

BRIGHTON & HOVE CITY COUNCIL
POLICY, RESOURCES & GROWTH COMMITTEE

4.00pm 12 JULY 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Yates (Chair)

Also in attendance: Councillor Hamilton (Deputy Chair), Janio (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bell, Daniel, Mitchell, Peltzer Dunn, Wealls and Gibson

Other Members present: Councillors

PART ONE

22 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

22.1 Councillor Gibson was present in substitution for Councillor Sykes

(b) Declarations of Interest

22.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

22.3 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.

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

23 MINUTES

23.1 **RESOLVED:** That the Minutes of the meeting held on 14 June 2018 be agreed and signed as a correct record.

24 CHAIR'S COMMUNICATIONS

24.1 The Chair informed those present that the meeting was being webcast and would be capable of repeated viewing.

25 CALL OVER

25.1 The following items in Part One of the agenda were reserved for discussion:

- Item 28 – Business Rates – Rate Relief Scheme
- Item 29 – Revenue & Capital Budget Planning and Resource Update 2019/20
- Item 30 – Targeted Budget Management (TBM) 2018/19: Month 2
- Item 32 – Annual Progress Update Corporate KPIs 2017/18
- Item 33 – Corporate Key Performance Indicator Target Setting 2018/19
- Item 34 – Phasing Out Single Use Plastics (SUPS)
- Item 35 – Winter Night Shelter Evaluation
- Item 36 – Disposal of 43 Belmont Street and Adjacent Land
- Item 37 – Asset Disposals for Re-Investment in the Urban Portfolio
- Item 38 – Public Conveniences
- Item 39 – Constitution Review
- Item 40 – City Environmental Management Modernisation Programme Update
- Item 41 – Proposed New Development of Cullum Centres for Children with Autism in Partnership with the National Autistic Society and Cullum Family Trust.

25.2 The following items in Part One of the agenda were agreed without discussion:

- Item 31 – Treasury management Policy Statement 2017/18 – End of Year Review

26 PUBLIC INVOLVEMENT

26 (a) Petitions

26.1 There were none

26 (b) Written Questions

26.2 There were none

26 (c) Deputations

26.3 There were none

27 MEMBER INVOLVEMENT

27 (a) Petitions

27.1 There were none

27 (b) Written Questions

27.2 There were none

27 (c) Letters

27.3 There were none

27 (d) Notices of Motion

27.4 There were none

28 BUSINESS RATES - RATE RELIEF SCHEMES

28.1 The Committee considered the report of the Executive Director Finance & Resources which outlined two Business Rate Relief schemes.

28.2 Councillor Mac Cafferty asked how organisations would show that they had met the criteria for social value, and how they would be assessed. The Revenues & Benefit Manager said that the proceeding policy looked at value to the community, and the new policy refocused that policy as a core principle. Officers were working on a framework to assist them when considering the social value of an organisation.

28.3 Councillor Mac Cafferty noted that charity shops were excluded, but some local ones were not part of big organisations such as Sussex Beacon and asked how those shops would be considered. The Revenues & Benefit Manager said that most organisations had a national basis, but rate relief would be given to independent charity shops if there were a benefit to the community.

28.4 Councillor Mac Cafferty referred to the Revaluation Rate Relief, and asked why there was an underspend when small businesses were struggling. The Revenues & Benefit Manager said that the intention had been to apply the rate relief as soon as possible, but it had taken time to apply. One key thing had been the policy not to support multi-national organisations, but there were a number of groups which had only three to four sites in the UK, and it had taken time to process.

28.5 Councillor Daniel welcomed the report and that it addressed the anomaly for charities in the city, and showed how social value was now increasingly mainstream across the processes of the organisation.

28.6 **RESOLVED:** That the Committee -

- (i) Approved the policy for Discretionary Rate Relief at Appendix 2.
- (ii) Approved the proposals in paragraphs 3.13 to 3.20 concerning Revaluation Rate Relief for 2018 to 2021, summarised as follows:
 - The policy from 2017-18 shall be continued for the remaining lifetime of the Revaluation Rate Relief scheme
 - The qualifying Rateable Value threshold shall be reduced to £80,000 for 2018-19.
 - Starting thresholds for future years shall be set at £40,000 for 2019-20 and £15,000 for 2020-21
 - Officers shall be empowered to alter the thresholds incrementally during each year, or to alter the other parameters of the scheme, to maximise the use of available government funding

29 REVENUE & CAPITAL BUDGET PLANNING AND RESOURCE UPDATE 2019/20

- 29.1 The Committee considered the report of the Executive Director for Finance & Resources, which provided a budget planning and resource update for the 2019/10 budget process, including an updated Medium Term Financial Strategy (MTFS).
- 29.2 Councillor Wealls referred to the service pressure funding for Environment Economy & Culture, and noted that £0.800m was to support additional costs within City Clean and asked how much of that was for agency costs as a result of staff turnover, and how much of it was pressure on income targets for commercial waste. The Executive Director for Economy, Environment & Culture said that he didn't have the specific figures, but the projected figure of £0.800m would have been made up of a number of things such as staff costs associated with weekend work, some agency costs and some pressure on income targets, but in addition it included some pressures on income targets within building control as set out in the report such as the cost of electricity for street lighting. The Executive Director for Finance & Resources said it was hard to be accurate with anticipated pressures for 2019/10 but the figures were based on what was known and officers had to make a prudent estimate.
- 29.3 Councillor Wealls said that City Clean was going to be remodelled and there was a report with no financial figures in it, but in this report there was a projected service pressure of £0.800m when the proper business plan had not been agreed. The Executive Director for Economy, Environment & Culture said that Item 40 on the agenda provided more information on this matter and the full business plan for commercial waste would go to the Environment, Transport and Sustainability Committee in due course.
- 29.4 Councillor Mac Cafferty said that many other Local Authorities were also facing difficult financial decisions, and asked if this Council shared information on best practices with them. The Executive Director for Finance & Resources said they did; the Council was a member of CIPFA and they were running a number of initiatives and reviews for Councils, and this authority was also a member of Orbis which was useful.
- 29.5 Councillor Janio asked if Brighton & Hove City Council had bid for last year's Business Rate 100% retention. The Executive Director Finance & Resources said that unfortunately Brighton & Hove City Council was not in the category who could bid. Councillor Janio referred to policy, and suggested that wasn't the case. The Executive Director Finance & Resources clarified that whilst the policy did not exclude unitary authorities, it was made clear that by the DCLG that they were looking at bids from two tier authorities.
- 29.6 Councillor Gibson referred to the shortfall of income from commercial property rents, and said that currently the Council were looking at getting a more balanced portfolio, and in doing that the Council was disposing of properties with poor rental income and then acquiring higher performing properties. However that had led to a period of no rental income, and the Asset Management Board was considering whether it was preferable to acquire a property and then fund it from the proceeds of the sale of other properties. The Executive Director Finance & Resources said that the Council would look at any asset acquisition and disposal which would be beneficial to the Authority and any sequence which was the most appropriate.

- 29.7 Councillor Gibson noted that there was a 3.5% increase arising from the PFI contract and asked if that rate could be renegotiated as that was not the rate at which costs were increasing. The Executive Director Finance & Resources said that the PFI contract was being reviewed through external accountants, and one question was whether there was an alternative finance arrangement. It was not straight forward but experts were looking at the arrangements, and whilst it may not be possible to buy out of the contract it might be possible to renegotiate to reduce the costs.
- 29.8 Councillor Gibson noted the potential requirement to sell off high value homes when they became vacant, but he had heard that that policy may be scrapped. The Executive Director Finance & Resources said that related to government policy and he would have to get back to the Councillor.
- 29.9 The Chair noted that an amendment had been received from the Green Group, and asked Councillor Mac Cafferty to propose the amendment.
- 29.10 Councillor Mac Cafferty noted that the report made reference to looking at Council Tax reduction minimum liability, and said that the amendment was being proposed to ensure that there was consultation. He formally proposed the following amendment:

Insert recommendation 2.5 to the report, as shown in *italics*:

2.4 Agree the proposed approach to reviewing the Council Tax Reduction Scheme as set out in paragraphs 3.25 to 3.27;

2.5 *Agree to consult on reducing Council Tax Reduction minimum liability*

~~2.5~~ 2.6 Note the resource projections for the Capital Investment Programme as shown in Appendix 3.

29.11 Councillor Gibson seconded the amendment.

29.12 The Committee agreed the amendment.

29.13 RESOLVED: That the Committee –

- (i) Noted the resource and net expenditure projections for 2019/20 and the Medium Term Financial Strategy (MTFS) projections set out in the body of the report and Appendices 1 and 2 based on a 2.99% Council Tax increase.
- (ii) Noted the latest revised savings requirement of £11.559 million for 2019/20 which will be adopted for budget setting purposes as detailed at paragraph 3.51.
- (iii) Instructed the Executive Leadership Team (ELT) to refresh the current 4 Year Service & Financial Plans and develop further investment and savings proposals to address any outstanding budget gaps for 2019/20 based on the MTFS assumptions in this report for consideration by Policy, Resources & Growth Committee.

- (iv) Agreed the proposed approach to reviewing the Council Tax Reduction Scheme as set out in paragraphs 3.25 to 3.27.
- (v) Agreed to consult on reducing Council Tax Reduction minimum liability.
- (vi) Noted the resource projections for the Capital Investment Programme as shown in Appendix 3.

30 TARGETED BUDGET MANAGEMENT (TBM) 2018/19: MONTH 2

- 30.1 The Committee considered the report of the Executive Director Finance and Resources which set out an early indication of forecast risks as at Month 2 on the Council's revenue and capital budgets for the financial year 2018/19.
- 30.2 Councillor Wealls noted that there was a delay in recruiting staff to support homeless households into permanent accommodation, and asked why that was. The Executive Director Finance and Resources said that they were struggling to recruit staff and that was an issue. The authority was looking at hard to recruit positions across the Council, and considering options such as supplementing pay if possible.
- 30.3 Councillor Mac Cafferty said that last year's budget equality impact assessments assured us that savings would be met through efficiency, and asked if that approach was working. The Executive Director Finance and Resources said that in the budget process the amount of pressure funding that was felt was needed to meet the rising demand and inflationary pressures had been applied. However, over the last few years that had not been adequate, and so budget saving opportunities had to be applied. In this year's budget proposal officer's would be looking capacity and being realistic on what could and could not be delivered. To date the Council had continued to deliver the vast majority of services, but with the level of cuts over the last seven to eight years departments were now straining to deliver them.
- 30.4 The Chair referred to Recommendation 2.7 and asked if the virement was a one off, or whether it was a permanent transfer of the Concessionary Travel budget. The Executive Director for Economy, Environment & Culture confirmed that it was permanent.
- 30.5 The Chair proposed the following amendment to recommendation 2.7:
- Approved a ~~virement~~ to transfer the Concessionary Travel budget from Corporate Budgets to the Environment, Economy and Culture Directorate (paragraph 6.3).
- 30.6 Councillor Mitchell seconded the amendment.
- 30.7 The Committee agreed the amendment.
- 30.8 RESOLVED:** That the Committee –
- (i) Noted the forecast risk position for the General Fund, which indicated a budget pressure of £2.897m. This includes an overspend of £0.716m on the council's share of the NHS managed Section 75 services.

- (ii) Noted that the one-off Adult Care Support Grant has been allocated to meet a gross forecast risk on Adult Social Care of £2.926m including Adult Learning Disability services.
- (iii) Noted that the one-off financial risk safety net of £1.500m was available to mitigate the forecast risk if the risks cannot be completely eliminated by year-end.
- (iv) Noted the forecast for the Housing Revenue Account (HRA), which was currently an underspend of £0.400m.
- (v) Noted the forecast risk position for the Dedicated Schools Grant which was an overspend of £0.385m.
- (vi) Noted the forecast outturn position on the capital programme and approve the variations and slippage in Appendix 4 and the new schemes as set out in Appendix 5.
- (vii) Approved a transfer the Concessionary Travel budget from Corporate Budgets to the Environment, Economy and Culture Directorate (paragraph 6.3).

31 TREASURY MANAGEMENT POLICY STATEMENT 2017/18 – END OF YEAR REVIEW

32 ANNUAL PROGRESS UPDATE CORPORATE KPIS 2017-18

- 32.1 The Committee considered the report of the Executive Lead for Strategy Governance & Law which set out performance progress for the period 1 April 2017 to 31 March 2018 in relation to Corporate Key Performance Indicators (KPIs). The report was introduced by the Head of Performance Improvement & Programmes.
- 32.2 Councillor Wealls was pleased to note that that the number of Fixed Penalty Notices issued for littering had increased from 1601 to 4228, and said it would help address some resident's concerns over the level of litter in the city.
- 32.3 Councillor Peltzer Dunn referred to the 'speed of determining applications for non-major development', and said that the figures were very encouraging. However he noted the temporary measures proposed by the Head of Planning, and asked if that was an indication that something was now going wrong as the figures in the papers only went up to March 2018 and it was now July 2018. The Executive Director for Economy, Environment & Culture said that officers wanted to ensure that they continued to provide the highest level of service. There had been a spike in planning applications, and some planning officers had a very large caseload and so to ensure that the same good service was maintained a number of temporary measures had been proposed.
- 32.4 Councillor Janio referred to 'families identified as part of the Stronger Families Stronger Communities Programme who are turned around', and noted that the target number was 212, the actual number was 248, but the engagement target was 531 and asked if a briefing could be provided outside of the meeting to explain the differing figures. The

Assistant Director Education & Skills agreed to do that.

32.5 Councillor Mac Cafferty referred to the 'missed refuse collection', and 'streets with widespread or heavy levels of litter', which showed many missed refused collections and a higher percentage of roads with heavy litter and said that the Green Group had brought questions to Full Council warning what was happening and that cuts to City Clean and the full effect of those cuts was now evident.

32.5 RESOLVED: That the Committee agreed to review progress in relation to Corporate KPIs particularly corrective measures outlined for 'red' and 'amber' indicators and provide ongoing support and challenge to lead officers to bring performance back on track.

33 CORPORATE KEY PERFORMANCE INDICATOR TARGET SETTING 2018/19

33.1 The Committee considered the report of the Executive Lead Officer Strategy, Governance & Law which presented the draft targets for the Corporate Key Performance Indicators for 2018/19.

33.2 Councillor Wealls thanked officers for the report and said he had confidence in the whole process.

33.3 Councillor Janio thanked officers, and said that the data would be used to drive performance within the Council.

33.4 RESOLVED: That the Committee agreed -

- (i) To review and approve the Corporate KPI set and associated targets proposed by Leadership Board and the cross-party Member working group as set out in Appendix 2.
- (ii) To note that target figures may change during the year if new benchmarking figures become available. PR&G approval will be sought if there is a proposal from Directorates to change the rationale for particular targets.

34 PHASING OUT SINGLE USE PLASTICS (SUPS)

34.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which proposed a new policy approach to phasing out single use plastics (SUPs) across council buildings and services.

34.2 The Chair noted that an amendment to the recommendations had been submitted by the Green Group, and asked Councillor Mac Cafferty to propose that amendment.

34.3 Councillor Mac Cafferty welcomed the report which had some very strong initiatives, and thanked officers for the work undertaken. He said that one of the key things that the Group raised in the Notice of Motion, which was considered by Council in November 2017, was that there were people outside of the Council who were already looking at

this matter and it would be beneficial to tap into what they were doing and build on their initiatives. He said that the Green Group amendment was constructive, and sought to underline particular issues such as the existing Sustainable Event Commitment form and to encourage event organisers to completely avoid SUPs. The amendment also requested an action plan be included in the annual report to the Environment, Transport and Sustainability Committee, as this would add weight to any action plan in those reports.

Councillor Mac Cafferty proposed the following amendment (changes in italics):

2.1 Note the report and work progress detailed in section 4.

2.2 Approve the draft Corporate SUPs policy Appendix 1, *including:*

- *strengthening the existing Sustainable Event Commitment Form and guidance circulated to exhibitors and traders;*
- *the possibility of requiring event organisers and vendors to avoid Single Use Plastics as a condition of their event permission*
- *authorise the Executive Director Economy, Environment & Culture to insert the above in the appropriate part of Appendix 1.*

2.3 Approve the recommendation that reporting on this will be brought to Environment, Transport and Sustainability Committee on an annual basis, *including an action plan detailing the timeframe for achieving the goals set out in the policy*, until such time that the committee is confident that the city council has done all it can to reduce and eliminate SUPs use in the city.

34.4 Councillor Gibson seconded the amendment.

34.5 Councillor Mitchell (Chair of Environment, Sustainability & Transport Committee), said that the Council now had a draft policy which could be built on, but it wasn't something which the Council could do by themselves and would need to work with partners and look to central government for additional support. The Labour Group would be happy to support the Green Group amendment.

35.5 Councillor Bell said that the Conservative Group would also support the Green Group amendment. He noted that staff were being asked to no longer use disposable cups for refreshments, but to use their own crockery, glasses etc and asked if that had had an impact. Officers advised that it was being monitored and would be reported back to the ETS Committee in due course. Councillor Bell noted that that had been a lot of negative publicity about the amount of SUPs left after the last marathon, and asked if that would be looked at for next year's event. The Executive Director Economy, Environment & Culture said that conversations were taking place with the organisers of the marathon on that issue.

35.6 The Committee agreed to accept the amendment.

35.7 RESOLVED: That the Committee -

- (i) Noted the report and work progress detailed in section 4.
- (ii) Approved the draft Corporate SUPs policy Appendix 1, including:
 - strengthening the existing Sustainable Event Commitment Form and guidance circulated to exhibitors and traders;
 - the possibility of requiring event organisers and vendors to avoid Single Use Plastics as a condition of their event permission
 - authorise the Executive Director Economy, Environment & Culture to insert the above in the appropriate part of Appendix 1.
- (iii) Approved the recommendation that reporting on this will be brought to Environment, Transport and Sustainability Committee on an annual basis, including an action plan detailing the timeframe for achieving the goals set out in the policy, until such time that the committee is confident that the city council has done all it can to reduce and eliminate SUPs use in the city.

35 WINTER NIGHT SHELTER EVALUATION

- 35.1 The Committee considered the report of the Executive Director for Health & Adult Care which updated members on the operation of the Council run night shelter for rough sleepers over the winter of 2017/18.
- 35.2 Councillor Bell thanked officers for the report and was pleased that the night shelter had helped people. He asked what the future provision for night shelter would be, and if other buildings apart from the Brighton Centre had been considered. The Commissioning and Performance Manager said that there was funding for the Night Shelter to continue this winter, and additional funding had been provided by Ministry of Housing Communities & Local Government which would enable a hub to be opened to provide further beds. Officers had been looking for alternative venues, and had looked at all of the Council owned empty buildings, but none had been identified as being suitable.
- 35.3 Councillor Gibson welcomed what had been achieved, particularly the fact that seventeen people with complex needs were had been moved into accommodation and were therefore no longer on the streets, and thanked all the volunteers involved. He noted that the venue was not filled to capacity, as despite all the beds being booked some people did not turn up, as asked if it would be possible to overbook. The Commissioning and Performance Manager said that that could be considered. The Chair agreed that it was important to try to accommodate the maximum number of people, but noted that overbooking did carry its own risks.

- 35.4 Councillor Gibson referred to empty buildings, and asked if the Brighton General Hospital building could be used. The Commissioning and Performance Manager said that it had been considered, but the condition of the buildings wasn't good.
- 35.5 Councillor Daniels thanked officers and Councillors Moonan, Gibson and Nemeth for their work in this project, and was pleased to note that 17 entrenched rough sleepers were no longer on the streets, and thought that the informal nature of that provision was providing the right environment for people to get help.
- 35.6 Councillor Janio was pleased to note how the service had helped the entrenched rough sleepers in particular, and asked why it couldn't be provided all year round. The Commissioning and Performance Manager said that the Night Shelter provided a bed for the night, but it was seasonal but the intention was that the hub would be open all year round.

35.7 RESOLVED:

- (i) That the Committee noted the contents of the report which was provided for information.
- (ii) That the evaluation information be used to support the commissioning proposal to reduce the need for rough sleeping to be in place later in 2018.
- (iii) That this paper be used as background information for related papers going to the Health and Wellbeing Board.

36 DISPOSAL OF 43 BELMONT STREET AND ADJACENT LAND

- 36.1 The Committee considered the report of the Executive Director Economy, Environment and Culture which sought approval for the disposal of Belmont Street Annexe and adjacent land, to provide a capital receipt for reinvestment in the Council's urban investment portfolio.
- 36.2 Councillor Wealls noted the views of the tenants and their appetite to moving to New England House expressed in the report, but in an email received by councillors today the tenants seemed concerned about the move. The Assistant Director Property & Design said that the Council had engaged with the tenants and understood their needs. The tenants had known for some time that the building would be redeveloped, and had benefited from lower rents. The Council wanted to make sure that this kind of work was kept within the city, and space within New England House had been made available to accommodate those at Belmont Street.
- 36.3 Councillor Wealls said the report stated that there were only 4 tenants, but he understood that there were 20. The Assistant Director Property & Design said there were four leases, and two tenants who had a lease employed freelance illustrators, so there were around 25 people working in the building.
- 36.4 The Chair noted that there was a Green Group amendment and asked Councillor Gibson to propose that amendment.

- 36.5 Councillor Gibson said that two bids had been made for the property, and one of the factors which should have been considered when deciding on the successful bid was social value. There was no reference to social value in the report, and so the amendment called for further information on the social impact of moving the current occupiers. He formally proposed the following amendment:

That the following recommendations be added to the report with further amendments as shown in *italics*, and renumbering as required:

~~2.1 That the committee agrees in principle to the disposal of Belmont Street Annexe and 26 and 27 St Peter's Street; That the committee authorises the freehold disposal of Belmont Street Annexe and 26 and 27 St Peter's Street to the adjacent owner and agrees to the surrender of rights to use the adjacent garage,~~

2.2 Prior to the final decision, that this committee receives a report providing further information on the social value impact of displacing current occupiers and considers mitigating measures, such as a rental cap, that may be taken to ensure alternative accommodation at New England House is affordable.

~~2.2 That the committee authorises the Executive Director of Economy, Environment and Culture, Assistant Director Property & Design and Executive Lead Strategy, Governance and Law to agree terms and take any necessary steps to facilitate the recommendation at _____ 2.1~~

~~2.3 That the committee authorises the retention of the net capital receipt to be used with capital receipts from previous disposals approved by Policy, Resources & Growth committee, to add to the "investment capital pot" that is being built up to acquire commercial investment property or properties, in support of the asset investment rebalancing strategy in accordance with the council's AMP and budget strategy.~~

- 36.6 Councillor Mac Cafferty seconded the amendment.
- 36.7 Councillor Bell referred to the amendment and said that everyone understood the need for social value to be considered. However, this was a commercial rent and there was nothing in the report to indicate that the rent at New England House was not affordable. He noted that there were two tenants at New England House who were only using it for storage and that they would be relocated in order to provide space for the tenants at Belmont Street, and asked what the current situation was with them. The Executive Director Economy, Environment and Culture said they currently still using New England House, but if Belmont Street were sold the purchaser had said that the current tenants could remain for a year and so there would be time for the others to be relocated.
- 36.8 Councillor Wealls asked officers to give the difference in cost per square foot of the two buildings. The Assistant Director Property & Design said it should be noted that the two properties were very different and so it would be difficult to make a direct comparison. The space at New England House was 2670 square foot, with a rent of £9.55 per square foot and so the rent per annum would be £25,499, and there would be a service

charge of £11,000 giving a total annual charge of £36,499. Belmont Street was 4767 square feet, but 1200 of that was storage, so the size was 3567 square feet, the rent was £4.90 per square foot and so the annual rent was £22,850 and tenants paid for their own repairs. However, if the property were not sold the Authority would have to look at market rents, and the rent would increase to £6.69 per annum giving an annual rent of £31,000, and would have to do some work to the building to bring it up to standard and the tenants would be charged for that with a service charge of £26,000, and so the overall cost would increase to £57,000.

36.9 The Committee agreed to accept the proposed amendment.

36.10 The Committee noted the information contained within Part Two Item 43.

36.11 RESOLVED:

- (i) That the committee agrees in principle to the disposal of Belmont Street Annexe and 26 and 27 St Peter's Street.
- (ii) That prior to the final decision, this committee receives a report providing further information on the social value impact of displacing current occupiers and considers mitigating measures, such as a rental cap, that may be taken to ensure alternative accommodation at New England House is affordable.

37 ASSET DISPOSALS FOR RE-INVESTMENT IN THE URBAN PORTFOLIO

37.1 The Committee considered the report of the Executive Director for Economy Environment & Culture which sought authority for the disposal of a property from the Council's urban investment portfolio.

37.2 Councillor Mac Cafferty welcomed the report, and suggested that it would be useful if an annual report could come to this committee to allow councillors could monitor decisions being made. He noted that the property in question was near to the new Hannington's development, and therefore property prices could rise in the future, and asked how it could be ensured that the maximum value would be achieved. The Assistant Director Property & Design accepted the concerns, but said that it could be five to ten years before the new development was completed and possibly impacted on nearby property values, and the authority needed to take a balanced view on the best way forward. The Chair referred to the suggestion of having an annual report, and said that it was only a year ago that this committee agreed to set up the Asset Management Board (ASB), and their oversight and recommendations are a useful guide on the management and development of our assets.

37.3 The Committee then moved to Part Two, and noted the information contained in Item 44 (Part Two report which accompanied this report).

37.4 RESOLVED:

- (i) That the committee authorised the disposal of the freehold of 23 Meeting House Lane and that delegated powers be given to the Executive Director of Economy, Environment and Culture, Assistant Director Property & Design and Executive Lead, Strategy, Governance and Law to agree terms.
- (ii) That the committee authorised the retention of the net capital receipt to add to an investment fund which includes the net capital receipts of previously completed property disposals, as approved by this committee.
- (iii) That the committee noted that the investment fund would be used to acquire a commercial investment property or properties, in accordance with the council's AMP, details of which will be presented to this committee with a recommendation when an acquisition opportunity has been identified.

38 PUBLIC CONVENIENCES

- 38.1 The Committee considered the report of the Executive Director for Economy, Environment & Culture which sought approval to introduce charging within 11 of the 37 public conveniences with the city and to continue with the charge at the West Pier Arches public conveniences.
- 38.2 Councillor Peltzer Dunn said that he was opposed to the recommendations. The city was a special place which attracted 11 million visitors last year. The public conveniences identified as being suitable for charging were predominantly in the areas most visited by the tourists, and making them pay to use the toilet was cheapening the city. As well as visitors there were many residents who used the public toilets, and if they did not have the money they may use bushes etc, which would lead to public health issues and would impact on the reputation of the city. Negative views on the city would have an impact on the revenue visitors brought into the city. For the benefit of residents and the city's standing he asked that the Council did not charge the public to use the toilet.
- 38.3 Councillor Janio said that said the charging at the West Pier public convenience started in 2014, and he was content for that to continue. He noted that a contract was awarded to Healthmatic in May 2017, and part of that contract was that they would commit to a capital investment of £602,000 and asked if the possibility of charging for some public conveniences was known then. The Executive Director for Economy, Environment & Culture confirmed it was known to the bidders. Councillor Janio asked why the committee were therefore being asked to agree the charges if it had been in the original bid, and suggested it should have come to committee when the contracts were awarded.
- 38.4 Councillor Mitchell said it had always been clear from the beginning, and taking into account the scrutiny report on public toilet provision, that when the new contract came up for procurement that the Council would seek to obtain a capital sum as part of that contract to enter into a refurbishment agreement along with a maintenance and cleaning agreement. This report was clarifying the exact public toilets we would charge for. Tourists wanted to be able to use

modern and clean toilets, and the money raised would allow the Council to refurbish other public conveniences.

- 38.5 Councillor Mac Cafferty noted the Equality Impact Assessment in the report, and asked if there had been discussions with groups such as the Older People's Council, or those with medical conditions such as Crohns etc. The Executive Director for Economy, Environment & Culture said that ensuring toilets were accessible for all people was essential. The Council were trying to keep all 37 toilets open, but they did need significant investment and the revenue generated would go towards the repairs.
- 38.6 The Executive Director for Economy, Environment & Culture said that a report went to the Policy Resources & Growth Committee in October 2016 seeking approval for the procurement process for a new contract for the management of the city's toilets. In the last two budget reports there was reference to the potential for charging. This was coming back to committee to seek approval to spending the investment, how that investment would be prioritised and which toilets there would be a charge to use.
- 38.7 Councillor Janio said that the city should have good toilets and he wasn't opposed to charging, but wanted to make sure that the right process had been followed.
- 38.8 Councillor Wealls asked if there were a charge whether there would be contactless payment, and it was confirmed that was being looked at.
- 38.9 Councillor Daniels said that no one wanted to charge, but it was important to raise money to pay for the refurbishments and ensure that all public toilets were of a good standard.
- 38.10 Councillor Bell said that £550k had already been allocated from the budget and suggested that that be used now to start the refurbishments, and a further report come back to this Committee in October.
- 38.11 The Chair said that recommendations 2.1 (1) - 2.1 (5) would be considered separately. Recommendation 2.1 (1) was agreed, recommendation 2.1 (2) was not agreed. The Chair said that as recommendation 2.1 (2) had not been agreed that the remaining recommendations could not be considered as they were dependent on recommendation 2.1 (2). Recommendations 2.1 (3) – 2.1 (5) were withdrawn.
- 38.12 **RESOLVED:** That the Committee agreed to continue charging 30p at the West Pier Arches public convenience.

39 CONSTITUTION REVIEW

- 39.1 The Committee considered the report of the Executive Lead for Strategy Governance & Law, which set out the proposed changes to the Council's Constitution.

39.2 The Executive Lead for Strategy Governance & Law said that there was an officer correction to recommendation 2.2, as follows:

1. Delete reference to paragraph 4.10 in recommendation 2.2
2. Delete the additional words inserted in paragraph 9.9 of Appendix 3 relating to oral questions and add that this issue is referred back to the Constitutional Working Group.)
3. The amended recommendation 2.2 to read:

*2.2 That the Policy, Resources & Growth Committee recommends to full Council the proposed changes to the Council's Constitution set out at paragraphs 4.9 and 4.10 and appendix 3 (Council Procedure Rules **but without the changes to paragraph 9.9, this being referred back to the Constitutional Working Group for consideration**) and paragraphs 4.11 to 4.12 and appendix 4 (Code of Conduct for Employees), as well as those in paras 4.13 to 4.15 and appendix 5 (Terms of Reference of the Conservation Advisory Group).*

The proposed change to paragraph 9.9 of the Council Procedure Rules had not been agreed by the Constitutional Working Group, and therefore it was suggested that it be removed from this report and referred back to that Group for consideration.

39.3 Councillor Wealls referred to the direct delegations to Field Officers and asked if they would be in a position to enforce cycling on the seafront esplanade, and if that was within their powers which part of the List of Delegation would it come under. The Executive Lead for Strategy Governance & Law said he couldn't find the exact section, but the intention was to give Field Officers the maximum delegated powers, but what powers they enforced would depend on the relevant service director giving authorisation. Councillor Daniels (Chair of Neighbourhoods, Inclusion, Communities and Equalities Committee), said the Field Officers would a small team of highly trained enforcement officers who would focus on reducing the problems for communities in complex cases where there was an overlap of issues. For example, there could be case where there was an anti-social incident involving a noisy neighbour but there could also be concerns over whether the property had the correct licence or planning permission etc. The Field Officer would be able to investigate all the issues which would free up the time of specialist regulatory officers. The intention of the Field Officer role was to deal with complex cases rather than be an additional 3GS officer, and so while they would have the power to enforce cycling on the esplanade, and would be expected to do so if they witnessed it, the intention was that they would be involved in more complex case.

39.4 Councillor Bell asked for clarification that the role of Field Officers would be in addition to current provision rather than a replacement. The Executive Director Economy, Environment & Culture confirmed that they would be in addition.

39.5 The Committee agreed the officer correction to the recommendations.

39.6 RESOLVED: That the Committee -

- (i) Approved the recommendations set out at paragraph 4.1 and appendix 1 (updates and revisions to the Scheme of Delegations – general) and paragraphs 4.2 to 4.8 and appendix 2 (updates and revisions to the Scheme of Delegations – Field Officers).

- (ii) Recommends to full Council the proposed changes to the Council's Constitution set out at paragraphs 4.9 and appendix 3 (Council Procedure Rules but without the changes to paragraph 9.9, this being referred back to the Constitutional Working Group for consideration) and paragraphs 4.11 to 4.12 and appendix 4 (Code of Conduct for Employees), as well as those in paras 4.13 to 4.15 and appendix 5 (Terms of Reference of the Conservation Advisory Group).

Resolved to Recommend:

Full Council

- (iii) That the proposed changes to the Council's Constitution, recommended in paragraph 2. 2 above, be approved and adopted.

Both Policy, Resources and Growth Committee and Full Council

- (iv) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by the Policy, Resources and Growth Committee and by full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.
- (v) That the changes proposed in paragraph 2.1 Appendix 1 come into force immediately following their approval by Policy Resources and Growth Committee, while those proposed in paragraphs 4.2 to 4.8 and Appendix 2 come into force once Field Officers have been formally appointed and have completed their induction and relevant training.
- (vi) That the changes proposed in para 2.2 come into force immediately following their adoption at full Council.

40 CITY ENVIRONMENTAL MANAGEMENT MODERNISATION PROGRAMME UPDATE

- 40.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which provided an update on the projects being undertaken as part of the City Environmental Management (CEM) Modernisation Programme.
- 40.2 Councillor Wealls asked for assurance that the Big Belly bins would be rolled out as far as possible where the marginal cost equalled the marginal saving. The Executive Director Economy, Environment & Culture said that under the Capital Programme agreed at Budget Council this year there was funding to roll out further Big Belly bins.
- 40.3 Councillor Wealls asked if the communal recycling bins would be rolled out as far as practically possible. The Executive Director Economy, Environment & Culture said that the Authority would look at providing additional bins, but there would be consultation with all interested parties before any decision was taken.
- 40.4 Councillor Wealls wanted to ensure that communal recycling was being taken as far as possible. The Executive Director Economy, Environment & Culture said that the next phase of the modernisation programme would be to look at improving the balance of on-

street recycling/waste collection and communal recycling and there may be opportunity to do more, but ultimately it would be a decision for Committee.

- 40.5 Councillor Gibson referred to Table 1, which set out the commercial waste costs and income during 216/17 and 2017/8, and asked if allowance had been made for depreciation of the cost of vehicles had been included, and whether the figure of £160k which had been accrued and due to be billed should be included in the 'income' figure for the year it had been apportioned to. The Executive Director Economy, Environment & Culture said the depreciation cost of vehicles had been included, and the cost of purchasing and maintaining those vehicles would be included in any business case. With regard to the £160k, one area identified for improvement was the invoicing systems in place hence the accruals listed in the table.
- 40.6 Councillor Bell thanked the workforce in City Clean and the other agencies involved in waste collection, and appreciated the work they were doing. Residents were looking assurances that things would improve, and that there would be actual changes taking place.
- 40.7 Councillor Mitchell said the purpose of the report was to pull together and exemplify the support which had been going into a complex organisation which was working under huge pressure, and to look at income generating components which were needed to protect the front line services. The changes already implemented were making a difference. There had been problems with service delivery which had been caused by a number of issues such operational difficulties or access problems etc and this report set out what measures were being taken to address those issues and provide a better service to residents.
- 40.8 Councillor Mac Cafferty said that there had been problems with waste collection and he had received many complaints from residents. He said that he would support the recommendations, but was concerned that community confidence in the service was ebbing away.
- 40.9 Councillor Janio noted that this report provided an update to the CEM Modernisation Programme, and suggested it would have been useful if the initial programme had come to this committee first. He said that Digital First was going very well, and the improvements to the website etc were very good. He suggested that a report on business improvements being undertaken needed to go to the Environment, Transport and Sustainability (ETS) Committee as a separate item rather than as part of the CEM Modernisation Programme so they could be fully discussed, and if money were needed that a report then come back to this committee for consideration. With regard to commercial waste he had been concerned that the Council would undercut other providers and by so doing put them out of business and then create a monopoly for that service and put prices up. That had happened with the collection of garden waste, and he asked for assurance that the Council would not suddenly increase their prices for that service. The Executive Director Economy, Environment & Culture said that the Council wanted to provide a good service, and there had been no price increase this year, and if there were it would be need to be considered by the ETS Committee.
- 40.10 The Chair recognised the hard work of officers, and said the programme was about the operational delivery of services rather than a significant policy change.

40.11 Councillor Hamilton referred to the roll out of wheelie bins, and noted that there was an area in South Portslade where residents were still using black boxes and asked when they would be provided with wheelie bins. The Executive Director Economy, Environment & Culture said that they were currently auditing those areas where wheelie bins had been rolled out to ensure they were the most appropriate type of containers for those streets, and once that had been done they would look at other areas in the city.

40.12 RESOLVED: That the Committee -

- (i) Noted the progress made on the delivery of the City Environment Modernisation Programme through the projects described in Section 3.
- (ii) Noted the actions taken following a requested internal audit of the commercial waste service as set out in paragraphs 3.7.1 to 3.7.3 and requests that a further report, setting out options and a full business case for growth of the commercial waste service, be presented to October 2018 Environment, Transport & Sustainability (ETS) Committee.

41 PROPOSED NEW DEVELOPMENT OF CULLUM CENTRES FOR CHILDREN WITH AUTISM IN PARTNERSHIP WITH THE NATIONAL AUTISTIC SOCIETY AND CULLUM FAMILY TRUST

41.1 The Committee considered the report of the Executive Director for Families, Children & Learning, which informed them of the potential partnership with National Autistic Society and the Cullum Family Trust to create a new Special Facility for children with the Autistic Spectrum Condition at Dorothy Stringer Secondary School, and to redevelop the existing Special Facility known as The Phoenix Centre at Hove Park Secondary School.

41.2 The Committee were informed that the Cullum Family Trust would be offering £1.5m, rather than the £1m stated in the report.

41.3 Councillor Daniels welcomed the report and said that improving provision for children with Autistic Spectrum Condition was needed and thanked all those involved. Councillor Daniel asked what the Cullum Centre would provide. The Assistant Director, Health SEN & Disabilities said that the Centre would be a new build in the heart of the school, and there would be trained staff providing a specialist education to allow pupils to access mainstream school.

41.4 Councillor Janio asked if the Kings School had been approached, and was advised that all secondary schools had been asked to express an interest. Only three schools initially came forward and Dorothy Stringer was the only school who wished to remain in the process. Councillor Janio asked if Kings School could be approached now, and was advised that only Dorothy Stringer would have the Cullum Centre, but if other schools were interested in having additional provision it could be something that they could be discussed with the Council.

41.5 RESOLVED: That the Committee approved the further exploration of the partnership with the National Autistic Society and Cullum Family Trust to create two Cullum Centres

at Dorothy Stringer School and Hove Park School respectively, with more detailed recommendations to be taken to the Children, Young People and Skills Committee in the autumn 2018.

42 ITEMS REFERRED FOR COUNCIL

- 42.1 It was agreed that Item 40: City Environmental Modernisation Programme Update be referred to the 19 July 2018 Council meeting for information.

The meeting concluded at 8.15pm

Signed

Chair

Dated this

day of