

BRIGHTON & HOVE CITY COUNCIL MEETING

4.45PM 4 DECEMBER 2008

COUNCIL CHAMBER, BRIGHTON TOWN HALL



AGENDA



**Brighton & Hove
City Council**

Council Meeting

Title:	Council
Date:	4 December 2008
Time:	4.45pm
Venue	Council Chamber, Brighton Town Hall
Members:	All Councillors You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Stephen Terry
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	FIRE / EMERGENCY EVACUATION PROCEDURE If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none">• You should proceed calmly; do not run and do not use the lifts;• Do not stop to collect personal belongings;• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and• Do not re-enter the building until told that it is safe to do so.

AGENDA

Part One

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

30. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 9 OCTOBER 2008 (COPY ATTACHED). 1 - 40

31. MAYOR'S COMMUNICATIONS.

32. TO RECEIVE PETITIONS FROM MEMBERS.

Petitions will be presented to the Mayor by Members of the Council at the meeting.

33. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 27 November 2008 will be circulated separately as part of an addendum at the meeting.

34. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 27 November 2008 will be circulated separately as part of an addendum at the meeting.

35. WRITTEN QUESTIONS FROM COUNCILLORS. 41 - 44

Note: Councillors written questions as detailed will be taken as read along with the written answer at the meeting. The Councillor asking the question may ask one relevant supplementary question which shall be put and answered without discussion. One other supplementary question may be asked by any other Member of the Council which shall also be put and answered without discussion (a separate addendum with the written answers will be circulated at the meeting).

36. TO CONSIDER NOMINATIONS FOR (A) THE MAYOR-ELECT AND (B) THE DEPUTY MAYOR-ELECT

Note: The convention has been for the out-going Mayor to be nominated as the Deputy Mayor-Elect.

37. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.

- (a) Call over (items 38 - 39) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.
- (c) Oral questions from Councillors on the Cabinet, Cabinet Member and Committee reports, which have not been reserved for discussion.

6.30 - 7.00PM REFRESHMENT BREAK

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

38. ANNUAL REPORT OF THE STANDARDS COMMITTEE 45 - 58

Extract from the proceedings of the Standards Committee meeting held on the 11 November 2008 together with a report of the Director of Strategy & Governance (copies attached).

39. PROCEDURES FOR APPOINTMENT OF ASSISTANT DIRECTORS 59 - 64

Extract from the Proceedings of the Governance Committee Meeting held on the 18 November 2008 together with a report of the Director of Strategy & Governance, (copies attached).

40. NOTICES OF MOTION. 65 - 78

- (a) **Falmer Academy.** Proposed by Councillor Vanessa Brown.
- (b) **Free School Meals.** Proposed by Councillor Fryer.
- (c) **Keeping NHS Services Public.** Proposed by Councillor Kitcat.
- (d) **HIV/AIDS Services in Brighton and Hove.** Proposed by Councillor Randall.
- (e) **Credit Crunch.** Proposed by Councillor Young.
- (f) **Fuel Poverty.** Proposed by Councillor Caulfield.
- (g) **Government Surveillance of Communications – The Database State.** Proposed by Councillor Oxley.

41. REFERRED NOTICES OF MOTION

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Note: The following Notice of Motion has been referred directly to the Environment Cabinet Member Meeting with the agreement of the Mayor, in accordance with Procedural Rule 8.2 and is included for information only.

- (a) **Green Spaces and Health Inequality.** Proposed by Councillor Ben Duncan.

42. NOTICES OF MOTION REPORTED TO COUNCIL FOR INFORMATION ONLY

81 - 82

Note: The following Notice of Motion was referred to the Environment Cabinet Member Meeting held on the 6 November 2008 and is reported back to the Council for information only, without debate, in accordance with Procedural Rule 24.

- (a) **A Permanent Memorial for Ken Fines.** Proposed by Councillor Amy Kennedy.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. Access to the webcast can be made at www.brighton-hove.public-i.tv

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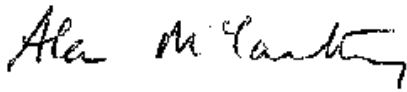
Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

COUNCIL

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

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

Date of Publication - Wednesday, 26 November 2008



Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 9 OCTOBER 2008****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

PART ONE**14. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.**

- 14.1 Councillor Pidgeon declared a personal interest in Item No.25 (f) Notice of Motion, as his wife was blind.
- 14.2 Councillor Mears declared a personal interest in Item No.24 Food for Life Partnership Standards, in respect of the provision of food for school meals.

15. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON THE 17 JULY 2008 (COPY ATTACHED).

- 15.1 **RESOLVED** – That the minutes of the meeting of the Council held on 17 July 2008 be approved and signed as a correct record of the proceedings.

16. MAYOR'S COMMUNICATIONS.

- 16.1 The Mayor asked the Council to stand and hold a minute's silence as a mark of respect for the death of ex-Councillor Ted Furey, which was reported at the Annual Meeting, who served with much distinction as a Labour Councillor for East Sussex County Council during the late 1980s and early 1990s.
- 16.2 The Mayor also asked that Council stand as a mark of respect for Ian Long who had retired from the council in 2007 as the Director of Housing & City Support, a post he had

held since 2003. He had been with Brighton & Hove City Council since its creation in 1997 and passed away on the 26th September.”

- 16.3 Following the minute’s silence the Mayor then announced that was pleased to present these three prestigious national awards to council given by the Institution of Highways and Transportation in June. The awards had been won against strong competition from other worthy schemes across the country and were a testament to the council’s commitment to the environment and are tribute to groundbreaking, innovative ideas that made a real practical difference to people’s lives.
- 16.4 The first two were for New Road which had won the National Transport Awards 2008 for ‘Walking and the Public Realm’ Category, and the Transport Management Practitioners 2008 Urban Design Category. Since its reopening in June last year New Road had been transformed from a street busy with traffic into a popular ‘shared space’ pedestrian area which had received praise from residents, businesses and visitors. The scheme was now recognised as a world class example of a shared space scheme and had been visited by groups as far apart as Vancouver and Plymouth.
- 16.5 The Mayor invited Councillor Geoffrey Theobald to come forward and receive the awards.
- 16.6 The third award was the Good Communications Awards 2008, Telecoms Innovation and was for the Talking Bus Stops. Brighton & Hove was the first area in the country to introduce talking bus stops, where blind and partially sighted people received spoken information about bus services. A small key fob activated the Talking Bus Stop as it was passed and a voice informed the person which bus stop they were at. By pressing a button on the key fob a further message was heard giving details of which buses were coming and when. The system had already revolutionised people’s lives and one user had said that his Talking Bus Stop key fob was as important to him as his mobile phone.
- 16.7 The Mayor then invited Councillor Brian Pidgeon to come forward to receive the award.
- 16.8 The Mayor then stated that he was delighted to announce that the Finance & Resources department of the council had received the prestigious Investors in People Award. He noted that Catherine Vaughan, the Director had made this her top priority for her new department and it was successfully delivered in the planned timescale. He stated that the Director was particularly proud of the award as it gave recognition for organisations that develop their staff to deliver service and business improvement.
- 16.9 The Mayor noted that Councillor Jan Young, who was the Cabinet Member for Finance had requested that Councillor Ann Norman, who was the previous lead member for Finance & Resources should come forward to collect the award on behalf of the Directorate. This was in recognition of the support that she had given to the directorate as Lead Councillor and the fact that the award recognised the achievement that came under her leadership.”
- 16.10 The Mayor then invited Councillor Ann Norman to come forward to receive the award.
- 16.11 The mayor stated that he was very pleased to inform Council that it had been awarded the South East Employer’s Charter for Member Development, making the council only

the 9th authority in the South-East to achieve Charter Status. The achievement had been the result of excellent work co-ordinated by the Member Development Working Group and staff within Democratic Services and he hoped to be able to present the Charter at the next meeting.

- 16.12 The Mayor then informed the council that as part of his charity events, he was holding a coffee morning on the 22nd October at Brighton Town Hall, which would include a tour of the Police Museum, and a night at the Greyhound stadium on the 6th November at 7.00pm. He hoped Members would support both events.
- 16.13 The Mayor also drew Members attention to the work of Councillor Bennett in supporting the Pink Dolphin Appeal, and the latest fund-raising scheme of providing re-useable carrier bags for a minimum donation of a pound.

17. TO RECEIVE PETITIONS FROM MEMBERS.

- 17.1 The Mayor invited the submission of petitions from councillors. He reminded the council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.
- 17.2 Councillor Marsh presented a petition signed by 41 residents concerning traffic and the need for a crossing at the gyratory at Lewes Road.
- 17.3 Councillor Davis presented a petition signed by 269 residents concerning traffic speeds in Highdown Road.
- 17.4 Councillor Davis presented a petition signed by 252 residents requesting the commemoration of Katherine Mansfield's residence in Rottingdean.
- 17.5 Councillor Hamilton presented a petition signed by 129 residents concerning the increasing of book stocks and opening hours in the city libraries.
- 17.6 Councillor Kennedy presented a petition signed by 324 residents concerning safe pedestrian access into Preston Park.
- 17.7 Councillor Carden presented a petition signed by 288 residents concerning road safety in Chalky Road, Portslade.
- 17.8 Councillor Meadows presented a petition signed by 19 residents of Meadowview, concerning the provision of the bus service.
- 17.9 Councillor McCaffery presented a petition signed by 131 residents concerning the replacement of the statue for Steve Ovett in Preston Park.
- 17.10 Councillor Caulfield presented a petition signed by 22 residents of Egginton Close requesting the replacement of grass verges with parking spaces.

- 17.11 Councillor Caulfield presented a petition signed by 493 residents requesting the extension of resources for the Noise Patrol Team.
- 17.12 Councillor Morgan presented a petition signed by 78 residents concerning parking enforcement measures in Maresfield Road.
- 17.13 Councillor Fallon-Khan presented a petition signed by 21 residents, concerning the need for fencing at Hove Park Bowls Club.
- 17.14 Councillor Mrs Drake presented a petition signed by 20 residents concerning parking measures in Highbank.

18. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 18.1 The Mayor reported that three written questions had been received from members of the public and invited Mr. Furness to come forward and address the council.

- 18.2 Mr Nigel Furness asked the following question:

“Could Councillor Theobald please tell us how much revenue this authority received in the past year from the cans and other metals left out for recycling or put in communal recycling bins?”

- 18.3 Councillor Theobald stated that “The price of metals is high at the moment and we are receiving good levels of income from cans, which was £16,000 in 2007/08 and £13,000 from other metals.

You may like to know that the total income in 2007/08 to this authority from all its recycling (which includes glass, paper, cardboard, plastic bottles) was £548,000.”

- 18.4 Mr. Furness asked the following supplementary question:

“Thank you Councillor Theobald for that illuminating answer which brings me to the point, why does it state in ‘The Argus’ that profits are shared with Veolia, while in another article it is stated that aluminium cans, which now fetch, by the way, around £1.65 per kilo in scrap value, are donated to the charity Alupro in order to provide one orange tree per ton to be planted in Malawi? In these hard pressed times doesn’t charity begin at home, Councillor?”

- 18.5 Councillor Theobald responded, “What we read in ‘The Argus’ isn’t necessarily accurate and it is difficult to answer a question such as that but all of us will have different views on charity giving, whether it is to charities abroad or charities in this country.”
- 18.6 The Mayor thanked Mr. Furness for his questions and invited Mr. Hawtree to come forward and address the council.
- 18.7 Mr. Hawtree asked the following question:

“Could Councillor Smith please tell us what steps he will be taking to commemorate Katherine Mansfield's crucial, 1910 residence in Rottingdean?”

18.8 Councillor Smith stated that “There are no plans in the forthcoming public event programmes to commemorate Katherine Mansfield’s residence in Rottingdean in 1910. She was an author, born in New Zealand, but spent much of her life here. She knew D H Lawrence and I believe she led quite a bohemian lifestyle. Mr Hawtree may like to nominate Katherine Mansfield to the Commemorative Plaque Panel which is chaired by John Small of the Regency Society. Further information on this can be provided by the City Council’s Head of Tourism, Adam Bates.”

18.9 Mr. Hawtree asked the following supplementary question:

“Thank you Councillor Smith. I think you have been ‘Googling’ the subject and not very much comes up when you look Katherine Mansfield and Rottingdean up. We need books and even though her letters and notebooks do not survive from that period, a great deal else recalls that first visit to the sea, since New Zealand as you mention, and the sound of it in Rottingdean prompted the start of her greatest writing while craving library books.

Councillor Smith can I call upon Katherine Mansfield now to ask you wouldn’t it be a much better honour than going to the Plaque Committee, instead to open Rottingdean Library more than three days a week as this authority still falls short of the national standards as Councillor Hamilton has said?”

18.10 Councillor Smith responded, ““We are reviewing our plans for opening hours and are one of the largest authorities for buying books. I am sure the people of Rottingdean appreciate the works of Katherine Mansfield, but having looked on Google and been unsuccessful, I am not sure how many books you would have to read to find out more about her.”

18.11 The Mayor thanked Mr. Hawtree for his questions and stated that Mr. Hooper was unable to attend the meeting to put his question and therefore a written answer would be given by Councillor Theobald.

19. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

19.1 The Mayor reported that one Deputation had been received, which concerned the increased level of traffic on Highdown Road, and invited Mr. W. Shaw, as the spokesperson, to come forward and address the council.

19.2 Mr. Shaw thanked the Mayor and stated that:

“We have a problem in our street with traffic and I am sure you hear this a million times. Ours has become very much more acute in recent times and there are two reasons for this, one of which is there is an extraordinary demographic there. We are right in the middle of six great Brighton schools, we have Stanford Infant, Stanford Junior, Davigdor, Somerhill, BHASVIC, Cardinal Newman, if you look at a map we are straight in the middle of these.

In the last ten years the demographic has become extreme, you know there is an amazing amount of children living in that area. I reckon there is something like 70% of flats and houses that now have children under 18 living in them, which is extraordinarily high.

You have the ability to confirm these figures by going to the Education Department; they will be able to confirm how extraordinary it is. If you want to, come down at Halloween and you will see hundreds of children out in that street at night. It is quite remarkable.

This adds to another problem, we are a very wide, very long, very straight road coming off of Dyke Road and a brilliant thing has happened, we have traffic lights at the end of BHASVIC College because the students are all 16 year olds who would walk straight in front of a lorry unless those lights are there. It is really good but if you are coming along Dyke Road and you wish to turn into Old Shoreham Road and you see the traffic backed up, around rush hour, you zoom down our street at 40mph to try and cut through. This was not happening a year ago. It has really increased as a real problem now and that is exactly the time these kids are coming back from school. It is a very pressing problem and I would be very grateful if you could set a date when you can consider this problem as quickly as possible.

I would be very grateful if you could take this seriously because something very bad is going to happen and a lot of the people who came along earlier on have seen things that would make your heart leap if you saw it. There have been very close near misses this year and we do not want to see any of those actually having the same situation as that terrible thing in Portslade.”

- 19.3 Councillor Theobald stated that “I do take this very seriously indeed as I do all of these. I do find that wherever I seem to go somebody somewhere calls me over such an issue and recently at the cricket ground a very good friend of mine tackled me on this very subject, so already a resident of Highdown Road has spoken to me about this and has mentioned this to me.

I do understand and I had asked officers to check the casualty data for Highdown Road, which includes information both before and after the completion of the crossing in June, which you mention, and I was very pleased we were able to undertake that last year. This investigation has shown that there is currently no change in that data.

Council officers have also, and I asked them to do this, covertly measured traffic speeds in Highdown Road this week during the afternoon peak hour. The average speed recorded was 26mph with the highest recorded speed being 31mph. Unfortunately, from your point of view, this confirms there is no reason to take immediate action. However, I will and I have asked officers to continue to monitor the situation because, as you say, this is a situation which has got worse since the pedestrian crossing went in so it will be continuously monitored because this Administration takes very, very seriously safety measures, particularly where children are involved so please rest assured that we will continue to monitor this situation.”

- 19.4 The Mayor thanked Mr. Shaw for attending the meeting and speaking on behalf of the Deputation. He explained that the points made had been noted and along with the

petition presented by Councillor Davis, would now be referred to the Environment Cabinet Member Meeting. The persons forming the Deputation would be invited to attend the meeting and would be informed subsequently of any action taken or proposed in relation to the matters set out by the Deputation.

20. WRITTEN QUESTIONS FROM COUNCILLORS.

20.1 The Mayor reminded the council that councillor's questions and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below.

20.2 The Mayor then invited the Member responsible for the written question to ask one relevant supplementary question and for that to be answered accordingly, along with any additional supplementary question from another Member as detailed below.

20.3 (a) Councillor Fryer asked:

"There have been recent reports from many constituents about employees and sub-contractors of the council carrying out building works or clearing rubbish, for example from the beach, throwing things which could easily be recycled.

Can Councillor Theobald tell us what training and facilities currently exist to raise the council's employees and sub-contractors awareness of possibilities for recycling?"

20.4 Councillor Theobald replied:

"Contracts & tendering

Within the tender documents for all contracts the council encourages contractors to reduce all unnecessary waste, re-use and to recycle wherever possible.

For example, our new Gully & Soakaway Contractor, Conway, empties the silt and water from gullies & soakaways and transfers the waste to a recycling plant. This separates this waste into oils and fuels, sand, three grades of gravel, metal and clean silt. Excess water is cleaned and used to clean aggregates.

New facilities

The council's new in-house waste and recycling contract provides an excellent opportunity for the council to make significant improvements by:

- mainstreaming recycling collections to all buildings across the council;
- increasing the range and quantity of materials that can be recycled;
- supporting staff in their efforts to reduce the amount of waste being sent to landfill from council offices.
- Offering an improved recycling service to schools.

Staff awareness and training

The council supports a successful Environment Champions programme with 120 members of staff who voluntarily champion sustainability – including recycling – in their work environments.

A new e-learning tool is about to be launched, providing all members of staff with the opportunity for improving their knowledge in all areas of sustainability. Waste recycling and reduction features strongly.

A new sustainability course specifically designed for managers has also been devised, showing managers how they can set up systems and practices to help reduce and recycle waste.”

20.5 Councillor Fryer asked a supplementary question, “Many residents of Brighton and Hove are shocked at the amount of waste left on the beach every day, especially in the summer months. It is not good for tourism which is very important to Brighton and Hove’s economy but would Brighton and Hove, therefore, be able to launch a zero waste campaign regarding those beaches along the lines of that which was done in Estonia which saw 50,000 people mobilising to clean their country on the same day?”

20.6 Councillor Theobald replied, “As you know I am always willing to hear any questions, particularly positive questions that are put that might help this situation, so could I just say to you that we will certainly consider it.”

20.7 (b) Councillor Fryer asked:

“Could the two members of the Arts Commission receiving a Special Responsibility Allowance undertake to give a regular report to the Council of extra duties incurred and carried out as a result of their special responsibilities together with a vision of how they see their role emerging?”

20.8 Councillors Older and Davis replied,

“The Brighton and Hove Arts Commission is an independent Cultural Partnership which was established by the City Council. The Special Responsibility Allowance made available to Councillors Older and Davis is in recognition of the time allocated by them to the Arts Commission in addition to other council duties. This is to take part in Arts Commission meetings, working sub groups, to attend Arts Commission advocacy events and other meetings as requested by the Chairman. For example; to date, particular responsibilities allocated by the Chairman include asking Councillor Older to lead on the new constitutional arrangements as they relate to the Arts Commission and Councillor Davis to lead on the input for the Arts Commission on the Local Development Framework.

The record of their duties, along with other Arts Commission members, is contained in the minutes and records of the Arts Commission itself which are published on the Arts Commission website.”

- 20.9 Councillor Fryer asked a supplementary question, "There is a great deal of evidence which highlights the value of the arts to all members of society, including improving health and wellbeing, education and a quality of life. In this age of cuts to arts funding resulting in many artists who provide a the community struggling to survive, do Councillors Older and Davis agree that it would be better for the £2,000 currently being spent on a Special Responsibility Allowance for four meetings per year, to go directly to artists and art organisations?"
- 20.10 Councillor Older replied "As it is an independent body you must be aware of why we take it so seriously along with the arts culture in this city. The Arts Commission is an independent body that works independently from the council. That was the whole point of it with a representation from the Members of the Council. The Commission reports to the Cabinet Member of Culture, Recreation & Tourism and Cabinet and there is an additional accountability through scrutiny for Culture, Tourism & Enterprise. The Commission reports to the council as a whole which you have asked them to do. We do not believe it is necessary to give the last accountability above and if all the representatives that sit on the outside bodies start to report to Council, we would not have time for any other business. The Special Responsibility reducing in value last year should demonstrate our commitment to the arts. We also made the Tourism & Recreation Sub-Committee a main committee last year. As you can see from our written answer, which shows two things we both had an input into and I am sure there will be other things in the future. I presume Councillor Fryer is aware that I do not actually get the responsibility allowance as I already receive one from the Children & Young People's Overview & Scrutiny Committee."
- 20.11 Councillor Davis replied, "I wasn't part of the Administration or involved in any way in the process of deciding Special Allowances for any councillors but I do believe it is important that the arts are recognised as an integral part of the city's wider culture and of its economy. It is right that the current Administration recognises this too by giving the Arts Commission its special status.

I mean for the interest of Members I advocate and champion the arts and the Arts Commission in many places and in many ways. I sit on the Brighton & Hove Business Forum, the Brighton & Hove Philharmonic Orchestra. I am on the Culture, Tourism & Enterprise Overview & Scrutiny Committee. I am Opposition Spokesperson for Culture, Recreation & Tourism Cabinet. I am also on the Board of the Brighton Carnival. I am a paid up Friend of the Brighton Festival. I am responsible for the arts at the local school of which I am Governor. I am a founding member of the Friends of St Ann's Well Gardens which has a number of arts events on throughout the year. I was also a Board Member of Lighthouse which promotes digital arts in the city. I spent four years in the House of Commons working for three Shadow Arts Ministers and over twenty years in television and the creative industries.

I can assure Councillor Fryer that that kind of commitment and expertise working in the open market is worth a great deal."

- 20.12 (c) Councillor Morgan asked:

"Can Councillor Theobald, Brown or Mears confirm that this authority has submitted a response to the proposals in the Government's Youth Crime Action Plan which came

out in July for consultation and which is backed by significant new Government funding? Responses from local authorities and other interested parties were requested by 17 October, so if a response has been submitted, can details be given of what consultation was undertaken via the Community safety Forum, CYPT or other bodies in the city please?"

20.13 Councillor Mrs. Brown replied,

"The Youth Crime Action Plan was received from the Government during the Summer in late July. The council was not invited to respond to any formal consultation process although within the body of the Plan there were questions posed about the long term strategies proposed.

The Plan sets out a 'Triple Track' approach to reduce youth crime. Each Local Authority Area being required to put in place a comprehensive package of enforcement and punishment; non-negotiable support and challenge; and better and earlier prevention.

Some of the specific proposals in the Plan are already being delivered in Brighton & Hove as a result of our successful partnership working and the fact that both the CDRP and CYPT have already been awarded trailblazer or pathfinder status for various strands of the Plan. Examples of this are; the Challenge and Support grant which has been pooled by the CDRP and CYPT to enable a City wide growth in youth crime prevention teams as part of the Targeted Youth Support Strategy; and the Family Pathfinder which will work closely with the Family Intervention Project to deliver joined up services to our most needy and problematic families.

The Government have recently announced that they will make up to £700,000, over two years, available to the City to support the implementation of the Youth Crime Action Plan and we have been consulting across our Partnerships on our proposals which we will put to officials from the Youth Task Force in October. Discussions have taken place at –

- The Youth Justice Strategy Group
- The Crime and Reduction Partnership
- The Targeted Youth Support Development Group
- And at the Community Safety Forum on 6 October."

20.14 Councillor Morgan asked a supplementary question, "Does Councillor Mrs Brown think that in-house consultation on the Government's Youth Crime Action Plan has been sufficient and given her Party's supposed concerns over youth crime and anti-social behaviour, should not this important issue have come before a Council meeting or appeared in City News or the Council's website so that the public could have their say?"

20.15 Councillor Mrs. Brown replied, "It was not statutory consultation, the Government just said they would welcome responses to some questions and, in fact, we have done much more than that. We already work very closely with the police and the Youth Offending Team. We have consulted widely about this Action Plan as it said in the reply and we have concentrated on the initiatives that we would like to work on initially, as the lead-in time is quite short this report wasn't even put out until the end of July. Our officers are meeting with representatives from the DCFS tomorrow to discuss these initiatives face to face and negotiate with them the actions that we will be taking forward. We intend to

build on our present good practice and some of our partners will also be present at that meeting. It is the actions and the outcomes that are important Councillor Morgan not the answers to a few written questions.”

20.16 Councillor Alford asked a supplementary question “Would the Cabinet Member for Children & Young People be able to give us a little bit of information about any initiatives that she is supporting with regard to the Youth Crime Action Plan?”

20.17 Councillor Mrs. Brown replied “There are a number of things that we want to do but just to mention a few: we want to increase the night time detached Youth Work Team that works alongside the police and the anti-social behaviour workers in areas where the young people particularly congregate. These youth workers will also undertake health education work, distributing information and talk about the dangers of drugs and alcohol.

We will also provide more positive activities for young people on Friday and Saturday evenings. We have already consulted widely with young people and they are keen to have more arts, music and IT activities.

We would also like to extend our family intervention project which delivers joined-up services to our most needy and problematic families and particularly to focus on these teenage years.

All these projects will complement the work we are already doing with young people and enhance our preventative strategies.”

20.18 (d) Councillor Davis asked,

“The Engineerium is a beautifully restored working Victorian pumping station and museum of mechanical antiquities which has been closed to the public for over two years. Could the Cabinet Member for Culture, Recreation & tourism tell us how he is facilitating the re-opening of this important building so residents and visitors can once again enjoy this important part of our city’s heritage.”

20.19 Councillor Smith replied,

“The Engineerium in Hove is in private ownership and is currently closed. The information on their website states that ‘a period of intense planning’ has begun. It continues to state that it will reopen in the future, however no further information is available. I have written to the owners directly to ascertain a timetable for the refurbishment works together with a projected reopening date for this valuable asset to the city. As soon as I receive a response I will inform Councillors.”

20.20 Councillor Davis asked a supplementary question, “I hope we will receive updates from you and I wondered if you would commit to being more proactive and call a meeting with the owner of the Engineerium to make sure that it doesn’t stay closed for several more years?”

20.21 Councillor Smith replied, “I have already written to Mike Holland asking to have a personal meeting with him so that we can discuss it. I am like you, I think it should be open. It’s one of our treasures and the sooner we get it open again and all the tourism

attraction it holds, I am all for it, so I will report back after I have had a meeting with Mike Holland.”

20.22 (e) Councillor Mitchell asked,

“In order to encourage participation in community activities such as the popular Baby Boogie sessions at the Jubilee Library, will Cllr Smith take whatever steps are necessary to remove the parking charge for babies buggies and ensure that the sessions are properly supported and promoted?”

20.23 Councillor Smith replied,

“A small charge of £1 per buggy was introduced on 1 September to go towards maintaining the regular drop-in Baby Boogie sessions that are run in 11 of our libraries across the city. For five years preceding this, we have been fortunate in attracting external funding for the Pre-School Music and Rhyme project of which Baby Boogie is an integral part, but we do now need to make some direct income to maintain this service.

Users of the service have suggested to us in the past that we should consider levying a charge to help keep the service going if grant funding was no longer available, and unfortunately we are now at the stage where this has become necessary.

The reason for charging £1 per buggy rather than per child was to keep the sessions as affordable as possible for families with more than one child under five. The charge was approved by the Culture, Recreation & Tourism Committee last year, and it was agreed that this and other charges would be reviewed this year. We will take this opportunity to reconsider the methodology of charging to see if some other arrangement would be more appropriate.”

20.24 Councillor Mitchell asked a supplementary question “Would Councillor Smith agree that it would be more open and transparent to charge for the Baby Boogie sessions themselves if that is what he wants to do, rather than apply this buggy parking charge that parents are seeing as very underhand?”

20.25 Councillor Smith replied “I agree with you entirely. When it comes to the budget in December I am sure we will be discussing other ways and means and if we have got to raise money we will do it then.”

20.26 Councillor Hawkes asked a supplementary question “Could Councillor Smith tell me why the very, very popular Dads’ Baby Boogie was cancelled? It seems quite tragic that when we are working very hard, the work is excellent but to encourage fathers as well as mothers and to just cut that one out is quite disgraceful. We have put out these leaflets and then cut something that is so important.”

20.27 Councillor Smith replied “We have just received some money for this and it will be starting again in November.”

20.28 (f) Councillor Mitchell asked,

"If Councillor Theobald agrees with me that Brighton and Hove's heritage seafront railings make an important contribution to the city's visual identity, will he authorise the removal of the ivy that is completely covering Kemp Town's promenade railings and is turning them into a hedge?"

20.29 Councillor Theobald replied,

"Thank you, Councillor Mitchell for the question on the seafront railings along the Kemp Town promenade. I would agree that the ivy covering the railings does detract from the heritage of the area and a programme of grounds maintenance works will be undertaken to cut back the ivy on the actual railings.

A review will also be undertaken to consider the ongoing management of the issue due to steep slopes and the extensive growth that has taken place over many years."

20.30 Councillor Mitchell asked a supplementary question, "I would just like to ask Councillor Theobald why it has taken a question put by myself in order to get some management on removing this large amount of ivy from the Kemp Town railings?"

20.31 Councillor Theobald replied "I really do find it quite amusing in many ways that Councillor Mitchell constantly asks these questions after twenty years or twenty-five years of running this council and asks me why this isn't happening and why that hasn't been happening and I keep saying to you Councillor Mitchell, well, what on earth have you been doing for the last twenty years? All I can say is it must grow very quickly, I have an expert sitting in front of me who tells me that ivy does not grow quickly and so therefore Councillor Mitchell I think this should have been dealt with earlier. The fact of the matter is, as I have said to you, that we are dealing with this: it is going to be dealt with in the same way as we dealt with the Bandstand, the Madeira Lift and so many other initiatives in what, just over a year we have achieved all these things, so Councillor Mitchell just watch this space."

20.32 Councillor Duncan asked a supplementary question "Given Fat Boy Slim's generous offer to contribute a proportion of revenues from future events on Kemp Town beach to a green proposed Madeira Drive Improvement Fund to pay for works just like this, can Councillor Theobald confirm what arrangements he has put in place to set up such a fund or to take Fat Boy Slim up on his offer?"

20.33 Councillor Theobald replied "I think we need to talk about this. I have explained this before that we can't ring-fence monies for particular issues. We use the monies to go across community events, and we have already heard, all of us in various wards in this city take advantage, our communities do, of monies which are spread around. If we are just going to target for one particular issue then those will lose out. I don't want that to happen and I don't think my colleagues on the council would either."

20.34 (g) Councillor Marsh asked,

"If the Cabinet Member for Environment agrees that, during this time of international economic hardship, residents of Brighton and Hove should be given every opportunity to access and cheaply grow their own seasonal, fresh fruit and vegetables, can he tell me when the report requested by my Labour colleague over a year ago on the re-letting of

abandoned allotment plots, a review of plot tenancy arrangements and opportunities for increasing the number of allotments will be produced?"

20.35 Councillor Theobald replied,

"I agree and we have been working very hard with the Brighton and Hove Allotment Federation to improve the service. Many of the improvements are in the day to day management of the service and we have identified allotment sites that were run down over the past 10 years or so that we can reopen. For example, we are about to re-open 30 new allotments on Whitehawk Hill, which had previously been abandoned, and we have taken over the management of 8 new additional plots in Ovingdean.

I think it is important that Members can assess this service and have the opportunity for making recommendations for further improvements. For this reason I have asked that Environment & Community Safety Overview & Scrutiny Committee take a look at the service and I hope you can be involved in that process. I am surprised that you are not aware that I have asked Scrutiny to look into this."

20.36 Councillor Marsh asked a supplementary question, "I am, of course, aware that you have requested this goes to Scrutiny but this falls under your remit, you have the responsibility and power to reopen these waiting lists which now have over 2,000 people on them, many of them my constituents. When will you stop passing the buck on this issue, taking some direct action to reopen the waiting lists and take action against tenants of unattended allotments?"

20.37 Councillor Theobald replied, "I find that amazing, absolutely amazing. One of the advantages of having Scrutiny Committees, and this was what was said time and again, was that one could use Scrutiny Committees to actually look at things, discuss them ad nauseam and then come forward with positive ideas.

Scrutiny to my mind shouldn't just be purely responding to what the Cabinet are suggesting. Scrutiny should be used, in my opinion and I would have thought most of our colleagues, to actually look at things and I thought that by suggesting that this issue be dealt with by Councillor Morgan's Scrutiny Committee, he would have been very pleased because it would have given him and other colleagues, who I know have expertise with allotments (I can think of one looking straight in front of me), and they can use that expertise by coming forward with some good ideas. If this council does not want me to put things to Scrutiny so that Scrutiny can come forward with some good ideas, that is what happens in other parts of the country, but you might like to know that waiting lists have reduced and the average time a person needs to wait for an allotment has been reduced, Councillor Marsh, from 18 months to 12 months, so that we have already moved and if you can work your maths out, we have already achieved that bit in just over 12 months. All newly let allotments are being halved in size to create good size plots and we are increasing actions against allotment holders who do not cultivate their plots. I take this seriously because, you know, I have allotments in my own Ward and I am aware of the satisfaction that this gives and it's something that we all ought to encourage and I certainly wish to do that.

I, along with Councillor Smart who looks at these things for me, have investigated and we have looked at a number of allotments in the city, because this is something that we

take very seriously, but I do want the Scrutiny Committee to have a look at this and to come forward with some jolly good ideas. I hope, Councillor Marsh, that you will take the advantage of feeding into this if you have an interest in this."

20.38 Councillor Smart asked a supplementary question "Does Councillor Theobald agree with me that our allotments are an integral part of this city and its local communities and that they are one of the last community spaces that crosses all boundaries of age, beliefs and ways of life that really bring people together and that they are safe in the hands of this Administration. "

20.39 Councillor Theobald replied "Yes."

20.40 (h) Councillor Kennedy asked,

"It is almost twelve months since this council passed a motion regarding tackling the blight of single-use plastic bags in the city. Can the administration's Sustainability Spokesperson advise me as to whether plastic bags have yet been eliminated from Brighton & Hove?"

20.41 Councillor Mrs Cobb replied,

"Clearly in a city the size of Brighton & Hove, this is not something that is going to happen overnight – nor is it something we can do alone... but I can report substantial progress:

1. We are phasing out plastic bags in our own retail operations, and have launched a "Bag for Life" made from recycled plastic bags, the bag which costs £1.49, featuring the simple message "Clean City, Clean Sea". We have already sold about 700, and are selling up to a hundred a week, through the Library and Pavilion shops, the Visitor Information Centre and many of our other libraries.
2. We have also begun selling them into local shops, and this will increase as the result of a seminar for local retailers on packaging we are arranging with the support of professionals in the (eco-friendly) packaging industry.
3. We have done extensive research into the city's supermarkets practices – as they give out most of the free plastic bags - and most have responded to our challenge already, or begun to: the Co-op, for example, is moving to 5p corn-starch bags; Marks & Spencer is charging for bags too as part of its "remind, reward and require" approach; Asda stopped handing out free plastic bags first in Brighton thanks to our campaign and we continue to support local initiatives by campaigners and independent shops to reduce plastic bag use. All of this is clearly having a real impact. Anecdotally we hear, and you can see for yourself – far fewer plastic bags are being used in Brighton than elsewhere – already.
4. We have already substantially increased our environmental education focus in schools on plastic litter and the sea. In June and July we sponsored a Cool Seas Roadshow jointly with the Marine Conservation Society for 10 primary schools reaching an amazing 2,700 children with messages about beach litter and introducing the marine

environment to children in a hands-on, visual and dynamic way with a big focus on plastic bags and litter in the sea.

We also commissioned a local artist and a local film-maker to work with five more primary schools in a week's workshops using waste from the beach to make 3D stories about sea litter and plastic bags. The resulting animation work will be shown in a film launch in November, with an exhibition in Jubilee Library early next year.

We even sponsored an Eco-Bags Panto at Benfield School in Portslade that highlighted the problems of rubbish, especially plastic bags that end up in the sea."

- 20.42 Councillor Kennedy asked a supplementary question, "I thank the Deputy Leader for her comprehensive answer to my question and I applaud the progress made so far in seeking to tackle the blight of single use plastic bags in this city.

I look forward to seeing this work continue and I would be grateful if the Deputy Leader could advise me as to when the supermarket summit which is referred to on this council's website will be taking place and also what, if any, liaison work is being undertaken with community campaign groups such as 'Plastic Bag Free Brighton'?"

- 20.43 Councillor Mrs Cobb replied, "Unfortunately, due to the economic climate we feel at the moment there are much more important things than looking at that particular event, although we may well hold it in the future but it has been postponed for the time being."

- 20.44 Councillor Caulfield asked a supplementary question "Could Councillor Cobb tell me if she thinks in this economic climate the proposed 20p tax on each plastic bag by the Green Members of this Council would have actually encouraged retailers to provide alternative bags at the check-out or would have, in fact, been just an unfair tax on the lowest paid members of our community?"

- 20.45 Councillor Mrs. Cobb replied "No. However, charging for bags does encourage shoppers to reuse and bring their own bags. In the budget on 12 March 2008 the Government announced that it will bring forward legislation in the Climate Change Bill to enable it to require retailers to impose a minimum charge on single use carrier bags. If sufficient progress is not made on a voluntary basis these powers will come into force in 2009. The Government will consult meantime on the operation of the charge and how to ensure that the money raised goes to environmental charities."

- 20.46 (i) Councillor Kennedy asked,

"The introduction on 31 March 2008 of Part 6 of the Traffic Management Act 2004 allows local authorities outside London to issue Penalty Charge Notices (PCNs) to motorists who park alongside dropped kerbs or more than 50cm from the kerb in a Special Enforcement Area. Can the Cabinet Member for the Environment tell me if this council has any plans to apply these new powers in Brighton & Hove?"

- 20.47 Councillor Theobald replied,

"Whilst Part 6 of the Traffic Management Act 2004 allows local authorities outside London to issue Penalty Charge Notices for double parking and parking on dropped

kerbs there is a requirement to indicate the ban with traffic signs and road markings on every street. Clearly this would be very expensive and time consuming for us to introduce citywide.

Through correspondence with David Lepper MP, the Assistant Director of Sustainable Transport has lobbied the Department for Transport to remove the requirement to sign and line the ban.

We recently received a response from the Minister of State for Transport advising that the Department is consulting local authorities on making a small change to the Regulations to clarify that these prohibitions can be enforced without traffic signs or road markings on every road. The consultation ends on 21 October."

- 20.48 Councillor Kennedy asked a supplementary question, "Those of us who represent the city centre wards know only too well the severe problems which are presented by double parking and I welcome Councillor Theobald's response to my question regarding the new powers afforded to local authorities under Part 6 of the Traffic Management Act 2004 which are designed to penalise drivers who persist with this selfish practice.

Could Councillor Theobald confirm whether or not this council will indeed adopt these powers if the Minister of State for Transport removes the requirement to sign and line and, if so, whether the additional revenue generated by the issue of Penalty Charge Notices can be ring-fenced for sustainable transport improvements which will benefit pedestrians and cyclists?"

- 20.49 Councillor Theobald replied, "I am all in favour of local councils having the opportunity to do this and I have indicated that but as far as implementing this, that will be a matter for consideration."

- 20.50 (j) Councillor Hamilton asked,

"The booking office at Hove Town Hall for events staged at The Brighton Centre and The Hove Centre is advertised as being open 26 hours a week. In practice it hardly ever seems to be open. The cafe at the King Alfred Leisure Centre, relaunched with much publicity a few months ago, is now permanently closed. I have received complaints about both of these unsatisfactory situations. What plans does the Conservative Administration have to provide the public with a proper service at these two locations?"

- 20.51 Councillor Smith replied,

"Box Office:

In recent months there have been staff shortages on a number of occasions caused by the long term sickness absence of key members of the Box Office team. Given the high volume level of business through the main Brighton Centre Box Office it has been necessary on these occasions to concentrate our resources to best effect. The venues currently have 87 concerts on sale (12 events are at Hove) plus 33 performances of Holiday on Ice, which together have a gross box office value of £3.9m. The Brighton Centre also has on sale 90 sessions of public skating. On those occasions when it is not possible to maintain a physical presence behind the box office counter in Hove Town Hall reception there is a red telephone adjacent to the counter for customers to contact

the Brighton Centre Box Office direct. This enables customers to still purchase tickets for events at either venue without payment of a booking fee. There is always a staffed presence for on-the-day/night sales when there is an event on in the building. It is also worth noting that there has been a major change in the way in which our customers choose to purchase tickets. Ticketmaster now account for 73% of all box office sales (57% of which are online ticket purchasing) with Agents/Secondary Sales accounting for a further 8%. Although still a valuable service, the venues' front of house box offices only account for 19% of ticket sales.

King Alfred Café:

With regards to the King Alfred café, the tenant who operated the café for many years terminated their agreement in April 2008 as they felt it was no longer financially viable.

Despite the redevelopment another operator was found on a trial basis but, unfortunately, after six months this operator has also found that it is not financially viable to run the café. Considerable effort was made by both the operator and leisure centre staff to make a success of this arrangement. However, such a lack of viability is not restricted to the King Alfred and has affected other Leisure Centres, for example, the café at the Prince Regent Swimming Complex was converted to a fitness gym many years ago.

Vending machines are available at the King Alfred which provide a basic service of drinks and snacks.

When there is greater certainty on the future of the King Alfred, there will be the opportunity to review both the provision of food and beverage together with the use of the café area."

20.52 Councillor Hamilton asked a supplementary question, "I would just like to follow up on the King Alfred please. At the time of setting this year's budget we were told that there would be no cuts in services. Do you accept that the withdrawal of a café facility at the King Alfred is a service cut?"

20.53 Councillor Smith replied "Not really. If you cannot get anyone to run a business it doesn't take place so really we have got the self-catering bit there and the kiosk on the King Alfred. When the council decides what the long term use for the King Alfred is, we may be in a position to do something."

20.54 (k) Councillor Oxley asked,

"If the Cabinet Member for Finance will estimate the cost of disaggregating Brighton and Hove City Council, into two separate Councils and if she will state the figure?"

20.55 Councillor Young replied,

"Thank you Councillor for a very interesting question. As I am sure you will be aware the council has not undertaken any financial analysis associated with the splitting of the existing council. However, I can give you the reorganisation costs associated with creating the unitary council in the first place, which at today's prices would be about £15million. These costs were recovered over approximately three years from the

savings generated by bringing the councils together. Creating two separate councils would not only lead to significant reorganisation costs but each council would cost more to run with duplication in the administration of services and a loss of economies of scale in the provision of most services. Financial analysis undertaken prior to the last reorganisation also showed that a separate Brighton Unitary Council and Hove Unitary Council would be financially unviable. Council taxpayers in both new councils would therefore be faced with higher council tax bills and poorer services.”

20.56 Councillor Oxley asked a supplementary question, “I am grateful to the Cabinet Member for Finance for indicating that any disaggregation of Brighton & Hove City Council in her estimate could be around £15m. She alludes, at the end of her written response to me, that that would lead to higher council taxes and poorer services and I would be grateful if she could give us some further detail on that?”

20.57 Councillor Young replied, “The council is already facing a tightening financial position which the separate councils would also face. In addition they would have to fully meet all the extra costs of reorganisation. For example, if the reorganisation costs were £15m then council tax would need to increase £161 or 13.5% or extra savings of £15m would need to be made in the budget. The extra costs associated with running two councils rather than one will add to the tax burden and the savings needed in services. As a Hove resident this may be a nice idea but it is not a financial reality.”

20.58 Councillor Carden asked a supplementary question “I would like to ask how much it would cost to set up a third authority for Portslade because I firmly and honestly believe the people of Portslade would run for it tomorrow?”

20.59 Councillor Young replied “As it’s £15m for two, maybe half of that, so if your residents of Portslade are quite happy to pay that then perhaps you should look at it more.”

20.60 (I) Councillor Marsh asked,

“Would the Cabinet member for Council confirm the pricing structure for hiring rooms/facilities in our Council owned leisure centres?”

20.61 Councillor Smith replied,

“Thank you Councillor Marsh for your question on the pricing structure of facilities within the council leisure centres.

Due to the large range of activities and facilities that are available within the leisure centres, guides are produced detailing the scale of charges. I have arranged for officers to send you copies of this information for council owned leisure centres.”

20.62 Councillor Marsh asked a supplementary question, “First of all can I thank Councillor Smith for his reply to my original question and for this very useful guide that he sent me. However, my question was actually about the rates for room hires within the leisure centres and not all the wonderful and great activities that are actually publicised in this guide, so not a lot of help there.

What I really want answered please is why it is that I have received complaints from my residents in Moulsecoomb and Bevendean regarding the lack of community rates for room hire? I contacted leisure centres operated by DC Leisure on our behalf and found that none were prepared to offer community rates. Can you confirm have you axed the community rates scheme or if it is still around why is no-one aware of its existence?"

20.63 Councillor Smith replied, "All communities have got different rates, like when you have your councillors' surgery there may be only one of you there or two of you, and you get different rates for the sizes of the rooms. I think that based on the different size and the occupancy of rooms in all our venues and that there, but obviously I will look into it for you and come up with a more concrete answer."

20.64 Councillor Watkins asked a supplementary question "If Councillor Smith would ask the Scrutiny Committee that is responsible for his department to reinvigorate the scrutiny that we actually had on the charges of council owned properties, etc, I think three or four years ago and maybe this could be brought back to life again and we could check how best a one it actually was. It was a very interesting one.

We were promised that, in fact, our recommendations would be carried out. I think we are still waiting for that to happen actually but it was a very useful exercise and I think it would help in looking at how we charge for different parts of the community and how we charge for commercial, so I think that if Councillor Smith was agreeable, that this, in fact, would be a way of progressing this."

20.65 Councillor Smith replied "Thank you for the information Councillor Watkins, I will look into the matter and if necessary ask the Scrutiny Committee to review the situation."

20.66 (m) Councillor Randall asked,

"What is the effect of the credit crunch on the council's investments?"

20.67 Councillor Young replied,

"Like many organisations with substantial funds to invest the council is reviewing its investment policies all the time to reflect the rapidly changing market conditions. The Annual Investment Strategy for 2008/09 approved by Full Council earlier this year has provided a robust framework to minimise the impact of the turmoil in the financial markets.

- Firstly the ratings applied to each financial institution to assess credit worthiness ensure investment is made in only the highest quality names. Where institutions are rated downwards then these are either suspended or removed from the council's lending list.
- Secondly the investment parameters for each financial institution, such as the maximum amount invested in each institution and maximum period any investment in a particular institution can last, are regularly reviewed to ensure risk of loss through non repayment is minimised.

The financial crisis has meant short-term interest rates are higher than would normally be the case. These higher rates combined with better than expected council cash-flows has resulted in higher levels of projected investment income to the council of some £600,000 in the current financial year."

20.68 Councillor Randall asked a supplementary question, "Well, I understand today that we have to thank the financial wizards who work in our department for moving last year £1m out of the Icelandic Banks which have now caused so many problems, so I think we should start off by applauding them. However, the situation changes daily and since the answer that I have been given by Councillor Young was written things have changed. I think what I would like to know is if we can have regular updates and constant reassurances that there are no further threats to either jobs or services in this council? I think all Councillors need to be kept abreast of that and indeed the general public."

20.69 Councillor Young replied, "I was actually going to take the opportunity to advise the Members and the residents of Brighton & Hove City Council that we have no deposits in the Icelandic Banks. We suspended transactions with the one that we had about a year ago after picking up concerns in the market place about the Icelandic Banks expanding too quickly.

As you know our watchword is caution. We are very aware of our responsibilities in managing taxpayers money and are very careful both about whom we invest with and how much we invest. Clearly, as Councillor Randall said the overall financial situation is changing quite quickly and in an unpredictable way and in the current climate we will continue to monitor the situation on a daily basis and indeed, if necessary, on an hourly basis. I know we can rely on excellent investment staff to steer a clear path through what will be difficult times."

20.70 (n) Councillor Randall asked,

"What is the effect of the credit crunch on the East Sussex Pension Fund investments?"

20.71 Councillor Young replied,

"The East Sussex Pension Fund is administered by East Sussex County Council. Investment decisions are made by the Pension Fund Investment Panel on which the council has two representatives.

The Panel is required to take a long-term view when setting investment policy and regularly reviews the mix of investments. Over the past few years the Panel has overseen a reduction in the proportion invested in equities and replaced this with cash and other fixed term investments.

The turmoil in markets has given rise to a reduction in the value of the Pension Fund from £1.7 billion to £1.6 billion over the six month period to 30 September 2008 but the Fund still remains in a strong position to meet both its short-term and long-term pension liabilities.

The reduction in the Fund's value will not affect the council's pension contributions to the Fund which were set in 2008/09 for three years. The next review will be carried out during 2011 and any changes to the council's contribution rate will be made in 2011/12."

- 20.72 Councillor Randall asked a supplementary question "Councillor Young will know that in 2004 a hole of about £60m was found in the Pension Fund which was a cause for some concern amongst some people in this room and the other 7,000 or so people who work for this council. We now know that there is quite a large reduction over the last six months in that Fund. Again I think it is deeply important that the council keeps the staff, in particular, informed about what the situation is with the Pension Fund. It is a very, very serious subject.

Incidentally, if East Sussex had invested more in ethical pensions and with ethical building societies they might not be in so much trouble but please could I again ask for information to be given on a regular basis and for everything to be transparent so we know what is happening?"

- 20.73 Councillor Young replied, "The response to your question was quite comprehensive as you know but I will take it upon myself to monitor, maybe not on a daily or an hourly basis but monthly to make sure that things are in accordance."

- 20.74 (o) Councillor Meadows asked,

"Would the Cabinet Member agree that Wild Park should be as accessible as possible to residents in Moulsecroomb and Bevendean, especially those who are old, young and disabled?"

- 20.75 Councillor Theobald replied,

"Yes I do agree, but I am unsure whether your question relates to a specific difficulty of which I am unaware of.

I am pleased to say that we have planning permission for the Wild Park toilets and contractors are expected to start on site in November, with the facility opening in January, which will have a ramp installed. This means that not only will the toilet be accessible, but the ramp will also serve the café."

- 20.76 Councillor Meadows asked a supplementary question, "First of all I would like to thank Councillor Theobald for his answer and it would have made an excellent second supplementary, however it is not my supplementary.

Could the Cabinet Member commit to situating a controlled pedestrian crossing between Wild Park and the Barcombe Road shops? Many of my constituents have complained about the dual carriageway that separates them from their homes and Wild Park. They are prevented from crossing safely and easily, especially when they have young children or are elderly and disabled.

Can the Member please tell me whether he will guarantee the health and safety of residents by installing a controlled pedestrian crossing for this part of Moulsecroomb?"

- 20.77 Councillor Theobald replied “Well I did try and consider what your supplementary questions might have been and I have to confess that I did not come up with that one.

I would have thought that if your residents think what you say they think then you would have put a petition in, or you would have written, or you would have asked a question directly on that particular point to have enabled me to have responded, so I can't give you a specific answer to that question and I don't think you expected me to.”

- 20.78 Councillor Marsh asked a supplementary question “I am really quite upset and angry about this, in fact Councillor Meadows and I have both been very busy consulting the residents and consulting with officers asking for this particular crossing to be installed.

This is if you like and we hoped it was the first and only bit of the process that you would make this commitment, because I don't know how many more children will have to be injured or how many more dangers we have to go through before you will commit to this. Of course if you won't then you will find us presenting petitions and having deputations and demonstrating and doing everything that we can to make this a safer place for residents in our Ward.

Would Councillor Theobald not agree that this is a matter of the highest priority and urgency for the residents of our Ward?”

- 20.79 “Unless I have got the data, unless I have got the facts, unless I have got the information in front of me, I cannot possibly give an answer and you should realise that. It is ludicrous to come along and make those sorts of claims and expect me to say yes, no or what have you. One needs these things and there is a priority system right across the city. You should know that you were running this council for the last 20 years, you should be aware of that.”

21. CALL OVER OF REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.

- 21.1 (a) The following items on the agenda were reserved for discussion:

Item 22 – Equalities & Inclusion Policy, Cabinet 18 September 2008
Item 23 – A Housing Local Delivery vehicle, Cabinet 24 September 2008
Item 24 – Food for Life Partnership Standards, Children & Young People Overview & Scrutiny Committee, 24 September 2008.

- 21.2 (b) As all the items on the agenda had been called, the Chief Executive was not required to confirm the approval of reports which had not been called.

- 21.3 (c) There were no oral questions from councillors in relation to matters that had not been called.

22. EQUALITIES & INCLUSION POLICY - FOR DECISION

- 22.1 Councillor Mears formerly moved the report of the Cabinet, which recommended the adoption of a new Equalities & Inclusion Policy.

- 22.2 Councillor McCaffery welcomed the report and stated that she had intended to move some minor amendments; however she would raise these within the scrutiny process and with officers separately.
- 22.3 Councillor Elgood welcomed the revised policy and stated that he felt it was heading in broadly the right direction and was pleased to see the corporate-wide approach that had been taken. He also welcomed the opportunity for the Overview & Scrutiny Organisation Commission to have considered the policy and put forward views to the Cabinet. With the policy in mind, he hoped that a Dignity in Employment policy would be forthcoming to complement the Equalities & Inclusion Policy and that Members would have the opportunity to feed into the process.
- 22.4 Councillor Simson stated that it was a key policy for the council and its partner organisations, which would be reviewed regularly by the City Inclusion Partnership. She hoped that further improvements would be made over the next year and noted that a working group had just begun to look at the development of a Dignity at Work Policy, with a view to having a draft policy drawn up for consultation.
- 22.5 Councillor Mitchell welcomed the policy and stated that its success would depend on well it was implemented with the council and by partner organisations.
- 22.6 Councillor Wakefield-Jarrett stated that it was a very important document and particularly welcomed the reference to domestic violence. She was however, concerned as to how the public and Members would be able to raise any matters in respect of the policy following the ending of the Equalities Forum and the City Inclusion Partnership not being open to the public or having cross-party representation.
- 22.7 Councillor Randall welcomed the report and stated that it was a very important document; however, he was concerned that it left a gap in not taking into account the discrimination and prejudice suffered by older people. He hoped that in any review this issue could be looked at and incorporated.
- 22.8 Councillor Mears thanked the Members for their positive comments and stated that she was happy to give consideration to addressing the concerns around older people, although she noted that there was reference to age within the policy document. She stated that she expected her Cabinet Members to lead on the issue in their respective areas and noted that the council had been nominated by Stonewall as the second best local employer.
- 22.9 The Mayor offered his congratulations to Councillor Wakefield-Jarrett on her maiden speech, and noted that recommendations of the report had been moved and sought confirmation from the council.
- 22.10 The motion was carried.

Refreshment Break

- 22.11 The Mayor stated that in view of the time and in wishing to give the opportunity for a full debate on the next item, he proposed to adjourn the meeting for the refreshment break.
- 22.12 The meeting was then adjourned at 6.10pm.
- 22.13 Following the refreshment break, the Mayor sought to reconvene the meeting at 6.40pm, however, having consulted with the Chief Executive, the Mayor noted that the meeting was inquorate and in accordance with procedural rules adjourned the meeting for a further five minutes.
- 22.14 The meeting was then adjourned at 6.40pm.
- 22.15 The Mayor reconvened the meeting at 6.45pm.

23. A HOUSING LOCAL DELIVERY VEHICLE - FOR DECISION

- 23.1 Councillor Mears formerly moved the report and the recommendations.
- 23.2 Councillor Randall welcomed the report in principle and the intentions behind the proposed Local Delivery Vehicle. He queried whether the leasing of up to 500 homes over 5 years would be achieved and whether the management would remain in the council's control. He also hoped that sustainability considerations would be at the heart of the improvement programme such as the use of renewables and water conservation. He hoped that assurances would be given to tenants in terms of their position and relations with the council and felt that more questions would need to be answered to satisfy concerns held by tenants and councillors.
- 23.3 Councillor Simpson stated that she supported the proposal in principle but also felt that there was some work required to ease concerns. She was unsure about the financial position and felt that further consultations were required with tenants as matters progressed as there had not been sufficient time to discuss issues prior to the report coming to council. She therefore sought reassurance that the usual consultation mechanisms would be used and that the representations of the Housing Management Consultative Committee to the Cabinet on the 24th September would be taken on board.
- 23.4 Councillor Caulfield stated that she was proud to present the report to council. It had been the culmination of a great deal of work involving tenants, councillors and officers, and she wished to place on record her thanks to those officers involved. The proposal to establish a Local delivery Vehicle had resulted from the withdrawal of finding by the Government following the tenants' 'no-vote' to the question of stock transfer. It was felt that this would provide the best means of raising finances to enable a programme of works to bring the council's housing stock up to the Decent Homes Standard as a minimum. She believed that there was a need to safeguard the position of tenants and to ensure that in today's climate all tenants had a decent home to live in. There would be no net loss to the housing stock or the leasing of secured tenancies as a result of the proposed Delivery Vehicle. Should the council approve the recommendations, then it would be the start of the process and she would ensure all interested parties were involved in taking matters forward.

- 23.5 Councillor Elgood stated that there was a need to take action and the proposed Delivery Vehicle offered a way forward. However, he held some concerns such as who would retain responsibility planning applications, would there be an opportunity for cross-party representation at the proposed Cabinet Sub-Committee, which was yet to be established, and how would overview & scrutiny be involved in the process.
- 23.6 Councillor Fryer welcomed the report and stated that she wished to echo the thanks given to the officers involved in bringing the matter forward. She also had some questions with regard to nomination rights, leaseback arrangements, the question of charitable status and consultants' fees, which she hoped could be addressed.
- 23.7 Members of the council welcomed the report and recognised the need to find a means whereby the shortfall in resources could be found to enable the housing stock to be brought up to the Decent Homes Standard. Members noted that approval for the scheme from the Secretary of State was required and that a great deal of work had been undertaken since the no-vote in 2007. It was recognised that further work was required to enable answers to be given to concerns raised and that close financial monitoring would be imperative.
- 23.8 Councillor Mears noted the comments and thanked the Members of the council for their indicative support to the proposed Delivery Vehicle. She believed it offered a way forward and as Leader of the Council would ensure that there would be open and transparent consultation and decision-making throughout the process. She confirmed that the council would retain 100% nomination rights and that break-clauses would be included in the agreement. There were a number of options to be explored in terms of whether to use public or private investment, to seek charitable status etc. and these would need to be consulted on and discussed as the process developed. However, approval of the recommendations had to be given and then approval sought from the Secretary of State before such matters could be addressed. She was hopeful that approval would be given, officers had already explored the concept and held discussions with government officials and she wished to pay tribute to their work to date in that respect. She also wished to personally thank the Chief Executive for his inspirational support in this matter.
- 23.9 The Mayor noted that the recommendations of the report had been moved and sought confirmation from the council.
- 23.10 The motion was carried.

24. FOOD FOR LIFE PARTNERSHIP STANDARDS - FOR INFORMATION

- 24.1 Councillor Older introduced the report which outlined the Food for Life Partnership scheme and the role of the city schools in meeting or working towards the bronze standard. She noted that St. Andrews school in Hove had reached the standard and it was hoped others would follow. She also noted that it was hoped at least one school would attain flagship status in 2010 when the option to enter the national scheme was open to East Sussex schools. In the meantime it was intended to seek further funding to support schools in working towards bronze and silver standard.

- 24.2 Councillor Steedman welcomed the report and stated that he believed it was an excellent initiative which should be supported and hoped would see all schools reaching gold standard eventually.
- 24.3 Councillor Hawkes welcomed the report and stated that some schools were almost at the bronze standard and she was sure would reach it shortly. However, there was a lot required to reach silver standard and an impact both in terms of costs and resources which would need to be considered before schools could begin to work towards the next level.
- 24.4 Councillor Mrs. Brown welcomed the initiative and stated that there would be a need to monitor the benefits and cost implications, but the aim was for all schools to reach the bronze standard.
- 24.5 The Mayor noted that the report had been referred to council for information and sought confirmation from the council.
- 24.6 The report was noted.

25. NOTICES OF MOTION.

(a) Impact of School Costs on Families

- 25.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Hawkes and seconded by Councillor Morgan.
- 25.2 Councillor Fryer moved an amendment, which was seconded by Councillor Duncan and accepted by Councillor Hawkes.
- 25.3 Councillor Mrs. Brown moved an amendment, seconded by Councillor Older, which was put to the vote by the Mayor and lost.
- 25.4 The Mayor then put the following Notice of Motion as amended to the vote:

“Every child in Britain has the right to a free, state education, yet for many families meeting the costs of school uniform, school trips and specialist equipment poses a real challenge that can contribute to debt and financial hardship.

This council seeks to play its part in ensuring that financial help and advice available to families in relation to the broader costs of attending school are effectively communicated and recognises that a child’s confidence and ability to learn can be affected by their not having the same opportunities as others due to an inability to pay.

This council notes that:

- Latest figures published by the Campaign to End Child Poverty a coalition of charities and campaign groups including Save the Children and the TUC show that

50 per cent of children in Brighton Kemptown, 39 per cent of children in Hove and 37 per cent of children in Brighton Pavilion are living in poverty.

- In a 2007 survey of parents undertaken by the Schools Costs Coalition, 3/4 of parents of secondary school children and 2/3 of parents of primary school children found it difficult to meet the costs of school uniforms and school trips.
- There is a lack of knowledge about available financial assistance.
- There is widespread concern that the children of families unable to meet these costs are more likely to suffer bullying and to be disciplined as a result.
- That the Government's new Admissions Code to be implemented in September 2008 does, for the first time, make clear the importance of limiting the cost of school uniform and school trips.

This council therefore resolves to:

Give its support to the 'Adding up' campaign led by the Citizen's Advice Bureau that highlights the range and impact of school costs on families and gives guidance to schools on how those costs can be mitigated.

Instruct the Chief Executive of Brighton & Hove City Council to write to the Secretary of State for Children, Schools and Families urging him to:

- Ensure the Government keeps its 1999 promise to half child poverty levels by 2010 and eradicates child poverty from the UK by 2020.
- Accept the requests in Early Day Motion 1234 from John Battle MP that a statutory duty is placed on local authorities to provide uniform grants for families in receipt of maximum child tax credit.
- For the Government to identify a budget for the provision of standardised school uniform and school trip grants to Local Authorities.
- Consider making the school costs requirements of the new Admissions Code enforceable via the Schools Adjudicator who should have the power to investigate on behalf of parents.
- Calls on the Cabinet Member for Children & Young People to give consideration to bringing forward a report to an early meeting of the Children & Young People's Trust Board setting out the council's approach to working with schools to ensure that families are informed of support available, how the LEA will achieve compliance with the new Admissions Code in relation to keeping school costs low and explores the provision of an appropriate sum within the 2009/2010 budget for the LEA to use as grant funding in this regard."

25.5 The motion was carried.

(b) Fair Tips for Hotel and Restaurant Staff

- 25.6 The Notice of Motion as detailed in the agenda was proposed by Councillor Morgan and seconded by Councillor Davis.
- 25.7 Councillor Oxley moved an amendment, which was seconded by Councillor Hyde which was put to the vote by the Mayor and carried.
- 25.8 Councillor Duncan moved an amendment, seconded by Councillor Rufus, which was put to the vote by the Mayor and lost.
- 25.9 The Mayor then put the following Notice of Motion as amended to the vote:

“A significant part of Brighton and Hove’s economy is dependent on the hospitality sector, with many hundreds of restaurants and hotels employing thousands of staff to serve their customers.

This council welcomes the tightening of legislation by the Labour Government, which will now prevent businesses from making up the minimum wage of their staff with money from tips or service charges. This was a result of the Fair Tips Charter Campaign by Unite the union, and while recognising there are honourable owners of hotels, restaurants, and other hospitality outlets who ensure that all gratuities are paid to their staff in addition to at least the minimum wage without deductions, acknowledges that this is not always the case.

This council is also aware that HM Revenue and Customs class service charges, cover charges, gratuities and tips as gratuities for national insurance contributions purposes, yet many hospitality establishments still treat these as extra payments to the proprietors and do not pass them on to their staff and often use them to pay for extras such as ‘customer walk outs’ and breakages.

This council supports responsible businesses who:

- Pay all employees at least the minimum wage with 100% of tips added on top as a bonus with no hidden charges.
- Reach agreement on how tips are shared with those staff directly.
- Make no deductions from tips to cover breakages, till shortages or customer walk-outs.
- Make all rules for the distribution of tips and service charges available in writing for staff and customers on request.

However, this Council notes that it is not local councils, but the Government’s HM Revenue & Customs department who are responsible for policing the minimum wage and national insurance contributions, and, therefore, resolves to write to them requesting information on the actions being taken to ensure that the national minimum wage is enforced fairly and effectively in Brighton & Hove.”

25.10 The motion was carried.

(c) Sexual Violence

25.11 The Notice of Motion as detailed in the agenda was proposed by Councillor McCaffery and seconded by Councillor Hawkes.

25.12 Councillor Simson moved an amendment, which was seconded by Councillor Mears and accepted by Councillor McCaffery.

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

“This council welcomes the proposed strategy to combat sexual violence and abuse in the public domain as well as the domestic domain as set out in the Community Safety Strategy proposed for 2008 – 2011 and recommends increasing the support provided to victims. Reduction in the level of sexual violence is now a performance indicator for the first time.

The government’s guidance confirms that sexual violence and abuse in adulthood are massively under-reported by both male and female victims. This council notes that 98% of offenders are male and 82% of victims are female.

Women suffer from rape in much greater numbers than men. Women have a greater fear of rape than any other crime. Moreover the conviction rate is only 6%.

57.5% of sex workers reported that they had experienced violence or abuse and, of those, only 12.5% had reported those incidents to the police.

Research indicates a strong correlation between alcohol and sexual violence and that perpetrators and victims of assault are likely to have consumed alcohol.

This Council notes that the most successful method of tackling sexual violence is through multi-agency working as local authorities are reliant on the police to catch and prosecute those who commit sexual violence.

This Council notes that the Crime and Disorder Reduction Partnership are producing a holistic strategy to tackle sexual violence due to be published by January 2009.

This council proposes that the Cabinet Member for Community Affairs, Inclusion & Internal Relations gives consideration to ensuring that:

- Strategies to reduce sexual violence and violence against women be given as high a priority as domestic violence in all council policies such as the Licensing Act, the Sex Workers Strategy, Gender Equality Action Plans, and HR Policies.
- The correlation between alcohol consumption and sexual violence be recognised when drawing up safety strategies, for the “night time” economy (such as closely monitoring and reviewing the number of premises selling alcohol, and lobbying the

Government to give local authorities greater control of the licensing of establishments offering sexual stimulation)

- Provide appropriate and effective support to the victims, such as crisis centres and counseling recognising the majority are victims are women.
- When recommendations are produced by the Crime and Disorder Reduction Partnership they are used to inform the council's approach to the provision of appropriate financial support to those third sector organizations who have the experience to provide appropriate support."

25.14 The motion was carried.

(d) Renewable Energy Tariff

25.15 The Notice of Motion as detailed in the agenda was proposed by Councillor Steedman and seconded by Councillor Wakefield-Jarrett.

25.16 Councillor Oxley moved an amendment, which was seconded by Councillor Cobb and accepted by Councillor Steedman.

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

"This council notes:

- that the UK produces less than 2% of its total energy from Renewable Energy sources and is at the bottom the European Renewable Energy 'league table'.
- that countries in the European Union that have adopted a fixed term Renewable Energy Tariff such as Germany, Italy and Spain have seen a substantial rise in the percentage of their energy from renewable sources.
- that by establishing a framework and requirement for local renewable energy generation Brighton & Hove will make a significant contribution to carbon dioxide reduction and enjoy greater protection from cost instability. Such uncertainty over future energy costs makes it extremely difficult for both public and private sector organisations in our City to forward plan.

Therefore this council:

- Supports the amendment to the Energy Bill currently before Parliament that calls on Government to establish a Renewable Energy Tariff within 12 months for the generation of local renewable heat, renewable power and renewable gas.
- Notes that the amendment – the 'new clause 4' – is supported by the front benches of both the Conservative and Liberal Democrat parties in the House of Commons but not by the Labour Government.
- Requests the Chief Executive to write to the new Secretary of State for Energy and Climate Change, Ed Miliband MP, calling on the UK Government to act with urgency and to ensure the adoption of a Tariff for local energy under the current Energy Bill

which has been delayed over the summer, and to copy his letter to appropriate lobbying bodies.”

25.18 The motion was carried.

(e) Review of Gurkha Rights

25.19 The Notice of Motion as detailed in the agenda was proposed by Councillor Harmer-Strange and seconded by Councillors Elgood and Janio.

25.20 Councillor Harmer-Strange informed the council that as a result of the recent High Court Ruling announced on the 7th October, in accordance with procedural rule 13.5 he wished to alter his notice of motion to reflect the outcome. As the designated Secunder on the motion Councillor Elgood formerly seconded the amended motion.

25.21 Councillor Marsh moved an amendment, seconded by Councillor Mitchell, which was put to the vote by the Mayor and lost.

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

“In November, residents of Brighton & Hove will once again mark the dedication and commitment of those who have served in and supported this country’s armed forces.

This Council:

Welcomes the opening in Reading of the first UK office of the United British-Gurkha Ex-Servicemen’s Association.

Recognises that Gurkhas have played an active front line part in the British Army’s activities in times of war and peace for nearly 200 years. In this period approximately 300,000 have fought alongside United Kingdom soldiers, with 45,000 of them being either killed or wounded.

Acknowledges that the Government announced in September 2004 a change in immigration rules that allowed Gurkhas who had served in the British Army to settle in the United Kingdom with their families.

Notes with concern however that this offer has only been extended to cover those Gurkhas who had served at least four years and been discharged after 1st July 1997.

Welcomes the High Court’s decision acknowledge the “moral debt of honour” to the Gurkhas and overturn the Government’s unlawful denial of full immigration rights to the Gurkhas.

Notes the Government’s agreement to review all Gurkha immigration cases by the end of the year.

Expresses concern that the Home Secretary has made no commitment ending the discrimination of Gurkhas and may still deny Gurkhas the right to remain in the UK despite the landmark High Court ruling.

Wishes to highlight that the Government has made no announcement on giving Gurkhas a fair deal on their pensions and they are still denied proper remuneration for their sacrifice and long years of service.

In view of this, this Council instructs the Chief Executive to write to the Prime Minister, the Home Secretary, and the Secretary of State for Defence, asking them to:

1. accept the High Court ruling and change the immigration rules for ex Ghurkha soldiers and their families,
2. consider their rights of citizenship and voting,
3. offer Gurkhas a fair deal on their pensions.”

25.23 The motion was carried.

(f) Supporting the Blind and Visually Impaired People in Brighton and Hove

25.24 The Notice of Motion as detailed in the agenda was proposed by Councillor Pidgeon and seconded by Councillor Smith.

25.25 The Mayor then put the following Notice of Motion to the vote:

“This Council notes the recent publication of ‘Good Practice in Sight’ (October 2008) by the Royal National Institute for the Blind and supports its advocacy of the well-being of people who are blind or visually impaired.

We also note the support for the report from The Association of Directors of Adult Social Services (ADASS) and the Department of Health.

In accordance with Good Practice in Sight, this Council supports the increase in person-centred delivery of care services as a way of offering each individual the most appropriate support.

This Council:

1. Praises the implementation of the ‘Putting People First’ concordat that gives visually impaired people access to individual budgets, accompanied by comprehensive advice and support so that they can make best use of them.
2. Calls on the Director for Adult Social Care to continue to acknowledge and support the particular needs of blind or visually impaired people and maintain the high standards of care they receive from Brighton & Hove City Council during the transition to greater self-directed budgeting.

3. Recognises the importance of early intervention services when dealing with people who have recently suffered sight loss and asks that Brighton & Hove care services continue, wherever possible, to be proactive in identifying and assisting those with new sight loss problems.
4. Requests that Brighton & Hove City Council continues to work closely with voluntary sector partners in order to provide a joined-up network of support for blind or visually impaired people and their carers.
5. Instructs the Chief Executive to write to the LGA requesting that they disseminate the information and encourage member authorities to implement the best practice recommendations in 'Good Practice in Sight.'

25.26 The motion was carried.

(g) Proposed Changes to Local ITV News

25.27 The Notice of Motion as detailed in the agenda was proposed by Councillor Fallon-Khan and seconded by Councillor Older.

25.28 The Mayor then put the following Notice of Motion to the vote:

"This Council notes with concern the current proposals by ITV to merge the three Meridian news services – Meridian South East, Meridian South and Thames Valley - into one, from the start of 2009. This new regional programme will cover an area stretching from Kent and south Essex in the east to Dorset in the west as well as north to Oxfordshire and Buckinghamshire.

Nationwide, ITV plans to axe local news services and halve regional services whilst cutting up to 50% from regional news budgets.

This Council believes that the proposed cuts will result in a worse service for viewers with new regional services covering wide and inappropriate geographical areas. Ultimately, the result will be that local people are less well informed of local issues.

Furthermore, this Council notes that the Office of Communication's (Ofcom) second review of Public Service Broadcasting, published in September, broadly backed the ITV proposals on news coverage and that Ofcom are now carrying out a consultation on the review, which closes on 4th December.

The Council therefore resolves to:

1. Make representations to Ofcom's Public Service Broadcasting review consultation, urging them to review these plans and act in the interests of the residents of Brighton & Hove, many of whom rely on ITV Meridian news to keep them informed of local issues. Alternative sustainable models should be explored by the Government, Ofcom and ITV themselves to help preserve local news into the future.

2. Write to the City's three MPs urging them to support the Council's response and to make representations to Government to highlight the concern for the loss of local news services."

25.29 The motion was carried.

(h) Extension of TV Licence Concessions for the Elderly

25.30 The Notice of Motion as detailed in the agenda was proposed by Councillor Caulfield and seconded by Councillor Barnett.

25.31 The Mayor then put the following Notice of Motion to the vote:

"This Council calls on the Government to extend TV License Concessions to retired elderly or disabled people living in or sheltered accommodation.

This Council believes that the current system is deeply unjust because it sees some benefit while others get nothing.

At present elderly and disabled people, who live in sheltered housing, can only receive TV license concessions if their accommodation meets the strict eligibility criteria set out by the Government.

One of the most stringent elements of the criteria is that TV license concessions are only granted if sheltered homes have a person (e.g. warden) whose function is to care for the needs of the residents. The individual or warden must either live on site or work in the sheltered accommodation for at least 30 hours a week for the concession to be granted.

This Council thinks that it is wholly unfair that many residents of Brighton and Hove sheltered accommodation (such as those in Hazelholt and Evelyn Court) are excluded from the scheme because they do not have a warden who works more than 30 hours a week.

This Council believes that there is no justifiable reason why not having a warden on-site for more than 30 hours should disbar disabled or retired elderly people from receiving a TV license concession. Furthermore this policy seems contrary to greater personalised care being introduced by local authorities across the country as fewer people will benefit for TV license concessions.

Consequently, this Council requests the Chief Executive to write to the Government to ask them to correct this injustice and make TV licence concessions available to disabled and retired elderly residents in sheltered accommodation regardless of whether they have a full-time warden or not."

25.32 The motion was carried.

(i) Food Recycling Scheme

25.33 The Notice of Motion as detailed in the agenda was proposed by Councillor McCaffery and seconded by Councillor Davis.

25.34 The Mayor then put the following Notice of Motion to the vote:

“Kitchen waste currently makes up one third of the domestic refuse in Brighton and Hove waste stream, which we should be diverting away from landfill or incineration.

Work on a Local Waste Strategy that would have continued the reduction of waste in Brighton and Hove, was started by the previous administration in conjunction with local residents, interest groups and businesses. It is a matter of regret that this strategy has not been published for discussion by this council.

Nineteen Local Authorities carried out kerbside food waste collection pilots under the WRAP, with very good results. They reported:

Collectively the trials provided a service to over 94,000 households and during the trials a total of 4,400 tonnes of food waste was diverted from landfill avoiding the emission of the equivalent of 2,000 tonnes of CO₂ (assuming that all the food waste went to in-vessel composting). Average food waste yields per household served per week ranged from 0.3 kg (bring scheme) to 2.2 kg (kerbside); this is equivalent to each household avoiding the equivalent of between 0.1 kg and 0.99 kg of CO₂ each week.

Such a scheme would continue the good work already started by the previous administration in terms of driving down levels of waste throughout the city.

This council therefore requests the Cabinet Member for Environment to give consideration to applying to the Waste and Resources Action Programme (WRAP) for support in setting up a food recycling scheme.”

25.35 The vote was tied and in the absence of a casting vote being used by the Mayor, the status-quo remained and the motion was lost.

(j) The Development of ‘Green Industries’ in Brighton and Hove

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

25.37 Councillor Turton moved an amendment, which was seconded by Councillor Mitchell and accepted by Councillor Randall.

25.38 Councillor Oxley moved an amendment, which was seconded by Councillor Kemble and accepted by Councillor Randall.

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

“This council notes:

- (1) The critical importance of an expansion of 'green' industries as part of the move to a low-carbon economy in the UK.
- (2) The large-scale 'green collar' employment opportunities offered by any expansion.
- (3) The publication in September of the Government's new industry strategy, *Manufacturing: new challenges, new opportunities*, which promises almost £150 million of medium term support for UK manufacturing to develop skills and to target the opportunities created by the move toward a low carbon economy.
- (4) The conclusion in the *Brighton and Hove City Employment and Skills* plan 2008/2011 that 16,000 additional jobs must be created in the city during the next ten years, if we are to get close to reaching the national aspiration of an employment rate of 80 per cent.
- (5) The success of our city in embracing new ideas and new technologies to build and sustain a thriving creative industries sector.
- (6) The recent announcement by the Committee on Climate Change that a cut in carbon emissions of 80% by 2050 is achievable and the statement by the Prime minister on 23rd September that this would create at least one million extra jobs.

The council therefore:

- (1) Requests the executive to consider the potential for supporting and encouraging the development of 'green industries' in Brighton and Hove in the context of the city's new *Business Retention and Inwards Investment Study*, which will be published shortly.
- (2) Instructs the Chief Executive to write to SEEDA to request funding to further promote growth of the 'green economy' in Brighton and Hove."

25.40 The motion was carried.

(k) Sustainable Communities Act

25.40 The Notice of Motion as detailed in the agenda was proposed by Councillor Taylor and seconded by Councillors Simson and Elgood.

25.41 Councillor Mitchell moved an amendment, seconded by Councillor Morgan, which as put to the vote by the Mayor and lost.

25.42 The Mayor then put the following Notice of Motion to the vote:

"That this Council

- (i) notes that local authorities and their communities know best how to improve local areas and solve local problems and so should determine how to promote thriving communities; and so

- (ii) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help and assistance that central government gives to promote thriving, sustainable communities;
- (iii) notes that the Act became law in October 2007 with full cross party support and that this was a result of 5 year campaign run by a coalition of over 90 national citizens organisations called Local Works;
- (iv) notes that the Act gives local authorities the power to
 - make proposals to government on the action and help government must take or give to promote sustainable communities in that local authority's area, and
 - argue for a transfer of public money spent in that local authority's area and it's related function from central to local control;
- (v) notes that the Act defines the sustainability of local communities broadly, that definition having the 4 aspects of
 - the improvement of the local economy,
 - protection of the environment,
 - promotion of social inclusion, and
 - participation in civic and political activity;
- (vi) notes that the Local Works coalition, that campaigned for 5 years to see the Act become law, give a number of reasons for why a local authority should choose to use the Act, those reasons being
 1. Assistance from government - Community decline is happening everywhere and local authorities are not able to prevent it on their own. They need government help. This Act gives government a legal duty 'to assist local authorities in promoting the sustainability of local communities'. So by 'opting in' local authorities are, in fact, signing up to receive that 'assistance'.
 2. Power to determine that assistance - The Act also gives local authorities (and their representative body, the Local Government Association) real power to determine the nature of the assistance that they receive from government, as explained more fully in our campaign broadsheet on implementing the Act (contact us for free copies).
 3. Strength in numbers - By opting in, local authorities can act in unison to put in proposals to government supported by their colleagues elsewhere. Joint suggestions by many authorities will make it even harder for the government to refuse to act on suggestions made by local authorities.
 4. Transferring functions and monies from central to local control - The Act also enables local authorities - and thus local authorities acting together - to request the transfer of functions from government or government agencies to themselves. Because decisions on these requests must be made by the LGA and the Secretary of State trying to reach agreement (i.e. in co-operation), this can be

used to regain from central government control of many powers and spending that affect local areas.

5. Access to Central Spending Accounts Information - The requirement in the Act for the government to 'open the books' will mean that local authorities will know just how much extra money they can access if they push for a transfer of functions.
6. Democratic citizen involvement - All politicians (and many local authority officers) talk a lot about lack of public involvement in democracy. The recent Power report showed that the more people think that their involvement matters, the more they are likely to get involved. The very 'hassle' required by this Act (reaching agreement with – not consulting – citizens' panels) empowers citizens. Local authorities may well consider that this is a way of increasing citizen involvement; and

(vii) resolves:

- when invited to by central government, to consider using the Act by preparing and submitting proposals on how central government can help; and
- to request the Chief Executive to write to local MPs and the Local Works campaign, informing them of this decision.”

25.43 The motion was carried.

26. REFERRED NOTICES OF MOTION

- 26.1 The Mayor noted that the Notice of Motion concerning a memorial for Ken Fines had been referred to the Environment Cabinet Member meeting for consideration under procedural rule 8.2.

PART TWO

27. SCHEDULE OF INITIAL HRA PROPERTIES FOR LEASING TO THE LDV

- 27.1 The information provided within the schedule which had been circulated to Members only was noted.

28. PART 2 ITEMS

- 28.1 The Mayor asked whether or not the information provided in Item 27 should remain exempt from disclosure to the press and public.
- 28.2 The council agreed that Item 27 contained in Part 2 of the agenda and information thereon should remain exempt from disclosure to the press and public.

The Mayor closed the meeting at 10.15pm

Signed

Mayor

Dated this

Day of

2008

WRITTEN QUESTIONS FROM COUNCILLORS**35(a) Councillor Morgan**

"Can the Cabinet member for Housing say on what dates numbers 68 and 74 Manor Way became vacant, when repair work to return them to use will begin, and how long it will be before new tenants will be able to move in?"

Councillor Caulfield, Cabinet Member for Housing, will reply.

35(b) Councillor Marsh

"Would the Cabinet member for Environment describe what he is doing to promote and ensure that cycle lanes and routes are safe to use throughout the city and especially in my ward?"

Councillor Theobald, Cabinet Member for Environment, will reply.

35(c) Councillor Alford

How many of our primary phase schools are now rated as good or outstanding by Ofsted?

Councillor Mrs Brown, Cabinet Member for Children & Young People, will reply.

35(d) Councillor Kitcat

"Can Councillor Theobald confirm the timetable for the introduction of communal bins into the city centre and provide details on: The procurement of new bins, including how they will meet accessibility requirements for our older residents; and on preparations for methods to measure and improve recycling rates in bin areas, as agreed at the Environment Committee on 13 September 2007 (recommendation 2.5, as amended)?"

Councillor Theobald, Cabinet Member for Environment, will reply.

35(e) Councillor Morgan

"Can the Cabinet member for Environment reassure the council that there have been no redundancies, and no reduction in crews or rounds, which have contributed to the appalling list of missed refuse collections that residents of my ward and others have had to experience over the past month?"

Councillor Theobald, Cabinet Member for Environment, will reply.

35(f) Councillor Morgan

"Will the Cabinet member for Communities explain what she means when she says that future funding to tackle deprivation and social exclusion will go to "people not places"?"

Councillor Simson, Cabinet Member for Community Affairs, Inclusion & Internal Relations, will reply.

35(g) Councillor Carden

"Would the Cabinet Member for Environment say what this council is doing to stop the abuse of fraudulent blue badge users from parking in disabled bays in Brighton and Hove?"

Councillor Theobald, Cabinet Member for Environment will reply.

35(h) Councillor Meadows

"Could the Cabinet Member for Central Services say what actions the council is undertaking to find a more suitable location for Kingspan Limited, who have been seeking a more appropriate site?"

Councillor Fallon-Khan, Cabinet Member for Central Services, will reply.

35(i) Councillor Hamilton

"The Conservative administration has pledged to keep council tax increases in line with or below inflation, and is working towards a 3.5% increase for 2009-10. If, as now seems possible, inflation drops below 3.5% by the end of the council's financial year, could the Cabinet member for Finance promise to reduce the council tax increase accordingly?"

Councillor Young, Cabinet Member for Finance, will reply.

35(j) Councillor Simpson

"Could the Cabinet Member for Housing please reconfirm her public commitment to not cut frontline services, especially day centres across the city?"

Councillor Caulfield, Cabinet Member for Housing, will reply.

35(k) Councillor Mitchell

"Following the inspection that was made in East Brighton Park, could the Cabinet Member for Environment tell us what were the results of the inspection and the costs of damage to the cricket pitch?"

Councillor Theobald, Cabinet Member for Environment, will reply.

35(l) Councillor Hawkes

"Could the Cabinet Member for Children Families and Schools update us on the Council's progress on the "Adding Up" campaign which agreed to look in to ways of easing the impact of school costs on low income families?"

Councillor Mrs Brown, Cabinet Member for Children & Young People will reply.

35(m) Councillor Wells

"Can the Cabinet Member for Central Services tell me what the council is doing to tackle benefit fraud in Brighton & Hove?"

Councillor Fallon-Khan, Cabinet Member for Central Services, will reply.

35(n) Councillor Mitchell

"Will Councillor Fallon-Khan please say how much the renting of the 52 concrete blocks placed at the foot of the historic Kemp Town Slopes along side the existing barrier of wooden posts has cost the council to date".

Councillor Fallon-Khan, Cabinet Member for Central Services, will reply.

35(o) Councillor Mitchell

" Will Councillor Geoffrey Theobald please state the cost of the additional crews brought in to remove uncollected refuse since October 6th during the current service disruption."

Councillor Theobald, Cabinet Member for Environment, will reply.

35(p) Councillor Barnett

“What action is the council and its partners taking to tackle the problem of drugs in our city?”

Councillor Simson, Cabinet Member for Community Affairs, Inclusion & Internal Relations, will reply.

35(q) Councillor Steedman

“Earlier this year, Cllr Mears signed up to the Eastern Road Area Charter, personally committing the administration to working with local councillors, the police, the PCT, and local residents to meet certain service standards and to deliver a better quality of life for all, through partnership working. Could Cllr Mears confirm that she and her administration are still fully committed to meeting the commitments, standards and actions agreed in the Charter?”

Councillor Mears, Leader of the Council, will reply.

35(r) Councillor Steedman

“Could Cllr Geoffrey Theobald confirm that a scheme for a new cycle route between the Pier and the Marina will be put in place at the soonest possible opportunity?”

Councillor Theobald, Cabinet Member for Environment, will reply.

**EXTRACT FROM THE PROCEEDINGS OF THE STANDARDS COMMITTEE
HELD ON THE 11 NOVEMBER 2008**

Subject:	Annual Report of the Standards Committee		
Date of Meeting:	4 December 2008		
Other Meeting:	Standards Committee 11 November 2008		
Report of:	Director of Strategy and Governance		
Key Decision:	No		
Contact Officer:	Name:	Penny Jennings	Tel: 29-1065
	E-mail:	penny.jennings@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE**STANDARDS COMMITTEE****5.00pm 11 NOVEMBER 2008****COUNCIL CHAMBER
HOVE TOWN HALL****MINUTES**

Present: Councillors Drake (Deputy Chairman), Carden, Fallon-Khan, Lepper (OS), and Steedman.
Independent Members: Dr M B Wilkinson (Chairman), Ms M Carter Mrs H Scott .
Rottingdean Council Representative: Mr J Janse van Vuren.

41. ANNUAL REPORT OF THE STANDARDS COMMITTEE

- 41.1 The Committee considered a report of the Director of Strategy and Governance setting out a review of the work of the Standards Committee between the period September 2007 to October 2008 and advising in respect of any action taken (for copy see minute book).
- 41.2 It was noted that Sections 3 of the report summarised the main ethical requirements of the Local Government Act 2000 showing how the Council had complied over the period of 14 months since

the previous report of September 2007.

41.3 RESOLVED –

- (1) That the contents of the report setting out a review of the Committee between the period September 2007 to October 2008 and advising of any action taken during that period be noted ; and
- (2) That the Chair present the report to the Council.

Subject: Annual Report of the Standards Committee

Date of Meeting: 4 December 2008

Other Meeting: Standards Committee 11 November 2008

Report of: Director of Strategy & Governance

Contact Officer: Name: Liz Woodley Tel: 291509

E-mail: liz.woodley@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Section 3 of this report summarises the main ethical requirements of the Local Government Act 2000, and shows how the council has complied over the period of 14 months since the previous report of September 2007.
- 1.2 Section 3.13 of the report details the Monitoring Officer arrangements.
- 1.3 An overall assessment is given at 3.20

2. RECOMMENDATIONS:

- 2.1 That the Committee reviews the period September 2007 to October 2008 and advises of any action it wishes to be taken.
- 2.2 That the Chair presents the report to Council.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Membership & Reports to the Standards Committee

The membership of the committee during this period has been as follows:-

3 Independent persons:- Ms M Carter, Mrs H Scott, Dr M B Wilkinson;
2 Rottingdean Parish Council representatives:- Parish Councillor Mr G Rhodes throughout the period, and from March 2008, Parish Councillor Mr Janse van Vuuren.

[The 3 independent persons and Parish Council representatives are collectively described in this report as Independent Members]

2 Conservative Members:- Councillors Drake & Simson until May 2008 then Councillors Drake and Fallon-Khan;

1 Green Member:- Councillor Roy in September 2007, Councillor Taylor until January 2008, Councillor Kennedy in March, Councillor Kitcat in May 2008 then Councillor Steedman

2 Labour Members:- Councillors Lepper and Carden

1 Liberal Democrat Member:- Councillor Watkins.

The Chairman throughout has been Dr. Wilkinson. The Deputy Chair was Councillor Drake. However, at its meeting on 10 June 2008, the Committee agreed that the position of Deputy Chair remain vacant, with one of the independent Members deputising in the event of the Chairman being unavailable. The Opposition Spokesperson was Councillor Lepper.

There have been 7 meetings of the full Standards Committee since September 2007, including the meeting on 18 September. The following matters have been considered:-

18 September 2007

Received report on Member complaints and service complaints.

Noted arrangements for Member training on the new Code of Conduct.

Approved the delegation of dispensation applications to the Hearing Panel.

Approved draft Guidance for Members regarding Newsletters and other publications.

Considered Annual report of the Standards Committee for the period September 2006 to September 2007

6 November 2007

Received reports on Member complaints and service complaints.

Noted a report on the 6th Annual Assembly of Standards Committees held in Birmingham on 15 & 16 October 2007;

Noted an update report on the introduction of the new local Code of Conduct

Noted a report on the key findings of the CIPFA/SOLACE (chartered Institute of Public Finance and Accountancy and Society of Local Authority Chief Executives and Senior managers) report on Delivering Good Governance in Local Government.

Approved revised Whistle blowing policy.

8 January 2008

Received reports on Member complaints and service complaints.

Considered draft Code of Corporate Governance and recommended adoption of the Code to Council

Approved delegation to Rottingdean Members' Hearing Panel of dispensation applications

Recommended to Council the appointment of a fourth independent person and second Rottingdean Parish Council representative to serve on the Committee.

Recommended to full Council a revised Code of Conduct, based on the national model code, to come into effect on 15 May 2008

Considered report of the Working Group on the implementation of the Local Government and Public Involvement in Health Act 2007

Noted a report concerning an investigation into a breach of confidentiality

Noted confidential minutes of Standards Hearing Panel held 14 December 2007

18 March 2008

Considered report of the working Group examining the implementation of the Local Government and Public Involvement in Health Act 2007.

23 May 2008 (special meeting)

Approved arrangements and procedures for dealing with ethical standards complaints against Members and authorised the Director of Strategy and Governance i) to make any necessary amendments, and ii) to appoint independent members to the Standards Committee for dealing with individual complaints, from independent persons who serve on other authorities' Standards Committees

10 June 2008

Received report on Member complaints and service complaints.

Noted report about the Council's new constitution and the provisions in it relating to the Standards Committee

Noted report on actions taken to revise the local Code of Conduct for Members

Noted and agreed proposed training initiatives for 2008/09

16 September 2008

Received report on Member complaints and service complaints.

Noted report concerning Standards Board guidance on "the Role and Make up of Standards Committees"

Noted that the Council's adopted procedures for local assessment, investigation and determination were in need of updating in light of legislative changes and Standards Board guidance. As an interim measure,

the use of East Sussex Fire Authority's procedures for investigation and determination was approved.

3.2 The Local Government and Public Involvement in Health Act 2007

The Local Government and Public Involvement in Health Act has had a major impact on the ethical standards regime. The main provisions of the Act that affect this regime are:-

(a) New Powers for Standards Committees

Since 8 May 2008, **all** allegations of breaches of the code about Brighton & Hove or Rottingdean Parish Members are referred to the Council's Standards Committee, not the Standards Board. Officers need to bring each complaint before an Assessment Panel of Members which has 3 main options:-

- (i) To refer the matter to the Monitoring Officer for investigation, or
- (ii) To refer the matter to the Standards Board, to deal with it under existing procedures; or
- (iii) To take no action.

An Assessment Review Panel can review any decisions if the complainant so requests.

(b) Revised Role of the Standards Board

Under the new arrangements, the role of the Standards Board changed from investigation of complaints to strategic regulation. It has a number of specific roles including:-

- (i) Issuing statutory and other guidance to local authorities;
- (ii) Requiring standards committees to report to the Standards Board in the performance of their duties;
- (iii) Suspending the powers of any Standards Committee to deal with complaints if it considers that performance is inadequate. If this happens, the Board can either deal with complaints itself or arrange for complaints to be dealt with by another authority.

3.3 Sub-Committees of the Standards Committee

Until 7 May 2008, the Committee had two Sub-committees, known as the Hearing Panels. They had been constituted to deal with any allegations of breaches of the local Code of Conduct for Members which had been referred by the Standards Board to the Council for determination.

The Panel which dealt with cases relating to the Council comprised three Independent Members (excluding the Parish Council representative) and two Councillors. The Panel which dealt with cases relating to Rottingdean

Parish Council had the same membership except that one of the Councillors was replaced by the Parish Representative. Normally only 3 of the Panel would actually be asked to attend any meeting, the ideal balance being 2 Independent Members and either one Councillor or the Parish representative as appropriate.

There was one meeting of the Hearing Panel during the period September 2007 to May 2008- on 14 December 2007. Further details are given in section 3.9 (Complaints to the Standards Board) below.

Since 8 May 2008, the Committee has had 3 Sub-Committees, known as the Assessment Panel, Assessment Review Panel and the Hearing Panel. The Assessment Panel has met twice, on 14 August 2008 to consider 4 complaints, and on 21 October to consider 2 complaints.

The Hearing Panel has met once, on 24 October 2008 to consider the 4 complaints referred to above.

3.4 Undertakings to Comply with the Council's Code of Conduct

The requirement to sign a declaration indicating willingness to observe the Council's local Code of Conduct came into effect in 2002. By virtue of section 52 (3) of the Local Government Act 2000, it is unlawful for any Member (including the Independent Members as defined above and any other co-optees with voting rights) to participate in the business of the Council without having signed the undertaking.

All Members of the Council have signed the declaration.

The Independent Members serving on the Standards Committee were appointed in February 2000 (Dr Wilkinson), August 2001 (Ms Carter) April 2002 (Mr Rhodes), October 2003 (Mrs Scott) and March 2008 (Mr Janse van Vuuren). All signed their undertakings before the first relevant meeting attended by them after their appointments.

The signed undertakings will be available at the meeting for inspection by the Standards Committee.

3.5 Register of Members' Interests

All Members (including Independent Members and co-optees with voting rights) are obliged to make declarations of interests in accordance with the requirements in the Council's local Code of Conduct.

All Members, (including Independent Members and co-optees with voting rights) made new declarations of interests in accordance with the requirements of the Council's newly adopted local Code of Conduct which came into effect on 30 September 2007.

The Register will be available for inspection at the meeting.

3.6 Notification of Gifts and Hospitality Received

Until the new Code of Conduct came into force at the end of September 2007, there was a requirement for any Member (including Independent Members and co-optees with voting rights) who had received any gift or hospitality over the value of £25 in connection with membership of the Council to so declare in writing to the Monitoring Officer and a form was made available to Members for this purpose. Declarations were kept in a register.

The register is no longer required to be kept as a separate register. Under the new Code of Conduct gifts and hospitality have to be registered on the main public register.

3.7 Applications for Dispensation

In very limited circumstances, Members can apply in writing to the Standards Committee for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests.

In the period between the last report in September 2007 to date, there have been no applications for dispensations.

All dispensations are entered on the register of Members' interests and remain there for the appropriate period, normally for 4 years from the date on which they were granted, or (if shorter) until the date fixed by the Committee granting the dispensation.

The dispensations will be available as part of the register of interests for inspection by the Standards Committee at the meeting.

3.8 Politically Restricted Posts – Exemptions

Under the Local Government and Housing Act 1989 anyone who holds a "politically restricted post" in a local authority is unable to be a local Councillor, MP, MEP or Regional Assembly Member and must not take part in certain political activity, such as canvassing and serving as an officer of a political party. Restricted posts include the Chief Executive, Chief and Deputy Chief Officers, Monitoring Officers, those paid above a certain level and those who regularly brief the media on behalf of the authority. It is possible to claim exemption from the restrictions. Until May 2008, this was done by applying to the Adjudicator. The function of granting exemptions has now transferred to the Standards Committee. During the period covered by this report, there have been no applications for exemption. This additional power is unlikely to have any significant impact on the Committee's workload, as nationally there have been few applications to the Adjudicator.

3.9 Complaints to the Standards Board

Until 7 May 2008 complaints about any failure by any Member to observe the local Code of Conduct were made to the Standards Board. Such complaints could either be rejected as outside the terms of reference of the complaint system, or referred for investigation. Investigations could either be centrally conducted or sent to the authority concerned for investigation. After investigation, if a case to answer was identified, the complaint was either determined centrally or locally.

In the period 19 September 2007 to 7 May 2008, there was only one new complaint made to the Standards Board. It was made on 4 April 2008, and rejected without investigation the same day. On 14 December 2007 the Hearing Panel met to consider a June 2007 complaint which had been referred by the Standards Board for local investigation and determination. The Panel accepted the Investigator's view that there had been no breach of the Code of Conduct which applied at the date of the incident complained of. The above information has been taken from the regular "Corporate Complaints Update" reports to Committee.

During the period in question, the SBE finally concluded a case which had been deferred pending the outcome of legal proceedings. The Ethical Standards Officer concluded that it was not an appropriate use of public resources to take further action.

3.10 Complaints to the Council

On 8 May 2008, the Standards Committee (England) Regulations came into force, and inter alia, transferred responsibility for the receipt of complaints moved from the Standards Board to the Council.

Since that date, there have been 6 complaints to the Council about Member Conduct.

3.11 Training

The Sixth Annual Assembly of Standards Committees, at Birmingham took place on 16 and 17 October 2007. It was attended on behalf of Brighton & Hove City Council by the Chair and the Standards and Complaints Manager. Another Member of the Standards Committee, Melanie Carter and the Principal Solicitor Governance also attended on behalf of East Sussex Fire Authority. A report was made to the November 2007 meeting of the Standards Committee.

The Seventh Annual Assembly of Standards Committees, at Birmingham took place on 13 and 14 October 2008. It was attended on behalf of Brighton & Hove City Council by the Chair, the Standards and Complaints Manager and Councillor Steedman. The Senior Lawyer also attended on behalf of the East Sussex Fire Authority. A report is on the agenda for the meeting.

3.12 Issues for the future

Codes of Conduct for local government employees?

In August 2004 the Government consulted on a possible Code of Conduct for local government employees, which it had power to prescribe under the Local Government Act 2000. Implementation was delayed until the relevant department had an opportunity to consider the Code in the context of the wider review of the conduct regime for local government, and the lessons learned from the implementation of the new member code.

With the implementation of the new devolved conduct regime, and proposals to amend the Members' Code, the Government considers that the time is right to also consult on proposals to introduce a model employees' code. Accordingly it has now issued a White paper, "Communities in control: Real people, real power. Codes of Conduct for Members and Employees". The closing date for responses is 24 December 2008.

Code of Conduct and private life

The 2002 national model Code of Conduct applied to Members when they were acting in their official capacity, although it did include some provisions which applied when they were acting in their private capacity. In the Livingstone case, the High Court held that the Code of Conduct only applied when Members were acting in their official capacity as the legislation on which it was based did not enable it to have wider coverage. The 2007 Act gave the Secretary of State powers which could reverse the effect of the High Court decision. The Government has recently issued a consultation paper, (Communities in Control: Real People, real power. Codes of conduct for Members and Employees) on possible revisions to the model code, principally to clarify its application to members' conduct in their non-official capacity

3.13 The Monitoring Officer Functions

General:- The functions of the Monitoring Officer derive from statute, namely section 5 of the Local Government and Housing Act 1989 and the Local Government Act 2000. These are supplemented by the Council's scheme of Delegation to Officers, various codes and protocols contained in part 9 of the Council constitution, as well as custom and practice. Broadly, these roles can be described as covering legality, probity and good governance / administration. On 23 March 2003, it was agreed that the Monitoring Officer should submit an annual report to the Standards Committee on the performance of these functions and the adequacy of the arrangements.

Adequacy of Resources and Officer Arrangements

The Director of Strategy & Governance is the Monitoring Officer. The Council is obliged to provide him in his role as Monitoring Officer with the necessary resources to enable him to discharge his functions.

He has appointed as Deputy Monitoring Officer the Head of Law and is also supported by a number of lawyers (who attend Cabinet, Cabinet member meetings and committees and provide legal and probity advice) the Standards and Complaints Team (which deals with allegations of maladministration by any part of the Council and any ethical standards complaints about Members) as well as Committee Administrators (who maintain the register of Members' interests and record declarations of interest at meetings.) All these staff are within his own department.

The Council's Internal Audit undertakes an audit of corporate governance from time to time and supports the Monitoring Officer by identifying any issues and suggesting steps for improvement.

These arrangements, taken together, provide the necessary expertise and resources for the effective discharge of the Monitoring Officer's functions.

In February 2008, the Audit Commission issued its Annual Audit and Inspection Letter. It was considered by the Policy and Resources on 6 March 2008. the council was rated as three-star under the 2007 Comprehensive Performance Assessment (CPA) framework. Its annual direction of travel was assessed as "improving well."

There were no comments in the Annual Audit and Inspection report dealing directly with complaints handling or other ethical issues.

3.14 **The Member Structure for dealing with Standards**

The ethical standards work in the Council is led and co-ordinated by the Standards Committee, consisting of the 11 Members listed at Section 3.1 of this report.

The Council has been successful in attracting 5 high calibre Independent Members. One of these is the Chair of the Committee.

3.15 **Procedures for dealing with local investigations and local determinations of ethical complaints**

The Council has adopted a procedure for the local assessment of complaints and interim procedures for the investigation and the determination of complaints. The investigation and determination procedures are being revised in the light of new Standards Board guidance, the Standards Committee (England) Regulations 2008 and actual experience of holding panel hearings.

3.16 **Liaison and Joint Working with Other Statutory Officers**

The Monitoring Officer is a Member of the Council's Corporate Management Team and has access to all documents and meetings of the Council relevant to his role. He reports directly to the Head of Paid Service (Chief Executive). He has regular meetings with the Chief Executive and with the Director of Finance & Resources who, as the financial monitoring officer has a similar monitoring role and powers in relation to financial matters. These arrangements have been effective in early identification of issues with advice being given or action being taken at the appropriate stage.

On matters of probity the Monitoring Officer works closely with the Director of Finance & Resources and the Head of Audit & Assurance. There are scheduled meetings with the District Auditor at which any issues of interest are discussed.

3.17 **Arrangements for the Parish Council**

The Monitoring Officer to the Council is also the Monitoring Officer for the Parish Council. The Legal and Democratic Services sections will continue to work on standards matters, as necessary, with the Chair, the Parish Clerk and the Parish Council representatives on the Standards Committee.

3.18 **Monitoring Officer reports**

The Monitoring Officer in respect of legality and the Director of Finance & Resources in respect of finance, both have statutory powers to intervene in decision making and to issue formal reports to the full Council. Neither officer nor their predecessors has had to use their powers since the creation of the Council as a unitary authority in 1997.

3.19 **Maladministration**

The Monitoring Officer is supported in the investigation and resolution of allegations of maladministration by the Standards and Complaints team, under the Standards & Complaints Manager. This team is part of the Monitoring Officer's department, in the Performance and Equalities section. The team also has responsibilities for ethical standards matters.

Performance and Equalities report regularly to the Standards Committee (through the Standards and Complaints Manager) and to the Council's Overview and Scrutiny Committees so that Members are aware of the issues which it is helping other departments to resolve and the advice it is giving them to help reduce future instances of maladministration or poor performance.

Summary of complaints received under the corporate complaints procedures 2007/08

The Ombudsman received 93 complaints about the Council during 2007/08, a fall of 35 from the previous year. That reduction mainly resulted from falls in complaints about Housing, down by 8 to 24, Planning down by 18 to 14, and Education down by 6 to 5. Other complaints were broadly in line with previous years figures. Complaints about Parking and Highways increased by 5 to 14

15% of cases were resolved by Local Settlement which compares favourably to the national figure of 27%. Local Settlement is where an investigation is discontinued because the authority agrees to take action which the Ombudsman considers to be satisfactory to resolve the complaint. These investigations resulted in compensation payments amounting to £4000.

There were no findings of Maladministration and none of the complaints were dealt with by way of formal report finding Maladministration causing Injustice.

The Ombudsman considers that working relationships with the Council's complaints officers continue to be positive and professional.

Average response times continue to decrease to 28.7 days, just outside the target response time of 28 days.

The Council received 1788 Stage One corporate complaints in 2007/08, down 289 from the previous year. That reduction occurred as a result in falls in complaints about City Clean and Housing Benefits. Complaints about Transport and Highways, Revenues, Housing Management, Repairs and Maintenance, Housing Needs have remained broadly consistent. Complaints about Development Control have increased.

3.20 Overall Assessment

The standards of conduct among Members, Co-opted Members and Officers of the Council remain high and no significant problems have been identified. Although one case was referred to a Hearing Panel of the Standards Committee in the period covered by this report, it did not result in a finding that there had been any failure to observe the Council's Code of Conduct for Members.

There are no significant issues to be addressed in relation to complaints to the local Ombudsman.

All the audits undertaken by the Council internally as well as by external assessors regarding corporate governance are satisfactory overall.

The current Member and Officer arrangements to deal with conduct issues and support the role of the Monitoring Officer remain adequate.

4. CONSULTATION

4.1 There has been no consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are none.

5.2 Legal Implications:

These are addressed in the body of the report.

Lawyer Consulted: Liz Woodley

Date: 28 October 2008

5.3 Equalities Implications:

There are none.

5.4 Sustainability Implications:

There are none.

5.5 Crime & Disorder Implications:

There are none.

5.6 Risk and Opportunity Management Implications:

There are none.

5.7 Corporate / Citywide Implications

There are none.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. None

Background Documents

1. None

EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE HELD ON THE 18 NOVEMBER 2008

Subject:	Procedures for Appointment of Assistant Directors		
Date of Meeting:	4 December 2008		
Other Meeting:	Governance Committee 18 November 2008		
Report of:	Director of Strategy and Governance		
Key Decision:	No		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

GOVERNANCE COMMITTEE

4.00pm 18 NOVEMBER 2008

COUNCIL CHAMBER
HOVE TOWN HALL

MINUTES

Present: Councillor Ann Norman (Chairman); Councillor Simpson (Deputy Chairman), Councillors Mrs Brown, Mrs Cobb, Elgood, Mears, Mitchell (OS), Oxley, Taylor and West.

***51. PROCEDURES FOR APPOINTMENT OF ASSISTANT DIRECTORS**

51.1 By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chairman of the meeting was consulted and was of the opinion that this item should be considered at the meeting as a matter of urgency.

51.2 The Committee noted that the special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B, Schedule 12A of the 1972 Local Government Act as amended (items not to be considered unless the agenda is open to inspection at least five days in advance of the meeting) were that a review of the Employment Procedure Rules,

(which dealt, amongst other things, with the appointment of Senior Officers), was planned for a review as part of the 6-month review of the Constitution. However, it had become apparent that, given the likelihood of some appointments needing to be made before then, it was necessary for the appointment of Assistant Directors to be considered by the Governance Committee at its meeting on the 18 November before being submitted to Council for approval.

51.3 RESOLVED TO RECOMMEND:

- (1) That the changes to the Officer Employment Procedure Rules set out in paragraphs 3.3 and 3.4 be agreed;
- (2) That the Head of Law be authorised to amend the Constitution to give effect to the changes; and
- (3) That the changes come into force with immediate effect.

Subject:	Procedures for Appointment of Assistant Directors
Date of Meeting:	4 December 2008
Other Meeting:	Governance Committee 18 November 2008
Report of:	Director of Strategy & Governance
Contact Officer:	Name: Abraham Ghebre-Ghiorghis Tel: 29-1500
	E-mail: Abraham.ghebre-ghiorghis@brighton-hove.gov.uk
Wards Affected:	All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The involvement of Member in officer appointments is regulated by legislation, the Local Authorities (Standing Orders) (England) Regulations 2001. The regulations require some appointments to be made by Members, others by Officers and in some areas give local authorities a discretion on how they deal with appointments. This report looks at the position where the Council has some discretion and proposes changes to the procedures for the appointment of Assistant Directors to allow for Member involvement. It also proposes minor changes to clarify administrative arrangements associated with the process.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee recommends to Council that:
- (i) the changes to the Officer Employment Procedure Rules set out in paragraphs 3.3 and 3.4 be agreed;
 - (ii) that the Head of Law be authorised to amend the Constitution to give effect to the changes; and
 - (iii) that the changes come into force with immediate effect.
- 2.2 That full Council approves the recommendations under 2.1

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The Local Authorities (Standing Orders) England Regulations 2001 ("the Regulations") impose some statutory procedural requirements regarding the appointment of officers at various levels of the organisation. In summary:-

- The appointment of the Chief Executive has to be approved by Full Council.
- The appointment of Directors and Assistant Directors can be designated as a Member function or an Officer function by the Council.
- The appointment of Officers below Assistant Director is automatically a function of the Chief Executive or his/her Officer nominee

3.2 The Council's constitution, as it currently stands, provides different procedures depending on the seniority of the officers concerned.

(a) Appointment of Chief Executive

The appointment of the Chief Executive is reserved to Full Council, as required by law

(b) Appointment of Officers below Assistant Director level

The appointment of Officers below Assistant Director is a function of the Chief Executive and the Chief Executive has designated all ADs and all line managers as authorised nominees who can carry out appointments.

(c) Appointment of Directors

In relation to Directors, the constitution provides three alternatives:

- (i) Appointment by a Committee or Sub-Committee, which must include a member of the Cabinet;
- (ii) Appointment by the Chief Executive on the recommendation of a Member Selection Panel; or
- (iii) Appointment by the Chief Executive if the appointment is on acting/interim basis.

In practice, permanent appointments have usually been made by the Chief Executive on the recommendations of a Member Selection Panel drawn from different parties. This procedure applies also to the appointment of the Monitoring Officer and the Chief Finance Officer (if they are not Directors) and is generally thought to have served the Council well.

(d) Appointment of Assistant Directors

The appointment of Assistant Directors is the responsibility of the Chief Executive or his nominee. The Chief Executive has designated relevant Directors as his nominees, subject to the agreement of the Chief Executive. This means the appointment can be made by a Director with the agreement of the Chief Executive.

3.3 It is clear from the above that, unlike the appointment of Directors, Members do not have any input regarding the appointment of ADs. This is not in line with the

practice in most local authorities. It is therefore proposed that the rules that apply to the appointment of Directors be extended to apply to the appointment of Assistant Directors.

- 3.4 Administrative arrangements associated with the selection process are not set out in the Officer Employment Procedure Rules. Although these are usually resolved informally, there are times where greater clarity and consistency would be helpful. For the avoidance of doubt, it is proposed that these are incorporated into the rules by providing as follows:
- (1) Where there is a Member Selection Panel involved, it should consist of 4 Members appointed to reflect the political composition of the Council (currently 2 Conservative, 1 Labour and 1 Green).
 - (2) That the Director of Strategy & Governance appoints Members of the Selection Panel in accordance with the wishes of the relevant Group Leader/Convenor.
 - (3) That the Panel includes at least one Member of the Cabinet (as one of the 4 Members.)
 - (4) That the Panel is chaired by a Member of the Group that has the largest number of seats in the Council.
 - (5) That the Panel endeavours to reach a decision by consensus as far as possible. If there is no consensus, the matter shall be put to a vote. If there is an equality of votes, the Chairman shall have a casting vote.
 - (6) The Director of Strategy & Governance be authorised to take all steps necessary or incidental to supporting the appointments process.
- 3.5 The above proposals are aimed at extending member involvement and clarifying some procedural parts. They do not preclude any further consideration of the Officer Employment Rules as part of the 6 months review or by other means.

4. CONSULTATION

- 4.1 The Leader of the Council and the Chairman of the Governance Committee were consulted and their views incorporated into the report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 It is not anticipated that there are significant costs arising from the proposals in this report. The proposals simply allow Members to be part of the selection process and they are unlikely to result in expenditure over and above what the current procedures require. Any incidental costs will be met from within the existing resources.

Finance Officer Consulted: Nigel Manvell

Date: 14.11.08

Legal Implications:

- 5.2 These are incorporated into the body of the report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 14.11.08

Equalities Implications:

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

Sustainability Implications:

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

Crime & Disorder Implications:

- 5.5 None arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The proposals, by providing for Member involvement, will provide more accountability and transparency.

Corporate / Citywide Implications:

- 5.7 The proposals will support the principle of open and effective City leadership by extending member involvement to the appointment of ADs and clarifying some of the processes.

SUPPORTING DOCUMENTATION

None.

Background Documents

The Constitution of Brighton & Hove City Council, in particular, the Officer Employment Procedure Rules.

NOTICE OF MOTION**FALMER ACADEMY**

“This Council believes that all children should have access to a first class education regardless of where they happen to live and that good education provides the most effective route out of poverty for some of the most disadvantaged children in our society. Nationally and locally, both Conservative and Labour parties recognise that Academies offer an effective means of achieving this through a vision and ethos based on success and high expectation. In 2008, the number of pupils gaining five A* - C grade GCSEs increased by 2.9% in Academies compared to an improvement of 0.9% in all schools.

Furthermore, this Council welcomes the progress that has been made in developing the proposals for a new state of the art Academy at Falmer and congratulates the council officers whose hard work and dedication has allowed the project to progress so well to date.

Falmer High is already an improving school but the proposed Academy will bring enormous additional benefits to the local children and families and has strong support amongst the wider community. The choice of entrepreneurship and sport as specialisms for the Academy has met with an enthusiastic response from businesses, parents and young people.

Therefore, this Council supports continued close working with the Department for Children, Schools and Families, the Aldridge Foundation, governors, parents and the wider community to ensure that the proposed Academy makes a successful and enduring contribution to secondary education in Brighton & Hove.”

Proposed by: Cllr Vanessa Brown

Seconded by: Cllr Pat Hawkes

Supported by: Cllrs Maria Caulfield, Mo Marsh, Mary Mears, Geoff Wells, Dawn Barnett, Vanessa Brown, Jan Young, Brian Oxley, Averil Older, Ted Kemble, Ann Norman, Gill Mitchell, Anne Meadows, Les Hamilton, Bob Carden, Jeane Lepper

NOTICE OF MOTION**FREE SCHOOL MEALS**

“Families surviving on small budgets face many and increasing financial pressures, and while expenditure on rent, heating bills and council tax are fixed, the amount spent on food is in the flexible budget category. The high cost of healthy food is a major obstacle for many parents wanting to provide healthy food for their children.

Healthy school meals can play an important role in tackling health and social disadvantages, but uptake in Brighton and Hove is limited. Uptake can be increased by providing the right eating environment: a 'whole school approach' which sees pupils engage with food throughout their school day, being involved with growing and preparing their food, as well as given the time and space to enjoy eating healthy food together calmly as a social activity. But the cost of school meals can also be a barrier to uptake. Even where young people are eligible for Free School Meals, they don't always take this up as there can be a stigma attached to this entitlement.

This council notes that:

- A 3 year experiment by Hull Council which saw free school meals provided to all primary school children led to Heads and teachers reporting that children were 'more relaxed and better behaved', and 30 per cent of parents said they were trying healthier food at home as a result of the trial.
- The Child Poverty Action Group has called for universal free school meals.
- The Government recently announced a two-year pilot programme which will see free school meals given to all pupils aged four to 11 in two areas over two years, to measure the impact of healthy eating on health, behavior and academic results.

This council notes with concern that:

- 13.5 per cent of children in Brighton & Hove are already obese in the year they start school.
- Less than a third of children aged 10 – 15 in the city eat five or more portions of fruit or vegetables a day.
- A third of Brighton & Hove children are obese by year 6.
- Take up of school meals is around 43 per cent in primary schools and around 34 per cent in secondary schools in Brighton & Hove. More than a third of those entitled to them do not take-up free school meals at primary school, and around half of those entitled to them do not take-up free school meals at secondary school.

This council therefore requests that the Chief Executive writes to the Secretary of State requesting:

1. Funding for pilot schemes similar to that in Hull which will provide all young people at both primary and secondary schools with free school meals.
2. In the event of successful trials, the rollout of a nationally-funded free school meal programme for all primary and secondary students across the country.”

Proposed by: Cllr Rachel Fryer

Seconded by: Cllr Paul Steedman

NOTICE OF MOTION**KEEPING NHS SERVICES PUBLIC**

“Since 2006 large private companies have been able to take over or establish GP practices under ‘Alternative Provider Medical Services Contracts’ (APMSC). This new approach, where the need for corporate profit conflicts with patient needs, threatens the trusted model of a partnership of GPs owning and running a surgery for their patients. The city of Brighton & Hove now has five GP practices run by ChilversMcCrea Healthcare.

This council notes with concern that in privately run NHS services including GP practices, polyclinics and independent specialist treatment centres (ISTCs):

- Bids from traditional GP partnerships are often undercut by multi-national health companies;
- Doctors work on shorter term contracts leading to increased staff turnover and dramatically less continuity of care for patients;
- Important information on the cost and level of service provided becomes hidden from scrutiny under the cloak of ‘commercial confidentiality’;
- Proposals are constructed to keep profitable services private while leaving publicly-funded services to pick up the complex, costly cases leaving any cost savings in private hands.

UNISON, the King’s Fund and the House of Commons Health Committee have all raised concerns with these new contractual agreements.

At the Health Overview & Scrutiny Committee’s meeting on 5th November Brighton & Sussex Universities NHS Trust acknowledged a £2-3 million per annum loss for handling the complex cases left to them by the privately-run Sussex Orthopaedic Treatment Centre, which focuses only on simple cases without co-morbidity. Given that the Brighton & Hove Primary Care Trust is currently calling for bids on a new GP-led healthcare centre; this council:

- Rejects the creeping privatisation of NHS services;
- Expresses concern over the financial impact of the Sussex Orthopaedic Treatment Centre;
- And asks the Chief Executive to write to Alan Johnson, Secretary of State for Health and Darren Grayson, Chief Executive of the local PCT asking them to cease further APMSC and ISTC contracts and to reject corporate bids for the proposed GP-led health centre.”

Proposed by: Cllr Jason Kitcat

Seconded by: Cllr Sven Rufus

NOTICE OF MOTION**HIV/Aids Services in Brighton and Hove**

“This council:

1. Acknowledges the work of voluntary organisations, the Primary Care Trust and its own officers who provide a comprehensive care pathway for the rising number of people living with HIV/Aids in Brighton and Hove and, equally importantly, provide a range of preventative services.
2. Welcomes the modest rise in this year’s Aids Support Grant, which partially restores the Government’s cuts of recent years.
3. Applauds the efforts of the Terrence Higgins Trust to supply some of those services formerly provided by the Open Door project, which closed earlier this year.
4. Expresses its concern about future funding for HIV/Aids work when the Aids Support Grant scheme comes to an end in two years time.
5. Expresses its regret that allocations are not made promptly at the beginning of each financial year, leaving voluntary groups, in particular, in a difficult financial position.

It therefore resolves:

1. To continue to keep sexual health and HIV/Aids issues high on its agenda.
2. To continue to recognise the work of voluntary groups in the city who work with those with HIV/Aids and provide educational services to prevent the spread of HIV/Aids.
3. To ask the city’s three MPs to support a lobby of Government to ensure the Aids Support Grant is maintained and ring-fenced, that the grant paid to support work in Brighton and Hove meets the city’s need and that it is paid on time.”

Proposed by: Cllr Bill Randall

Seconded by: Cllr Vicky Wakefield-Jarrett

NOTICE OF MOTION**Credit Crunch**

“This Council:

Recognises that the world economy is entering a period of significant downturn and Britain, and more particularly Brighton & Hove, is likely to feel the effects of the difficult financial times. Independent forecasts from the IMF and European Commission predict that Britain’s economy is very poorly positioned to weather the economic storm, despite Government claims to the contrary.

Believes that local business and jobs are vital to the continued prosperity of Brighton & Hove and the Council has a duty to support the local economy. This Council is therefore delighted to be taking prompt action by offering local businesses a ‘recession relief’ package which includes a range of measures designed to help hundreds of businesses with cash flow as the credit crunch tightens. These measures have been widely welcomed.

Recognises the importance of continued publicity of help available to city businesses from local and central government.

Welcomes the agreement by utility companies to match the council’s decision to cease all major city centre roadworks from 5 December until the end of the Christmas period; this will have a positive impact on local businesses as access the city centre will be improved for Christmas shoppers.

Notes with concern that one of the most serious consequences of the credit crunch has been its damaging impact on the housing market and homeowners. Some people in Brighton & Hove may struggle to make mortgage repayments and risk being evicted from their own homes, which would create a demand on many of the council’s services, particularly the homelessness services.

Acknowledges and welcomes the investigatory work already being undertaken by the Council’s Administration to consider the feasibility of a local scheme to help homeowners deal with the effects of the serious economic downturn.

Despite having taken a number of steps to support the economy of Brighton & Hove, the Council continues to investigate what more it can do, but recognises that its powers are limited by the Government.

Therefore, this Council resolves to instruct the Chief Executive to write to the Secretary of State for Communities and Local Government to ask her to give councils more discretion to set business rates locally, as suggested by the Local Government Association.”

Proposed by: Cllr Jan Young

Seconded by: Cllr Ted Kemble

COUNCIL MEETING	Agenda Item 40(e)
4 December 2008	Brighton & Hove City Council

Supported by: Cllrs Mary Mears, Maria Caulfield, Brian Oxley, Tony Janio, Geoff Wells, Dawn Barnett, Vanessa Brown, Jan Young, Averil Older, Ann Norman

Notice of Motion**Fuel Poverty**

“This Council notes with concern that in 2008, millions of people still struggle to heat their homes properly because of their inability to pay their fuel bills; which are on average more than £1000 annually. The Government’s own figures estimate that the number of ‘fuel poor’ households in England is now higher than at any time recorded since Labour came to power.

In 2000, the Government introduced a Fuel Poverty Strategy and the Warm Homes and Energy Conservation Act and committed itself to ending the fuel poverty of vulnerable people by 2010, and to end fuel poverty for everyone by 2016. However since 2004, the number of English households in fuel poverty is estimated to have risen almost three-fold, when it stood at 1.2 million. Even the Government now accepts that it will fail to meet its legal duty to reduce fuel poverty in the time frame that it created.

This Council notes with concern that the package the Government announced in September was inadequate and is likely to result in energy companies passing on £910 million in extra charges to consumers.

This Council recognises that local authorities are doing what they can to protect people from fuel poverty. Last month, Brighton & Hove City Council began a programme of works to establish how it could cut the fuel bills of council tenants and increase the energy efficiency of their homes.

However local authorities can only do so much, therefore this Council calls on the Government to fulfil its responsibilities to help the residents of Brighton & Hove who are struggling to pay their energy bills and as a result face a bleak, cold winter.

This Council instructs the Chief Executive to write to the Secretary of State for Energy and Climate Change to ask him to:

- Take more effective practical steps to help homeowners reduce their energy bills, ensuring additional costs are not passed on to consumers.
- Use OfGem’s powers more effectively to ensure energy companies give customers a better deal.”

Proposed by: Cllr Maria Caulfield

Seconded by: Cllr Mary Mears

Supported by: Cllrs Geoff Wells, Dawn Barnett, Vanessa Brown, Jan Young, Brian Oxley, Averil Older, Ted Kemble, Brian Oxley, Ann Norman

NOTICE OF MOTION**Government Surveillance of Communications – The Database State**

“This Council notes with grave concern the Home Secretary’s recent announcement of an Interception Modernisation Programme which will establish a central database of the electronic communications data records of all individuals in Britain. The proposals are as a result of the Government’s adoption into UK law of the EU Data Retention Directive 2006, which requires the introduction of such a scheme for internet communications by 1st April 2009. A public consultation on the proposals is due to take place in early 2009.

Whilst this Council recognises the increasingly complex nature of investigating the terrorist threat, it believes that a database of this sort would represent a serious and unnecessary infringement of the ancient and hard-fought civil liberties of the people of Brighton & Hove and the rest of the country.

This Council agrees with the Information Commissioner who stated recently that such proposals would be “a step too far for the British way of life”. Indeed, such an approach is counter-productive and hands a moral victory to the terrorists, and their apologists, who oppose the very democratic principles upon which our liberal society is founded.

This Council expresses concern with the proposals on the following grounds:

- Cost – Government IT schemes are notoriously expensive. Initial estimates put the potential costs of the Interception Modernisation Programme at up to £12 billion.
- Data security – The Government has an abysmal record of protecting personal information and sensitive data. Indeed, the Prime Minister recently admitted that “we cannot promise that every single item of information will always be safe”.
- Efficacy – a recent report from the U.S. National Academies concluded that such a surveillance system would be inefficient, would create huge numbers of false leads and would be highly unlikely to detect or pre-empt terrorist attacks.
- Surveillance overload – this is another in a long line of intrusive surveillance measures introduced or proposed by this government such as ID cards, the National DNA Database (which stores the DNA of innocent people) and the Contact Point child database.

Therefore, this Council instructs the Chief Executive:

- To write to the Local Government Association and the Office of the Information Commissioner, requesting that they join the council in conveying to the Government their concern about the potential adverse impact on civil liberties of establishing a central electronic database.”

Proposed by: Cllr Brian Oxley

Seconded by: Cllr Ayas Fallon-Khan

COUNCIL MEETING 4 December 2008	Agenda Item 40(g) Brighton & Hove City Council
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Supported by: Cllrs Mary Mears, Geoff Wells, Dawn Barnett, Vanessa Brown, Jan Young, Brian Oxley, Averil Older, Ted Kemble, Maria Caulfield, Ann Norman

REFERRED NOTICE OF MOTION**GREEN SPACES AND HEALTH INEQUALITY**

“This Council notes:

- a. The 2008 report of The Director of Public Health for Brighton and Hove, which reported that health inequality persists in the city, and that this manifests itself in wide variations in life expectancy, with an average resident of Moulsecoomb, Bevendean or Queen’s Park being likely to live a significantly shorter life than an average resident of Rottingdean, Withdean or Patcham.
- b. The recently-published findings of researchers at Glasgow University and the University of St Andrews that green spaces near homes can reduce such variations in life expectancy, and the November 2008 comments in *The Lancet* journal of Dr Terry Hartig of *The Institute for Housing and Urban Research* at Uppsala University in Sweden that: ‘*Green space does more than ‘pretty up’ the neighbourhood – it appears to have real effects on health inequality, or a kind that politicians and health authorities should take seriously*’.

And therefore resolves

To take into account this impact on life expectancy and health generally whenever it considers removing, developing, or granting landlord’s consent for development on any green spaces under its control in the city, however small.”

Proposed by: Cllr Ben Duncan

Seconded by: Cllr Keith Taylor

REFERRED NOTICE OF MOTION

Extract from the minutes of the Environment Cabinet Member Meeting Held on the 6 November 2008.

63(i) Notice of Motion – A Permanent Memorial for Ken Fines

- 63.1 The Cabinet Member considered the following Notice of Motion proposed by Councillor Kennedy and referred from the Council Meeting on 9 October 2008 under procedural rule 8.2:

“This council wishes to place a permanent memorial to Ken Fines in the North Laine, in recognition of his outstanding contribution to conserving the built environment of Brighton & Hove.

This council would like to pay tribute to Ken Fines, Brighton’s first planning officer, who sadly died on March 24th this year.

Mr Fines served as Borough Planning Officer from 1974 until his retirement in 1983, and his vision and determination was instrumental in protecting parts of Victorian Brighton from wholesale demolition and brutal redevelopment.

Most notably, Mr Fines worked with the community to gain conservation area status for the area he named the North Laine, which is now one of the city’s most vibrant and bohemian quarters, much-loved by residents and visitors alike.

Brighton born and bred, Mr Fines was passionate about his home town and conserving the beauty of its historic built environment, and this council wishes to honour his memory by placing a permanent memorial to him within the North Laine.”

- 63.2 The Cabinet Member invited Councillor Kennedy to speak to the motion.
- 63.3 Councillor Kennedy addressed the Cabinet Member Meeting on the substantive points of the motion.
- 63.4 **RESOLVED –**
- (1) That the Notice of Motion be noted and
 - (2) That the proposal be referred to the Commemorative Plaques Committee for its comments and action and
 - (3) That as part of the process, Ken Fines’ family and the North Laine Community Association be consulted.

COUNCIL MEETING

4 December 2008

Agenda Item 42(a)

Brighton & Hove City Council