working in health and social care services across the City in order to improve the health and wellbeing of the people of Brighton & Hove;

3. To provide City-wide strategic leadership to public health, health, adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
3. To approve and publish the Joint Strategic Needs Assessment (JSNA) for the City;
4. To approve and publish a Joint Health & Wellbeing Strategy (JHWS) for the City, monitoring the outcomes goals set out in the JHWS and using its authority to ensure that the public health, health, adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the City;
5. To receive the Clinical Commissioning Group's draft annual commissioning plan and to respond with its opinion as to whether the draft commissioning plan takes proper account of the relevant Joint Health and Wellbeing Strategy. Where considered appropriate by the HWB, to refer its opinion on the annual commissioning plan to the National Health Service Commissioning Board and to provide the CCG with a copy of this referral;
6. To receive the Local Safeguarding Children's Board's Annual Report for comment; and also the Adults Annual Safeguarding Report
7. To support joint commissioning and make pooled budget arrangements where agreed by the HWB that this is appropriate;
8. To establish and maintain a dialogue with the Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
9. To involve stakeholders, users and the public in quality of life issues and health and wellbeing choices, by
 - communicating and explaining the JHW Strategy;
 - developing and implementing a Communications and Engagement Strategy;
10. To represent Brighton & Hove on health and wellbeing issues at all levels, influencing and negotiating on behalf of the members of the Board and working closely with the local HealthWatch;
11. To appoint non-voting co-optees in compliance with relevant legislation and guidance;
12. To operate in accordance with the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.
13. To review annual progress against city priorities in line with the national public health outcomes framework.

14. To receive reports from relevant programme boards and related multi-sector committees with a remit for public health in order to inform the Health and Wellbeing Strategy including: the Alcohol Programme Board, the Substance Misuse Programme Board, the Healthy Weight Programme Board and the Sexual Health Programme Board.

Better Care Fund

15. To discharge all functions relating to the better care fund that are required or permitted by law to be exercised by the Board, including
 - (a) to agree the strategic planning;
 - (b) manage the pooled budget
 - (c) oversee and performance manage the planning as well as the practical and financial implementation of the fund.
16. To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Health and Wellbeing Board.

17. Adult Social Services

- (a) To exercise the social services and health functions of the Council in respect of adults;
- (b) To exercise all of the powers of the Council in relation to the issue of certificates to blind people and the grant of assistance to voluntary organisations exercising functions within its area of delegation;
- (c) To exercise the functions of the Council in relation to the removal to suitable premises of persons in need of care and attention.

18. Public Health

To exercise the Council's functions in respect of public health, including but not limited to:

- sexual health
- physical activity, obesity, and tobacco control programmes
- prevention and early detection
- immunisation
- mental health
- NHS Healthcheck and workplace health programmes
- dental public health
- social exclusion
- seasonal mortality;

To exercise any other functions which transferred to the Council under the Health and Social Care Act 2012.

19. Partnership with the Health Service

- (a) To exercise the Council's functions under or in connection with the adult services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006 ("the section 75 Agreements").
- (b) To exercise the Council's functions under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004 ("the section 75 Agreements") to the extent they are in force;

20. Learning Disabilities

To discharge the Council's functions regarding Learning Disability.

21. Children's Services

To exercise the Council's functions:-

- (a) In relation to social services for children and young people;
- (b) All the Council's functions as a local education authority and youth services. Without prejudice to the forgoing, it is expected that this function will normally be discharged via the Children and Young People Committee who has concurrent delegated powers;)
- (c) Any other functions comprised in partnership arrangements with other bodies connected with the delivery of services for children, young people and families.

22. Clinical Commissioning Group Functions

A. Leadership and Agenda Setting and Accountability

- § To receive and comment on the commissioning strategy of the CCG, help shape the same and ensure the CCG's commissioning intentions align with the health needs of the City.
- § Promote creative and innovative approach to health and wellbeing using the freedoms afforded by pooled funds.
- § Promote the agenda on integration - both in terms of sharing commissioning resource but also in terms of delivering a far more joined up service for people living in the City.
- § Hold the CCG to account for the impact of their commissioning decisions ensuring that:
 - health outcomes are improving in the way they should;
 - health inequalities are proactively addressed in commissioning plans.
- § Provide collective leadership to a whole range of City wide collaborative working and whole system issues - including emergency planning, resilience and preparedness, urgent care etc.

B. Decision-making

- § To agree the commissioning plans of the CCG (if H&WB does not agree the plan, it can refer it to NHS England.)
- § To manage funds that are part of a formal joint commissioning arrangement or pooled fund (e.g. the Better Care Fund).
- Help shape and comment on the strategic direction and commissioning intentions of the CCG
- Hold the CCG and other partners to account.

23. Referred functions

The Board shall have referred function on any matter relating to any matter that has implications for the health and wellbeing of the City. This includes, but is not limited to:

- § Housing
- § Environmental health and licensing
- § Transport
- § Arts and Culture

24. Reserved matters

The following matters will be reserved from the delegations to the Board:

- Final decisions on any matters that are reserved to full council or the CCG by law and cannot be delegated;
- Final decisions on matters reserved to full Council under the Council's Budget and Policy framework
- Matters that have corporate budgetary or policy implications that go beyond health and wellbeing
- The Externalisation (outsourcing) or bringing in-house any Council services (which shall be referred to the Policy & Resources Committee for final decision.)

Subject:	Review of Code of Conduct Complaints Procedure – Extract from the Proceedings of the Audit & Standards Committee meeting held on 25 March 2014		
Date of Meeting:	1 May 2014		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Ross Keatley	Tel: 29-1065
	E-mail:	ross.keatley@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

Action Required of the Committee:

To receive the item referred from the Audit & Standards Committee.

Recommendations:

- (1) That the Committee agree to the Standards Panel's designation being altered from a Sub-Committee to a Panel.
- (2) That the Committee agree the recommendation of the Independent Remuneration Panel as set out in the note attached as an annexe to these extracts.

BRIGHTON & HOVE CITY COUNCIL

AUDIT & STANDARDS COMMITTEE

4.00pm 25 MARCH 2014

DRAFT MINUTES

Present: Councillors Hamilton (Chair), A Norman (Opposition Spokesperson), Lepper, Smith, Summers, Sykes and Wealls.

Independent Persons & Co-opted Members: Dr Lel Meleyal

PART ONE

81. REVIEW OF CODE OF CONDUCT COMPLAINTS PROCEDURE

- 81.1 The Committee considered a report of the Monitoring Officer in relation to the review of procedure for dealing with alleged breaches of the Members' Code of Conduct. The report sought agreement to the proposals of the cross-party working group tasked with reviewing the Council's procedure for dealing with alleged breaches of the Code of Conduct for Members. Since the introduction of the current procedure in 2012 a more full review was necessary to address certain issues including those highlighted in a recent case decided by the Council's Standards Panel. At the previous meeting the Committee agreed to the formation of a cross-party working group to review the procedure and to report back to the subsequent Committee meeting. There was also an amendment to paragraph 13.6 of the procedure such that 'if a request for an appeal is granted, a Standards Panel composed of different members and a different Independent Person from those who originally heard the allegation would consider the entire case'. By way of introduction both Dr Meleyal and the Monitoring Officer spoke to the report.
- 81.2 The Monitoring Officer clarified that the proposed change to the status of the Standards Panel was a technical change and the usual rules normally applicable to committees and sub-committees in relation to 'access to information' would apply even if the Panel were to convert from a Sub-Committee to a Panel. The Chair noted the two key changes were the status of the Panel and the appointment of one of the independent persons as the chair.
- 81.3 In response to Councillor Summers the Monitoring Officer explained that the Localism Act had removed the previous structure of the Standards regime; the Act was not as prescriptive as the previous legislation on Standards and the Council only had to have in place "arrangements" for investigating and deciding on allegations of Code of Conduct breaches. It was also important to note that the new regime had no formal sanctions and was simply expressive or could make recommendations; this changed the need for the decision making body to be a Sub-Committee.
- 81.4 In relation to the collective decision of the Panel the Monitoring Officer explained that consideration of matters such as human rights and freedom of speech had been undertaken, but the working group was of the view that the strength of the system required the Panel to collectively own the decision. There was concern that if the decision of the Panel was not cross-party then the process could be open to accusations of being driven by party politics, and the preference would be for the process to be driven by consensus; this needed to be weighed against the desire of a particular Member to speak out.
- 81.5 Councillor Lepper stated that the working group had been extremely useful, and its work had formed part of a regular review process. She considered it appropriate that the Panel be chaired by an independent person and that they not have a vote in the process. If there was a difference of opinion of the Members on the Panel then only the collective decision should be reported; as with the practice with Licensing Panels and Personnel Appeals where Members were free to express their opinion in the decision making process and then reach the final decision collectively. It was felt that if a clear difference of opinion were publicised then this could undermine the whole process.

- 81.6 Councillor A. Norman noted that she agreed with the comments made by Councillor Lepper and felt strongly that the process would be undermined if the decision were not owned collectively. She highlighted how important this piece of work had been and thanked the input of Officers and the independent persons. She was happy with the recommendations and felt that they were fair, and hoped they would be accepted by the Committee.
- 81.7 Councillor Sykes suggested that the wording of decision notices could give an indication of where the decision making had not been unanimous with the use of phrases such as 'on balance'.
- 81.8 **RESOLVED** – That the Committee:
- (1) Subject to recommendation (2) below, agree to the amended procedure for handling alleged breaches of the Members' Code of Conduct, as set out in Appendix 2, based on the proposals of the Standards cross-party working group set out in Appendix 1;
 - (2) Recommend to Policy & Resources Committee that the Standards Panel's designation be altered from a Sub-Committee to a Panel; and,
 - (3) Instruct the Monitoring Officer to co-ordinate a review of the Members' code of conduct later in 2014 and, in consequence of that review, to bring a report with recommendations to the Committee.

Notes of Deliberations of the Independent Remuneration Panel regarding Allowances for Independent Persons

The Independent Remuneration Panel met on 14th April to consider the issue of allowances for the two Independent Persons.

The Panel noted that the workload and the nature of the role of the Independent Persons has turned out to be more demanding and requiring more frequent undertaking of tasks as compared to what was expected when they were appointed. At the moment, they receive a £1000 allowance each. However, the Panel was reminded that:

1. There used to be up to 4 Independent Members under the previous arrangement, as compared to 2 under the new one;
2. The previous standards members would have received (in total and assuming 4 members) £6,505 per annum compared to the £2000 (in total) current allowances;
3. The previous Independent Members covered only standards whereas the new ones cover audit as well;
4. Since their appointment, the Council has relied heavily on the Independent Persons to give initial reasoned views as to whether a complaint should be investigated, as is required under the complaints procedures. This involved them in looking at the paperwork, considering the allegation against the requirements of the code and expressing a view, with written reasons, as to whether a complaint should be investigated. The Panel was informed that they have done this diligently and Officers found this is a useful contribution to the standards process. The Panel was also reminded that the majority of cases are now resolved at this stage;
5. The newly adopted complaints procedure means, in addition to their current role, an Independent Person will always chair the standards hearing panel and be the spokesperson on matters relating to the hearing. This involves not just in chairing the meeting, but also dealing with the preliminary steps before the hearing and afterwards.

Having discussed their roles with the Independent Persons (including the issue of allowances) Officers presented the Panel with proposals. The Panel considered all the evidence, including the additional responsibility that the Independent Persons will have, and agreed to make the following recommendations:

1. There be an allowance of £200 for each Panel hearing actually chaired by the Independent Persons. It is anticipated, based on previous years, there may have up to 4 cases that go to a full hearing in a year, which means they will do 2 hearings each.
2. That this be an interim arrangement until a full review of ALL allowances is undertaken between now and October when there will be a report to Council covering all allowances.

The above recommendation is to be presented to the Policy & Resources Committee on 1st May. The Panel will be undertaking a thorough review of all allowances (including benchmarking) before it makes its longer term recommendations in October 2014.

Subject:	Review of procedure for dealing with alleged breaches of the Members' code of conduct		
Date of Meeting:	1 May 2014 25 March 2014 - Audit & Standards Committee		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Oliver Dixon	Tel: (01273) 291512
	Email:	oliver.dixon@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks the Committee's agreement to the proposals of the cross-party working group tasked with reviewing the council's procedure for dealing with alleged breaches of the code of conduct for Members.
- 1.2 The current procedure was introduced in 2012 and, following minor revisions, has needed a more thorough review to address certain issues including those highlighted in a recent case decided by the council's Standards Panel.
- 1.3 On 21 January 2014 Audit & Standards Committee agreed to the formation of a cross-party working group to review the procedure and to report back to the subsequent Committee meeting.

2. RECOMMENDATIONS:

That Audit & Standards Committee—

- 2.1 Subject to recommendation 2.2, agree to the amended procedure for handling alleged breaches of the Members' Code of Conduct, as set out in Appendix 2, based on the proposals of the Standards cross-party working group set out in Appendix 1.
- 2.2 Recommend to Policy & Resources Committee that the Standards Panel's designation be altered from a sub-committee to a panel.
- 2.3 Instruct the Monitoring Officer to co-ordinate a review of the Members' code of conduct later in 2014 and, in consequence of that review, to bring a report with recommendations to the Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In 2012 the council adopted a new procedure for investigating alleged breaches of the Members' Code of Conduct, following the introduction of new provisions on standards set out in the Localism Act 2011. Since then, the council has made

minor alterations to the investigation procedure and composition of standards hearing panels, but once arrangements had been in place a full year, a more comprehensive review was considered beneficial. In addition, a high profile standards investigation and hearing which concluded in December 2013 highlighted the need for certain aspects of the procedure to be reconsidered.

- 3.2 A cross-party member working group was set up to review the procedure and met three times in January and February 2014. The Group comprised Councillors Lepper, Norman (A), Summers, and Sykes, the council's two Independent Persons (Drs Horne and Meleyal), and was supported by the Monitoring Officer. The Group was chaired by one of the Independent Persons.
- 3.3 Technical specialist input was provided by Hoey Ainscough Associates Ltd, a company with national expertise in local government Standards procedures.
- 3.4 The Group re-affirmed the overriding principles of the procedure as:
 - (i) to engender member and public confidence in the process and outcome;
 - (ii) for hearing panels to reach their finding fairly and independently; and
 - (iii) a presumption of openness in panel hearings.
- 3.5 The Group made 19 proposals for change, set out in full at Appendix 1. The principal items are as follows:

Councillors

- (i) The Subject Member to have access to all documentation relevant to the complaint;
- (ii) On notifying the Subject Member of a complaint, the council should encourage against seeking actively to publicise the matter before the complaint has been considered by the Monitoring Officer and, if applicable, investigated;
- (iii) To require members to co-operate with informal resolution where this process has been agreed;
- (iv) No member to serve on a Standards Panel unless he/she has undergone appropriate training; members of the Audit & Standards Committee (who comprise the pool of Panel members) to have annual training;
- (v) The Panel's decision to be owned collectively by the Panel's elected members.

Openness and Media

- (i) Panels to be chaired by an Independent Person rather than a Councillor;
- (ii) Panel papers to be published in advance of a Hearing, with a media release setting out the procedure and the role of the Independent Person.

Technical

- (i) The subject member's grounds of appeal to the Panel's findings be made more specific;
 - (ii) Adequate security be put in place for all stages of the Panel's hearing;
 - (iii) The procedure to allow sufficient time for the Panel to deliberate the complaint in recess;
 - (iv) A review of the Code of Conduct to be undertaken later in 2014.
- 3.6 The proposals are reflected in the revised Standards procedure set out at Appendix 2.
- 3.7 Although the code of conduct itself was outside the Working Group's terms of reference, the Group did recommend that a stand-alone review of the code be conducted later in 2014.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Two of the Group's key proposals are that –

- (i) The designation of the Standards Panel be changed from a sub-committee to a panel; and
- (ii) The Panel be chaired by an Independent Person rather than a councillor

Both issues are analysed further below.

Constitutional Status of Standards Panel

- 4.1 The Standards Panel is currently a sub-committee of the Audit & Standards Committee. Technically, only full Council or the parent committee can appoint members to a sub-committee, which makes the process of appointing members to a Panel somewhat inflexible.
- 4.2 One option is to alter the Panel's status from sub-committee to a panel. This would permit officers to approach all trained members of the Audit & Standards Committee whenever a panel need to be formed, enquire as to availability and appoint on a cross-party basis. The attendant risk is that the finding made by a panel appointed this way might be challenged on the basis that, being neither a committee nor sub-committee, it was not legally capable of making a binding decision.
- 4.3 Another option is for the Panel to retain its sub-committee designation, and for –
- (i) full Council (at Annual Council) to appoint a fixed Standards Panel membership, including substitutes. It would be necessary for

Council, subject to the agreement of all members, to disapply the proportionality rules regarding appointments to sub-committees, so that appointments could be made on a non-political basis; or

- (ii) Audit & Standards Committee to appoint a fixed Standards Panel membership, including substitutes; or
- (iii) Audit & Standards Committee to convene each time a Panel needed to be formed, and appoint members to that Panel.

4.4 Given that, on finding a breach of the code of conduct, the only sanctions in the gift of a Standards Panel are formal censure and recommendations (as distinct from a formal, self-standing decision), it is not considered a significant risk that the Panel be constituted as a panel instead of a sub-committee. In terms of flexibility of appointment, there are significant advantages in doing so. It is therefore recommended that the Working Group's proposal to that effect be adopted.

4.5 Despite the Standards Panel functioning as a panel instead of a sub-committee, there would continue to be a presumption of openness in its proceedings. In consequence, the Monitoring Officer's report to the Panel would be published in advance and the hearing held in public, except where it was in the public interest that the report be restricted and the hearing conducted in closed session. In all cases, the Panel's deliberations following the hearing would – as now – always be held in private.

Role of Independent Person

4.6 It is the Working Group's strong wish that, to inspire greater confidence in the independence and transparency of the hearing process, the Standards Panel be chaired by an Independent Person. The Group also proposed that, if the Panel were to drop its sub-committee status, the Independent Person be allowed to vote at hearings. (Sub-committee co-optees such as the Independent Person are by law not permitted to vote, unless the committee is purely advisory).

4.7 Under Standards legislation, the Independent Person is not expressly precluded from chairing or voting at a hearing. However, the principal statutory role of Independent Person is to give his/her views to the authority or to the member whose behaviour is the subject of an allegation. By inference, the actual decision as to whether a member has breached the code of conduct is to be made by other elected members only.

4.8 The options are that the Independent Person:

- (i) neither chairs nor votes on a Standards Panel (as at present);
- (ii) chairs the Panel but does not vote; or
- (iii) chairs and votes on a Panel

4.9 Alternatively, one Independent Person could chair the Panel, and a different Independent Person could participate as statutory consultee (and vote, if appropriate).

- 4.10 Allowing the Independent Person to vote may not be compatible with Parliament's apparent intention to establish that role as someone for elected members to consult before determining an allegation themselves. There are also difficulties associated with an Independent Member voting if, in accordance with one of their other statutory functions, they have previously been consulted by the subject member over the allegation.
- 4.11 Accordingly, it is recommended that the Independent Person chair the Panel but does not vote. Such an arrangement is permissible irrespective of whether the Panel is constituted as a sub-committee or panel.
- 4.12 Configured this way, the Panel would need an odd number of voting members (say 3 or 5) to ensure that any decision of the Panel was a majority decision. The Chair would have no casting vote. In the event that no majority decision could be reached (e.g. where one Panel member felt unable to decide the allegation), the Panel would make no finding and a fresh Panel would be appointed to re-hear the matter.
- 4.13 Even if the Independent Person neither chaired nor voted, it is still recommended that he/she attend the hearing and deliberations in person, in order to hear the parties and witnesses, ask questions and seek clarification, which should lead to more effective advice given to voting members before they reach a finding.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 As mentioned at 3.3 above, the working group's proposals were considered by Hoey Ainscough Associates Ltd. With their knowledge of nationwide best practice on local government standards, they offered external validation and benchmarking. Their observations are incorporated into the proposals and revised procedure set out in the appendices to this report.
- 5.2 The final proposals also incorporate minor amendments agreed by the council's Constitution Working Group.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The only Working Group proposal with financial consequences is the compulsory annual training of Panel members. However, the cost of these sessions is not expected to be significant and would be covered by the existing revenue budget applicable to the wider programme of Member development.

Finance Officer Consulted: James Hengeveld

Date: 12/03/14

Legal Implications:

- 6.2 The Working Group's proposals are compatible with the statutory framework for local government standards, namely Part 1, chapter 7, of the Localism Act 2011.
- 6.3 Audit & Standards Committee are entitled to develop and adopt its own procedures and protocols. It has authority to agree changes to the

procedure for investigating alleged breaches of standards, but must refer proposed changes to the status of the Standards Panel (i.e. the proposed re-designation from sub-committee to panel) to Policy & Resources Committee.

Lawyer Consulted:

Oliver Dixon

Date: 07/03/14

Equalities Implications:

- 6.4 If adopted, the proposals set out in this report should ensure that the parties to standards panel receive a fair hearing.

Sustainability Implications:

- 6.5 None

Any Other Significant Implications:

- 6.6 None

SUPPORTING DOCUMENTATION

Appendices:

1. Working Group proposals.
2. Revised procedure for dealing with alleged breaches of the Members' code of conduct. (To follow)

Working Group Proposed Changes to Standards Procedure

Initial treatment of complaints

1. All complainants to receive standard information regarding the council's policy on disclosing their identity; and to confirm their acceptance, in order for the complaint to proceed.
2. Once a complaint is filed with the council and deemed valid (e.g. from a named individual and not vexatious), it may not be withdrawn without the consent of both parties and the Monitoring Officer.
3. Subject member to have access to all documentation relevant to the complaint, except where doing so might compromise the safety of the complainant.
4. On first notifying a subject Member of a complaint, the council should discourage all parties from seeking actively to publicise the matter before the complaint had been fully considered by the Monitoring Officer and, if applicable, investigated.
5. Amend code of conduct to require members to co-operate with informal resolution where this process has been agreed by the complainant and subject member.
6. Offensive terms which are the subject of a complaint investigated by the MO be reproduced in the hearing papers only so far as is strictly necessary.

Status and Procedure of Hearing Panel

7. Alter the status of the Standards Panel from a sub-committee to a panel, so as to free the Panel from the legal restrictions applicable to a sub-committee.
8. No member to serve on a Standards Panel unless he/she has undergone appropriate training (see further at item 16 below).
9. (i) The Independent Person to chair the Standards Panel.

(ii) If the Standards Panel is re-constituted as a panel, the Independent Person be given the right to vote. *N.B. On the advice of Hoey Ainscough Associates Ltd, this proposal is now withdrawn. See further at paragraphs 4.6-4.13 of the main report.*
10. To manage the media more proactively, the council should issue a press release on the day the Hearing papers are published, which

should include a reminder that the Chair would be the Independent Person.

11. Adequate security be put in place for all stages of the hearing, for the protection of Panel members and the parties present.
12. The hearing procedure should –
 - (i) allow sufficient time for the Panel to deliberate the complaint in recess, so as not to feel pressurised into reaching a finding within a set time; and
 - (ii) ensure adequate privacy for and protection of the Panel during its deliberations, so as to protect it from unauthorised interruptions.
13. The Hearing Panel be encouraged to make their decision collegially and to vote by acclamation.
14. The Panel may, in the interests of certainty, request its individual members to indicate their vote.
15. The decision of the Panel is to be owned collectively by all its members.
16. The right of appeal from a decision of the Panel should continue but only on one or more of the following grounds:
 - (i) the hearing was procedurally flawed, for example due process was not followed; a relevant consideration was not taken into account; or an irrelevant consideration was taken into account;
 - (ii) new evidence or material has arisen with a direct and significant bearing on the case; or
 - (iii) the Panel's decision was irrational, i.e. so unreasonable that no sensible Standards Panel, having applied its mind to the complaint, could have arrived at that decision.

Training

17. All members of the Audit & Standards Committee to undergo mandatory training or re-training every 12 months, or sooner if appropriate.
18. Member training to address:
 - the code of conduct
 - the legal framework for investigating complaints

- the investigative (not prosecutorial) nature of the process
- the hearing procedure (as amended)
- conduct expected between Panel members, i.e. non-political, non-personalised, mutual respect and courtesy, ownership of collegiate decision

Code of conduct

19. A separate review be conducted later in 2014 as to the suitability of the council's current code of conduct for members.

Brighton & Hove City Council

Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members

1. Introduction and legal framework

- 1.1 This procedure is made in accordance with section 28(6) of the Localism Act 2011 which requires the council to have in place arrangements for investigating and determining allegations that a member or co-opted member of the council has failed to comply with its Code of Conduct for Members.
- 1.2 This version of the procedure supersedes all previous versions.
- 1.3 The Code of Conduct to which this procedure relates was originally adopted by the Council in 2012 in accordance with section 27 of the Localism Act 2011, has undergone minor revision since then, and is set out in the Council's constitution or via this link: <http://www.brighton-hove.gov.uk/content/council-and-democracy/councillors-and-committees/constitution-brighton-hove-city-council>

2. Principles

The principles underpinning the procedure are:

- (i) a drive to engender member and public confidence that allegations of member misconduct will be dealt with effectively and efficiently;
- (ii) that Standards Panels reach their findings fairly and independently;
- (iii) that Standards Panel hearings be conducted openly, wherever possible

3. Making a complaint

- 3.1 If a person wishes to make a complaint about Member conduct, they should write to:

The Monitoring Officer
c/o Standards and Complaints
Brighton & Hove City Council
Grand Avenue
Hove
BN3 2LS

Or email Complaints@brighton-hove.gov.uk

Or use the web form at www.brighton-hove.gov.uk/complaints

- 3.2 The complainant will be asked to provide their name and a postal or email address. Only complaints from named individuals will be accepted.
- 3.3 Council officers wishing to complain about Member conduct are recommended to use the Code of Conduct for Member/Officer Relations but still have the option of using the complaints procedure set out here.
- 3.4 The Monitoring Officer will inform the complainant that their complaint will be assessed against the Code of Conduct for Members.
- 3.5 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it, and will send the complainant standard information about the Council's policy on disclosing their identity, as set out in paragraph 4.2 below; and will require the complainant to confirm their agreement to this policy, in order for the complaint to proceed.
- 3.6 The Council aims to complete the complaint process within a maximum of three months from receipt.
- 3.7 Once a complaint has been filed with the Monitoring Officer, it may not be withdrawn without the consent of the complainant, the subject member and the Monitoring Officer.

4. Information provided to the Member complained about

- 4.1 The Member against whom the complaint is directed (the 'subject member') will be notified that a complaint has been received as soon as possible and in any event within 5 working days of the council receiving it, unless the Monitoring Officer considers that doing so may prejudice any investigation into the complaint.
- 4.2 The Monitoring Officer will provide the subject member with all documentation relevant to the complaint, including the identity of the complainant except where doing so might compromise the complainant's safety. (See also paragraph 6.2 below)

- 4.3 On first notifying the subject member, the council will discourage all parties from seeking actively to publicise the matter before the complaint has been fully considered by the Monitoring Officer and, if applicable, investigated.

5. Preliminary assessment

- 5.1 Subject to paragraph 5.2, the Monitoring Officer will, in consultation with the Independent Person, carry out a preliminary assessment in order to determine what action should be taken.
- 5.2 The Monitoring Officer reserves the right to refer the preliminary assessment to the Standards Panel in respect of any complaint.
- 5.3 The Monitoring Officer will seek to complete his/her assessment within 10 working days of receiving a valid complaint, although the process may take longer if more information is required from the complainant or subject member (or both) for a proper assessment to be made.
- 5.4 Pursuant to paragraph 5.3, the Monitoring Officer may – having regard to the views of the Independent Person – undertake small-scale preliminary enquiries directly related to the complaint, to help determine whether a formal investigation is required.
- 5.5 Based on the preliminary assessment, the Monitoring Officer may decide **not** to progress the complaint where –
- (i) the complaint is vexatious or frivolous in nature;
 - (ii) if proven, the complaint would not amount to a breach of the code of conduct for members; or
 - (iii) it would not be in the public interest to do so.
- 5.6 Where the circumstances in paragraph 5.5 do not apply, the Monitoring Officer may:
- (i) seek to resolve the complaint informally;
 - (ii) arrange for the complaint to be formally investigated;
- 5.7 An informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or some other action on their part. Where the Member makes a reasonable offer of informal resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 5.8 Where the complainant and subject member have consented to resolve the complaint informally by a particular means (for example, by written

apology), the member should co-operate with and adhere to that measure.¹

- 5.9 Complaints settled informally, whether at this stage or during the course of a formal investigation, will be reported to the Audit & Standards Committee but without naming the parties involved.
- 5.10 Where the parties attempt to resolve the matter informally but fail to reach a mutually agreeable outcome, the matter will, subject to 5.7 above, be referred for investigation. In the subsequent report to a Standards Panel, it will be stated that informal resolution was attempted but did not succeed. Details of the negotiations comprising those attempts will not be published.
- 5.11 If the complaint identifies conduct which, on the face of it, is a criminal offence or regulatory breach by any person, the Monitoring Officer may refer the matter to the Police and/or appropriate regulatory body as well as, or in lieu of, an investigation by the council.
- 5.12 On completion of the assessment, the Monitoring Officer will inform the complainant and subject member of his/her decision, with reasons.

6. Formal Investigation

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the council, an officer of another local authority or an external investigator. The Investigating Officer will, subject to any direction from the Monitoring Officer, have discretion as to how the investigation is carried out.
- 6.2 The Investigating Officer will ask the complainant and the Member to provide their explanation of events, and will identify what documents he/she needs to see and whom he/she needs to interview. In exceptional cases, it may be appropriate to keep the identity of the complainant, witnesses, or key documents confidential where disclosure might prejudice the investigation.
- 6.3 The Investigating Officer will produce a draft report and send copies, in confidence, to the complainant and subject member, to give both an opportunity to identify any matter in the report which they feel requires more consideration.
- 6.4 Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the

¹ It is proposed that when the Code of Conduct for Members is next reviewed, the responsibility of the subject member to co-operate with agreed informal resolution be a requirement.

investigation has been conducted properly or that aspects of the report require revision or clarification, he/she may ask the Investigating Officer to reconsider his/her report.

- 6.5 Copies of the final report will be sent **in confidence** to the complainant and the member concerned.
- 6.6 At any point during the investigation, the Monitoring Officer may consult the parties as to whether they would accept an informal settlement rather than continue with the formal investigation. Having regard to the wishes of the parties and the views of the Independent Person, the Monitoring Officer may halt the investigation and seek to resolve the matter informally. Should that course of action prove unsuccessful, the formal investigation would be resumed.

7. Investigation Outcomes

- 7.1 On completion of a formal investigation, the findings available to the Investigating Officer in respect of each element of the Code of Conduct considered relevant are:
 - (i) A substantive breach
 - (ii) A technical but minimal breach
 - (iii) No breach

7.2 Substantive breach

Where the Investigating Officer finds that the subject member has substantively breached one or more elements of the code of conduct, the Monitoring Officer will refer the complaint to the Standards Panel for determination.

7.3 Technical but minimal breach

- 7.3.1 This finding reflects a set of circumstances where the conduct complained of does – on a strict interpretation – amount to a breach of the code, but little or no culpability attaches to the subject member. This could occur, for example, where the member had made an unintentional and minor administrative error on their declaration of interests by recording relevant information but under the wrong class of interest.
- 7.3.2 Where the Monitoring Officer, after consultation with the Independent Person, considered that it would not be in the public interest to refer a technical but minimal breach to a Standards Panel, he/she will recommend to the parties that the matter be settled informally. Nonetheless, either party has the right to have the matter referred to a Panel for determination.

7.4 **No breach**

- 7.4.1 If the Investigation finds no breach of the code of conduct, and the Monitoring Officer considers – after consultation with the Independent Person – that there is no public interest in pursuing the matter further, he/she will contact both parties to ask if they accept the finding and are willing to end the matter there. If they respond in the affirmative, the Monitoring Officer will confirm to the parties in writing that the complaint will be taken no further. If either party rejects the finding or is not willing to conclude the matter, the complaint will be referred to the Standards Panel.
- 7.4.2 The Monitoring Officer may, having consulted the Independent Person, refer the complaint to the Standards Panel, even where the investigation finds no breach and the parties are willing to terminate the matter.

8. **Standards Panel**

- 8.1 As soon as reasonably practicable after referring a completed investigation to the Standards Panel for hearing and determination, the Monitoring Officer shall convene a meeting of the Panel.
- 8.2 The Monitoring Officer shall select the persons to comprise a Standards Panel, in accordance with the following criteria:
- 8.2.1 Membership of a Standards Panel is restricted to persons who –
- (a) are a member of Audit & Standards Committee; and
 - (b) have attended the necessary training and re-training sessions specific to these Panels
- 8.2.2 The Panel shall consist of 3 or 5 elected members, appointed on a cross-party basis, plus one Independent Person who shall chair the Panel but not vote.
- 8.2.3 If more than the minimum number of qualified persons (pursuant to paragraph 8.2.1) are available for a particular Panel, selection will be based on (i) the criteria specified in 8.2.2 and (ii) in such a way that ensures a spread of experience across the Panel.

9. **Arrangements for and Conduct of the Standards Panel Hearing**

- 9.1 There is a presumption of openness with regard to Panel hearings. Hearings will be conducted in open session unless the Panel resolve that the public be excluded on one or more of the grounds permitted under Part VA of the Local Government Act 1972.

- 9.2 Where the hearing itself is open to the public, the Panel's deliberations following the hearing will be held in private.
- 9.3 Care is needed to ensure that the published report detailing the allegation and investigation does not unlawfully disclose personal or sensitive personal data of any party. Accordingly, the Monitoring Officer shall have discretion to redact material from the published report where necessary for data protection purposes.
- 9.4 Where the complaint concerns the use of an offensive word or expression, the wording will not be repeated in the Panel report more than is necessary and in any event placed within inverted commas, to indicate the words were those allegedly used by the subject member.
- 9.5 To coincide with the publication of the hearing report, the Council shall (unless the Panel is being advised to consider excluding the public from the hearing) issue a press release about the hearing, which shall include an explanation of the Independent Person's role. Advice will be sought from the council's Head of Communications as to the precise content of the release.
- 9.6 The Independent Person, in his/her capacity as Panel chair, may – after consulting the Monitoring Officer – issue directions as to the manner in which the hearing is to be conducted.
- 9.7 Adequate security must be in place throughout the hearing, to protect Panel members and other parties actively involved in the hearing against threats or intimidation.
- 9.8 Arrangements must be made to ensure the privacy of the Panel while in recess following the hearing.
- 9.9 Arrangements must enable the Panel to conduct their deliberations in recess without feeling pressurised to reach a decision within a set time.

10. Reaching a Decision

- 10.1 In accordance with statutory requirements, the voting members of the Panel must seek and take into account the views of the Independent Person before reaching their decision in respect of the allegation.
- 10.2 The Panel should, where possible, reach their decision by consensus and vote by acclamation. Where there is disagreement, the matter shall be put to a vote with Members voting for or against the proposal.
- 10.3 The decision of the majority of the Panel Members shall constitute the decision of the Panel. The Chair, being an Independent Person, shall not be permitted to vote or exercise a casting vote.

- 10.4 In the event that no majority decision can be reached (e.g. where one voting member felt unable to decide the allegation), the Panel will make no finding and a fresh Panel shall be appointed to re-hear the complaint.
- 10.5 The decision of the Panel should be owned collectively by all its Members and Panel Members should, as far as reasonably practicable, avoid statements or actions that undermine public confidence in the complaints process.
- 11. Range of decisions available to the Standards Panel**
- 11.1 Having heard the allegation, the Standards Panel may –
- (i) find that the subject member **did fail** to comply with the council's code of conduct for members in one or more respects;
 - (ii) find that the subject member **did not fail** to comply with the council's code of conduct for members;
 - (iii) make no finding in respect of the allegation. It is open to the Panel merely to note the issues raised by the complaint and, if appropriate, to make recommendations which address them.
- 11.2 Even where the Panel finds a breach, it is not obliged to take action in respect of the member. In accordance with section 28(11) of the Localism Act, it must have regard to the failure in deciding *whether* to take action and, if so, what action to take.
- 11.3 Neither the Standards Panel nor any other body of the council has power to suspend or disqualify a member or to withdraw their basic or special responsibility allowance.
- 11.4 Actions the Panel may take in relation to a member who has failed to comply with the code of conduct include:
- (i) publishing its findings in respect of the member's conduct;
 - (ii) writing a formal letter to the member, which could include recommended actions such as an apology;
 - (iii) reporting its findings to Council for information; or recommending to Council that it takes one or more of the actions listed here;
 - (iv) formal censure;

- (v) recommending to the member's Group Leader that he be removed from any or all of the council's committees or sub-committees;
- (vi) recommending that the Monitoring Officer offer appropriate training.

12. Publicising the Panel's Decision

At the end of the hearing, the Chair will state the decision of the Standards Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Standards Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Standards Panel, send a copy to the complainant and the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Audit and Standards Committee.

13. Right of Appeal

- 13.1 Subject to paragraphs 13.2 to 13.4, the complainant and subject member may each appeal the decision of the Standards Panel.
- 13.2 A request for an appeal must be made in writing to the Monitoring Officer and set out reasons for the request, with reference to the grounds set out in paragraph 13.4.
- 13.3 The appeal request must be received by the Monitoring Officer within 10 working days of the original Panel hearing.
- 13.4 The appeal request will only be granted if one or more of the following criteria are met:
 - (i) the hearing was procedurally flawed; a relevant consideration was not taken into account; or an irrelevant consideration was taken into account;
 - (ii) new evidence or material has arisen with a direct and significant bearing on the allegation; or
 - (iii) the Panel's decision was irrational, meaning it was so unreasonable that no sensible Standards Panel, having applied its mind to the complaint, could have arrived at that decision.

- 13.5 The decision as to whether the appeal request does fulfil one or more of the above criteria, resulting in the request being granted, shall be in the sole discretion of the Monitoring Officer, in consultation with the Independent Person.
- 13.6 In the event that an appeal is granted, a Standards Panel composed of eligible members and an Independent Person, all of whom are different from those who ~~e-one-that~~ heard the original case, will consider the entire case. The appeal Panel may dismiss or uphold the appeal. If they uphold the appeal, they may substitute the original decision with a new decision. If the appeal Panel considers that essential information was not included in the investigation, they may refer the complaint back to the investigation stage.
- 13.7 There is no internal right of appeal from the decision of the appeal Panel.

Subject:	Area Panel Boundaries and the Housing Management Consultative Sub-Committee
Date of Meeting:	1 May 2014
Report of:	Monitoring Officer and Executive Director, Environment, Development & Housing
Contact Officer: Name:	Abraham Ghebre-Ghiorghis Tel: 291500
	Email: Abraham.ghebre-ghiorghis@brighton-hove.gcsx.gov.uk
Ward(s) affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report proposes changes to the council's resident involvement structure by realigning the geographical boundaries of Area Panels to match ward boundaries. It also proposes that the Housing Management Consultative Sub-Committee (HMCSC) be discontinued, but revised arrangements and ways of working be introduced to ensure more effective tenant consultation and input into the decision-making process.

2. RECOMMENDATIONS:

That the Policy & Resources Committee:-

- 2.1 Approves the redrawing of the 4 Area Panel area boundaries, as shown in Appendix 1, to align with ward boundaries
- 2.2 Approves the abolition of the Housing Management Consultative Sub-Committee

3. CONTEXT/ BACKGROUND INFORMATION

Area Panel boundaries

- 3.1 There are currently 4 Area Panels – North & East, West Hove & Portslade, East and Central, which meet 4 times a year to consider reports relating to the council's role as landlord and to make recommendations to the HMCSC. Membership is made up of all ward councillors within the boundaries of the Panel and tenant/resident representatives. 8 of the council's 21 wards straddle Area Panel areas and one of those 8 straddles 3 Area Panel areas. The current Area Panel areas relate to old housing office areas.
- 3.2 Aligning housing area panel areas with ward boundaries would have a number of advantages. It would allow for closer identification with ward councillors, and allow them to focus their attention on only one area. It would also avoid "straddling." The map at Appendix 1 shows the current Area Panel boundaries shaded by different colours, with the proposed four areas to match ward

boundaries denoted by the bold black lines. The change will also bring a new mix of tenant representatives together to share experiences and or learn from each other.

- 3.3 A reduction in the number of Panels to three was considered, but was not supported by Panel members. When they were consulted on changing the areas to match ward boundaries, two of the area panels favoured alignment with ward Boundaries (78% and 68%) and two favoured retaining the status quo (57% and 71%)

Area Panels Ways of Working

- 3.4 Currently all Panels are chaired by a member of the Administration. Attendance at some Panel meetings has been in decline. On several occasions, there were more officers than tenants in attendance.
- 3.5 Realigning the Panels is an opportunity to reinvigorate and strengthen them. It is proposed that a tenant representative should be elected to be Deputy Chairperson of an Area Panel, working with and substituting for the councillor Chair. Panels were consulted on this, together with a suggestion that instead of a member of the administration automatically being Chair, a councillor for area should be elected Chair by all ward councillors for the area. All Panels were in favour of having a tenant/resident as Deputy Chair and three were in favour of a councillor being elected by fellow councillors. (100 % 100 % and 56%).
- 3.6 In order to strengthen the ability of tenants to influence decisions and to have their views taken into account, it is proposed that all reports being submitted to the Housing Committee relating to the functions of the Council as a housing landlord should first be consulted upon at Area Panels. The Panels' views would then be included within the Community Engagement & Consultation section of reports. This would allow all Members to be apprised of the panels' views.

Future of the Housing Management Consultative Sub-Committee (HMCSC)

- 3.7 The HMCSC comprises 8 elected Members and up to 12 non-voting co-optees. It has no decision-making powers. Instead it makes recommendations to the Housing Committee. As the only Sub-Committee within the council (other than standards and personnel appeal panels which technically have sub-committee status) it is unusual in the Council's constitution.
- 3.8 There is significant overlap and duplication between HMCSC and the Area Panels. Both provide a forum for tenant consultation, and for tenant representatives and councillors to jointly debate matters. Area Panels provide the main mechanism for tenant consultation and is where residents are at the heart of discussions. At HMCSC, tenants rarely speak before councillors, and the seating layout (councillors in the front row, and tenant representatives behind them) add to the feeling that the tenant representatives' place is secondary.
- 3.9 Housing Services, and the council generally need to make efficiencies in time

and costs in order to meet increasing demands on services. HMCSC meetings require significant staff and financial resources which could be more effectively used to meet these needs. It has been calculated that the average cost of each HMCSC meeting is £3,200 per meeting, and there are usually 5 meetings each year.

- 3.10 Currently, tenants attending association meetings and Area Panels report that they have very little feedback about what happens at HMCSC. This raises doubts about the relevance of the Sub-Committee.
- 3.11 HMCSC does not make decisions and its role is purely advisory. When the Council had an executive system with only one Executive Councillor making decisions, it made sense to have a Consultative Sub-Committee to advise and inform the decision of the Cabinet member. In the current cross-party committee system, the Sub-Committee stands out as an unnecessary and dated way to achieve limited consultation with a limited number of tenants – particularly when other methods are available. It is therefore proposed that the HMCSC be abolished.
- 3.12 At the East Area Panel, residents who commented about the proposed abolition, mainly spoke in favour. There was some ambivalence at the North & East Panel, although some residents did comment that they would be unhappy to see the Sub-Committee abolished. At both the West and Central Area Panel meetings, a vote was taken and residents were opposed to the proposals. An indicative vote of tenant representatives at HMCSC on 1 April was also unanimously opposed to the proposal.
- 3.13 If the proposal to abolish the Sub-Committee is agreed, tenants will still be able to make their views known through the normal democratic processes – deputations, letters etc. Further, Area Panel views will be included in all reports – see paragraph 3.5 above.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Consideration was also given to reducing the number of Area Panels to 3, which would have brought about savings. However, there were concerns that Panel Areas would be too large; tenants would not attend meetings that were not local, travel distances would be too far, and there would be insufficient time to hear from everyone. This proposal was not acceptable to tenants.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There has been consultation with all four Area Panels on the proposals to strengthen them and change their geographical boundaries. The results of that consultation have been incorporated in the body of the report. Further, the Panels and HMCSC were afforded the opportunity to make comments about the proposal to abolish the Sub-Committee. Those comments are also included in the body of the report.

6. CONCLUSION

- 6.1 The proposals in the report will lead to a streamlining of the council's tenant consultation procedures. .

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of HMCSC meetings in Hove Town Hall mentioned in paragraph 3.2 above, mainly relate to staff time so the actual direct revenue savings to the Housing Revenue Account will be negligible. However, it is likely that staff time will be saved in Housing, financial services, legal services and democratic services.

Finance Officer Consulted: Monica Brooks

Date: 22/04/14

Legal Implications:

- 7.2 According to Article 13 of the Council's constitution, Policy & Recourses Committee has powers to approve the establishment, abolition or changes to any Sub-Committee. The committee therefore has sufficient powers to make the decisions recommended at paragraphs

Lawyer Consulted: Liz Woodley

Date: 10/04/14

Equalities Implications:

- 7.3 There are no significant Equality and Diversity issues.

Sustainability Implications:

- 7.4 There are no significant Sustainability Implications.

Any Other Significant Implications:

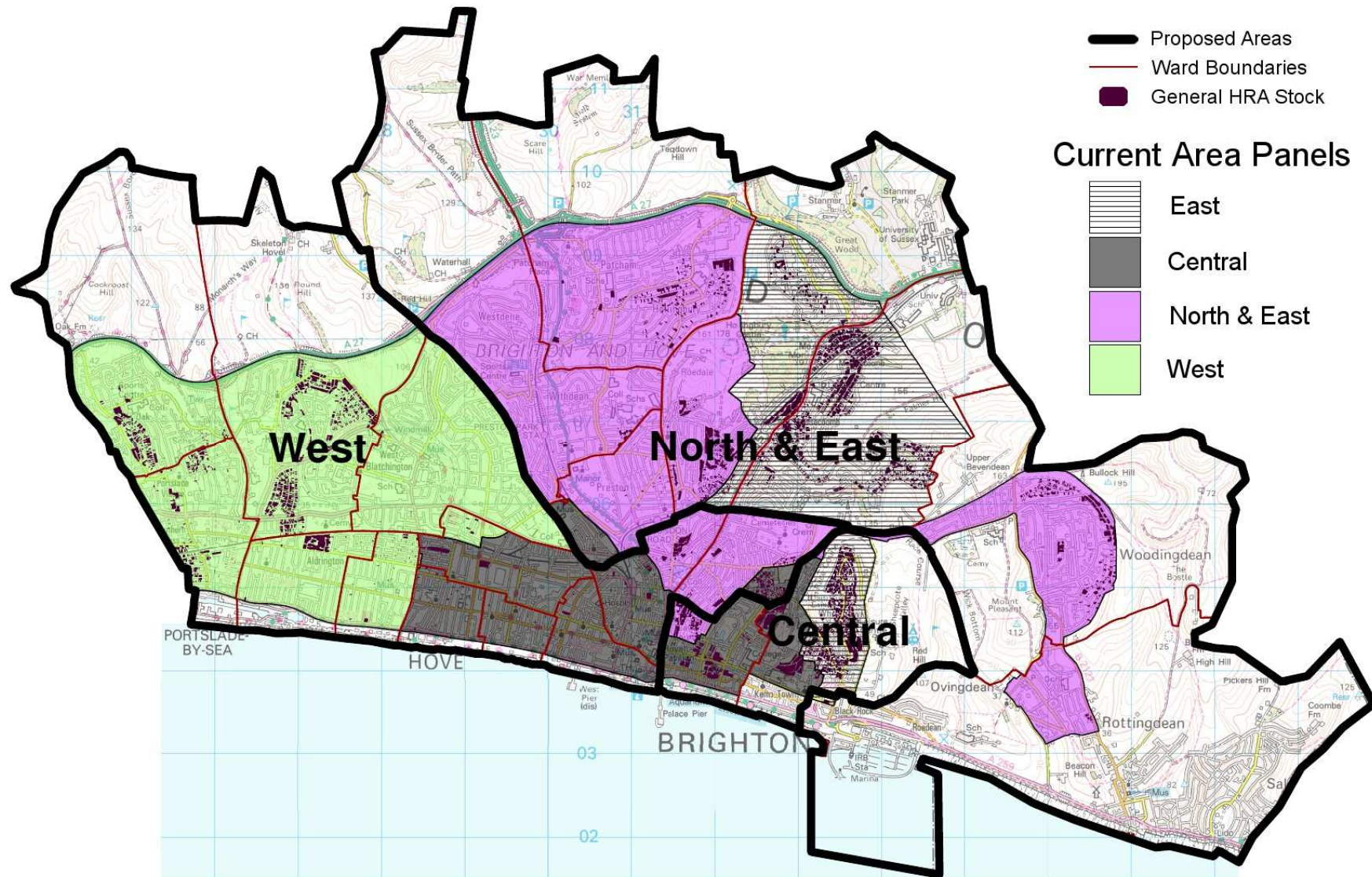
- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Map of Housing Area Panel Boundaries (Based on three panels)
2. Map of Housing Area Panel Boundaries (Based on three panels)

Current and proposed (3) Area Panel boundaries to match housing areas



Subject:	Future of the Housing Management Consultative Sub-Committee (discussed under Chair's Communications - Extract from the Proceedings of the Housing Management Consultative Sub-Committee Meeting held on the 1st April 2014		
Date of Meeting:	1 May 2014		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Caroline DeMarco	Tel: 29-1063
	E-mail:	caroline.demarco@brighton-hove.gcsx.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

Action Required of the Policy & Resources Committee:

To receive the item referred from the Housing Management Consultative Sub-Committee for information:

Recommendation:

- (1) That the allocation of funding as shown in Appendices 2 and 3 to the report be agreed for inclusion within the Council's Capital Investment Programme 2014/15.

HOUSING MANAGEMENT SUB-COMMITTEE

3.00 pm 1 April 2014

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillor Randall (Chair); Councillor Peltzer Dunn (Opposition Spokesperson), Councillor Farrow (Opposition Spokesperson), Councillors Mears, West and Wilson

Tenant Representatives Heather Hayes (Brighton East Area Housing Management Panel), Jason Williams (Central Area Housing Management Panel), Alison Gray (Central Area Housing Management Panel), J Barry Hughes (North & East Area Housing Management Panel), Roy Crowhurst (West Hove & Portslade Area Housing Management Panel), John Melson (High Rise Action Group), Tony Worsfold (Leaseholder Action Group), Charles Penrose (Sheltered Housing Action Group) and Ann Packham (Tenant Disability Network)

PART ONE

Future of the Housing Management Consultative Sub-Committee (discussed under Chair's Communications)

- 49.6 Councillor Farrow asked the Chair if there could be a discussion on the future of the Sub-Committee. The Housing Management Area Panels had become aware of the administration's proposal to abolish the HMCSC.
- 49.7 The Chair explained that this was not solely the administration's proposal. The matter had been discussed at both the Constitution Review Working Group and Leaders' Group and a decision had not yet been taken. A report on the future of the Sub-Committee would be submitted to the Policy and Resources Committee on 1 May. In the meanwhile, the matter had been discussed at the Area Panels. The East Area Panel had been well attended and there was a split view on the subject. Some people had felt that there was too much politics in the Sub-Committee. 85% of those present favoured having four area panels that reflected ward boundaries.
- 49.8 Councillor Mears expressed concern that tenants were not given the opportunity to vote on this matter or give their views. This was possibly the last meeting of the Housing Management Consultative Sub-Committee.
- 49.9 The Chair replied that the proposal was not a secret. Political group leaders would have known about the proposal since July 2013.
- 49.10 Councillor Peltzer Dunn accepted that this matter had been raised at the Constitution Review Working Group of which he was a member. He felt it would be a retrograde step to disband the Sub-Committee. The West Area Housing Management Panel had called for a vote but had been told by officers that tenants did not have the right to vote on this matter. 100% of the tenants had been against the abolition of the Sub-Committee. He suggested that an indicative vote was taken on this issue.
- 49.11 Councillor West noted that it appeared that consideration of this proposal had been going on for some time. He was surprised that councillors had not raised their objections before. If councillors were unhappy with the proposal they would have an opportunity to change the recommendations at the Policy & Resources Committee, where the administration did not have a majority. The proposal had to be decided by mutual agreement.
- 49.12 The Chair stated that there were two City Assembly meetings a year and a Tenants Scrutiny Panel. He considered that the Housing Management Area Panel meetings were more useful than the Sub-Committee. The proposals would not affect the various action groups such as the Hi Rise Action Group.
- 49.13 John Melson considered that the action groups would be affected as they did not have representatives on the Area Panels. He questioned which area panel, would be appropriate for members of the Hi Rise Action Group to attend.
- 49.14 The Chair noted that Mr Melson had been in attendance at the Central Area Panel.

- 49.15 Mr Melson stated that there had been consultation with councillors but not with tenants' groups. Tenants had made it clear at a meeting with the Head of Income, Involvement & Improvement that they did not accept the proposal to disband the Sub-Committee. Mr Melson stated that tenants should be allowed to vote on the issue.
- 49.16 Heather Hayes stressed that there was currently an opportunity for tenants to speak to councillors and senior officers at the Sub-Committee meeting. She expressed concern that this would not be the case at the Area Panel meetings.
- 49.17 The Chair agreed that it was important that senior staff should attend the Area Panels. It was also important that there was good tenant attendance at the meetings.
- 49.18 Tony Worsfold queried where the views of the Leaseholder Action Group would be considered. Mr Melson agreed that leaseholders had a genuine concern as they would not have a voice in future.
- 49.19 The Chair agreed for an indicative vote from tenants at the meeting. There was a unanimous vote in favour of retaining the Housing Management Consultative Sub-Committee.

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