



**Brighton & Hove  
City Council**

# **COUNCIL ADDENDUM**

**4.30PM, THURSDAY, 18 JULY 2013**

**COUNCIL CHAMBER, BRIGHTON TOWN HALL**



# ADDENDUM

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**WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Council.

Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

The following four written questions have been received from members of the public.

**(a) Mr Barraball**

“Does the Leader of the Council accept that all conditions of employment negotiations should be referred to full council for ratification as this is the sovereign body, and that, although sub committees have their uses, for decisions that so fundamentally affect the whole B&H community [as does refuse collection (being one example)] these should be ratified at Full Council so that all elected councillors share collective responsibility.”

**Councillor J. Kitcat, Leader of the Council, will reply.**

**(b) Mr Berry**

“Coldean has recently been subjected to an increased pressure on parking in the neighbourhood due to the development of the University of Brighton’s Varley Halls Site and the Amex Stadium.

Amex recognised the impact that their fans were having on the local communities and have introduced a free parking permit system for all of the residents in Coldean. On completion of the scheme 350 sign post were installed in Coldean which has had a negative visual impact.

My question to the council is why it was necessary to install so many signs, and could they have been installed in a less obtrusive way?”

**Councillor Davey, Lead Member for Transport will reply.**

**(c) Mr Chavasse**

“TRO-12 / 12a-2013, Committee scheduled for 8<sup>th</sup> October, proposes eliminating ALL previously agreed Blue Badge Parking beside Brunswick Square’s 4 side gates and 1 by the adjacent dentists’ surgery, plus 2 Council

added Brunswick Terrace bays. Leaving no provision – but without other Zone M changes.

Would Council please ensure this proposal's abandonment? It is highly unpopular, grossly discriminatory, hardship causing and arguably illegal. Heavyweight objections seem insufficient deterrent to stop ill founded attempts to tinker with the long justified, balanced status quo. Which enables ALL disabled badge holders to conveniently visit Brunswick residents or enjoy the public gardens."

**Councillor West, Chair of the Environment, Transport & Sustainability Committee will reply.**

**(d) Ms Paynter**

"What work is the council doing to facilitate, promote and make pedestrian use of our streets the equal of cycling and other measures to improve air quality by reducing vehicle usage?"

**Councillor Davey, Lead Member for Transport will reply.**

**DEPUTATIONS FROM MEMBERS OF THE PUBLIC**

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of depositions from members of the public. Each deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the deputation be thanked for attending and its subject matter noted.

Notification of three Deputations has been received. The spokesperson is entitled to speak for 5 minutes.

**Deputation concerning the Curing the NHS' Dementia by Mass Commissioning the MBCT Course****(Spokesperson) – Mr Kapp**

I am a complementary therapist, and a facilitator of the Mindfulness Based Cognitive Therapy (MBCT) 8 week course (1) which is NICE-recommended (2) to improve mental health by teaching people self-help tools by which to better manage their emotions, so they don't need to go to A&E. There are more than 20 facilitators in the third sector of the city (3) providing this course for clients who pay the going rate (£150-370). This course is provided free on the NHS, but the waiting time is 20 years unless you are suicidal. (4) causing health inequalities as the poor can't afford it.

3 years ago, to reduce the waiting time, I created the Social Enterprise Complementary Therapy Company (SECTCo) (5) whose slogan is: 'medication to meditation', and whose mission statement is: 'Give a man a pill, and you mask his symptoms for a day. Teach him mindfulness, and he can heal his life'. To get public sector contracts I sent hundreds of e mails, documents, phone calls, to commissioners. These were not answered, because there was no-one at home who could make a decision, even to say: 'no'. The NHS did turn 65 last week, and decision paralysis is a symptom of dementia. Even Jeremy Hunt says it is sick. My experience proves that **it has dementia**. For the sake of both doctors and patients, we need to cure it. I am the Julia Bailey of Brighton, and pleading for your help now,

The government has done it's part by filling the democratic deficit in health. You are now responsible for public health, and for directing the strategy of the new Clinical Commissioning Group, (CCG). I am therefore calling on you councillors **to play doctor to the CCG** and cure it's demented paralysis by banging heads together. Please set up a 'chemist shop' voucher system by which GPs can prescribe the MBCT course as easily as Prozac. This would boost their morale by restoring their original function as teachers, (6) Then patients could access the course free within a few weeks from the third sector, so wouldn't need to go to A&E. This will fill the disconnect (7) between drugs and talking therapies, and restore patients' trust.

Please do not dismiss this proposal automatically as 'privatisation by the back door'. It is just a way of reducing waiting times for effective treatment, which has had all-party support nationally for more than 7 years. (8). Opening up the market to local complementary therapists would create local jobs and keep the money in the local economy, benefitting our citizens, rather than swelling the profits of drug companies. It will also improve health, reduce inequalities (9) and save taxpayers' money.

**First recommendation. The Council authorises the CCG to engage with SECTCo** to do 2 pilot trials of the MBCT course for £5,000 (10) and to engage a researcher to evaluate them, and report back to Council in November.

Trial 1. Up to 12 patients referred from a GP surgery in Hove.

Trial 2. Up to 12 sick council staff.

**Second recommendation. The Council instructs the CCG to consider this proposal** to set up a voucher system for the MBCT course in the city, and report back to the Health and Wellbeing Board (HWB) at its next meeting on 11.9.13.

**Councillor Jarrett, Chair of the Health & Wellbeing Board will reply.**



## Supporting Information:

### References

**1 Author.** I took this MBCT course myself 5 years ago in the voluntary sector in Brighton, paying £185 for it. It transformed my health, so I took the teacher training and have run 7 courses to date, for a total of about 70 students. A researcher conducted a trial last year in which 22 students took part. They increased their positivity score by 20% on average, and the best half of 11 students improved by 30%.

### 2 The evidence base for the MBCT course

- a) **NICE Clinical Guidelines** CG 23, (Dec 2004) and CG 123 (May 2011) for patients who had suffered previous bouts of depression. Other trial results are given below:
- b) The trials in 2002 (Teasedale et al) halved the 5 year relapse rate for patients who had suffered 3 previous bouts of depression.
- c) It has a 30 years evidence base from more than 500 clinical trials, showing it to be effective in improving mental health for almost anybody, including drug and alcohol addicts, see Breathworks, Manchester (Gary Hennessey) [www.breathworks.org.uk](http://www.breathworks.org.uk)
- d) It is used by Transport for London, with 20,000 staff, where it has reduced staff absence by 73%.
- e) It is being taught in schools, where it improves performance in all areas, and there are moves to get it included in the core curriculum. [www.mindfulnessinschools.org](http://www.mindfulnessinschools.org)
- f) A Survey by the Mental Health Foundation showed that 3 out of 4 doctors think that all patients would benefit from mindfulness. [www.bemindful.co.uk/mbsr/evidence](http://www.bemindful.co.uk/mbsr/evidence)
- g) A recent trial of 15,000 patients shows that talking therapies are better than drugs. (Source: PLOS Medicine, 2013; 10: e1001454)
- h) Polls show that 3 out of 4 patients want free complementary therapy on the NHS. (Foundation for Integrated Health, 2009).

### 3 Third sector provision of the MBCT course

There are 30,000 depressed patients in the city, and potentially they all have the statutory right to a MBCT course under the NHS constitution if their doctor says it is clinically appropriate, as it is a treatment which is NICE-recommended. If all those patients asked their GP for a prescription for this course, and if 20 patients were to be treated together in a class, to deliver their statutory obligation the CCG would need to commission 1,500 courses over say 3 years, say 500 courses pa.

A full time MBCT facilitator can provide up to 25 courses pa, (one course on each day of the week, - 5 per week – on a cycle repeating 5 times per year) so to provide 500 courses pa the CCG would need to commission 20 facilitators.

There are more than 20 MBCT facilitators already teaching this course in the city's third sector, so they could be mobilised to treat patients on GP referral if contracted by public sector commissioners, as proposed. These courses could be provided for £2,500 per course, (10) and £125 per patient treated, which is far cheaper than drugs. The total cost would be £1.25 mpa, which is about 2% of the city's mental health budget of £55 mpa.

**4 Waiting times for the MBCT course are given in my paper:** 'Co-creating a patient centred NHS' 11 pages, 19.6.13 and [www.reginaldkapp.org](http://www.reginaldkapp.org), section 9.56, and other papers there and on [www.sectco.org.uk](http://www.sectco.org.uk),

**5 Social Enterprise Complementary Therapy Company, (SECTCo)** was founded by the author on 4.5.10. It's website is [www.sectco.org.uk](http://www.sectco.org.uk). Its business plan (written 3 years ago) can be seen on [www.reginaldkapp.org](http://www.reginaldkapp.org), section 9.39, including a list of its 143 complementary therapist founding members in section 5.

**6 The word 'doctor'** comes from latin 'doctare, to teach,' so prescribing courses would improve their morale. 60% of GPs are in imminent danger of burnout. (Pulse magazine)

### 7The disconnect between drug and talking therapies

The cause of the NHS's sickness is a disconnect between

- the needs of patients for which they go to the doctor, namely treatments to prevent, heal and cure their sicknesses, and
- the only mass treatments on offer, namely drugs which do not even *claim* to meet those needs, but only mask the symptoms.

Everyone knows that street drugs (like fags and booze) are dangerous and harmful, but to get them you have to spend your own money. Prescription drugs are no less dangerous and harmful, but the commissioning system gives doctors no alternative but to massively overprescribe drugs, giving them away like sweets at a childrens' party, breaking their Hippocratic oath: 'do no harm', as all drugs have harmful side effects.

Last year they wrote a billion monthly prescriptions to about half the population, which means that on average 30 million of us are taking 3 prescription drugs, which are slowly poisoning us with side effects.

An inverse care law applies, which shows that the more prescription drugs we collectively take, the worse public health becomes.

To add insult to injury, last year drugs cost us as taxpayers £15 bn, which lined to pockets of private multinational drug companies who have been convicted and fined billions of dollars for putting profits before patients.

This disconnect is the reason why:

- NHS staff morale is at an all time low, as they work for a monstrous system which gives doctors no alternative but to prescribe harmful drugs on demand.
- Patients have lost faith and trust in this monstrous system, which serves no-one but the drugs companies.

Clinical commissioning means that GP commissioners (who see 40 patients per day) have taken the place of PCT managers (who never saw any patients, so never knew whether the treatments worked that they were buying). Patients can ask for MBCT courses, but GPs can only prescribe them if the CCG sets up a system (such as this proposal) to mass-provide them.

## **8 Privatisation by the back door?**

No, it just reduces waiting times, as the Labour government did In 2006 for talking therapy. They opened up the market by recruiting 10,000 therapists from the private sector for Cognitive Behaviour Therapy (CBT) under the Improving Access to Psychological Therapies (IAPT) programme. Two years later they opened up the market for hip and knee replacements to Independent Treatment Centres. These policies were successful and popular, and so would this proposal to open up the market to MBCT facilitators.

## **9 Reducing health inequalities**

The cause of health inequalities is the rich get the health benefit from complementary therapies which the poor can't afford. This proposal would reduce them by GPs giving patients free vouchers for courses, which they can cash near them. To walk their talk, 'physician heal thyself,' doctors too should access the MBCT course that they prescribe. This new system would produce 3 benefits to public health: reduction of harmful side effects from drugs, effective treatments, less cost to the taxpayer. (4) Our e petition on the council website from Nov 2009 got 445 signatures, and there is another up now from 4.7-10.9.13.

**10 Cost implications of these 2 trials** SECTCo provides 2.5 hours per week, for 10 days and pay facilitators £1,250 at £50 per hour, and assistants £750 at £30 per hour. Room hire is £500, so our tariff price is £2,500 per course, negotiable.

**Deputation concerning Houses of Multiple Occupancy (Spokesperson) – Mr M Barradell and Ms G Ahmadi**

As students of Brighton University and residents of private sector Houses of Multiple Occupancy, we are subject to any rent changes of HMOs in the city. We are bringing this deputation to clarify with the council the possible effects of Additional HMO Licensing on the following five wards; Hanover and Elm Grove, Moulsecoomb and Bevendean, St Peters and North Laine, Hollingdean & Stanmer and Queen's Park.

In the Student Housing Strategy maps of student distribution in the city, it is shown that these 5 wards are home to the majority of students studying at Brighton or Sussex Universities and living in the city. Moulsecoomb and Bevendean are regarded as the most noticeable student areas in the city, along with Hanover & Elm Grove, which houses 4% of University students. St Peters and North Laine, Hollingdean and Stanmer and Queens Park wards also have high levels of student residence. Because of these high concentrations of students in the 5 wards affected by Additional HMO Licensing, it will greatly affect the student population of Brighton and Hove.

We appreciate that the decision to implement additional licensing onto smaller HMOs in the city was not a decision made lightly by the council, with an extensive consultation process preceding its implementation which included all relevant parties. Furthermore the student community recognises that such additional licensing can be justified. In the 5 wards affected there are between 1500 and 3000 small HMOs and 70% of the large HMOs in the city. Your own figures have shown that HMOs in these wards are subject to disproportionate complaints, interventions and substandard accommodation including lack of smoke detectors and gas/electricity certificates. The aim of the additional HMO licensing and standards is admirable and well-intentioned in its attempts to tackle these problems and is in the interest of many groupings in Brighton, as well as families and businesses and HMO residents like us.

However, as students, our main concern regarding the additional licensing scheme is the lack of consideration for the effect of the scheme on rents in the HMO sector. Although the average license fee amount for a property is £641 over 5 years, averaging at £2.46 per week, it is still not beyond the realms of possibility that landlords will use this fee as justification for raising rents on properties. In addition the majority of properties licensed under the new scheme, 1451 as of June this year, have been required to carry out maintenance and often improvement works as a condition to receiving their license. There is a real danger that these landlord costs, which for many houses will run into thousands of pounds, will be passed onto tenants. Furthermore, there is no restriction against landlords raising rents by an amount above the cost of work done, effectively profiting from the licensing programme at the expense of tenants.

Such possible and unintended consequences of the Additional Licensing Program for small HMOs would be regrettable and not in the interests of anyone in Brighton, especially for something which is intended to improve quality of life for HMO tenants and the communities of these 5 wards. To this end, can we request that the council monitor rents for HMOs in the 5 wards as part of its assessment of the scheme? And that if this monitoring finds evidence that average rents in these wards have increased as a result of additional licensing that this is considered in the 2 year review of the scheme with the potential for council action to combat it.

**Councillor Randall, Chair of the Housing Committee will reply.**

**Supporting Information:**

Brighton already has amongst the highest house prices and rents in the country. Our concern is that if HMO rents in the city artificially increase as a result of the additional licensing of small HMOs it will hit the pockets of students like us. This will affect our quality of life, reduce our disposable income and possibly impact on student spending in the city. In turn this would have a massive effect on Brighton and the Brighton economy as, according to a study by Sussex University, spending by Brighton and Sussex University students generates £151 million of output in the city and surrounding area. In particular students spend more money on entertainment and nightlife than other sections of the population, industries that contribute to the identity of Brighton and its appeal to tourists. These sections of the Brighton economy would be hard hit by a reduction in Student spending.

**Deputation concerning Davey Drive Crossing  
(Spokesperson) – Ms S. Simson**

I am here today to talk about the ongoing problem for pedestrians crossing Davey Drive in Hollingdean near to St Joseph's Catholic Primary School. Early today myself and my Road Safety Team from school presented a petition to the Council to extend the yellow zig-zag lines outside our school to allow a clearer view of oncoming traffic for pedestrians crossing. This was an issue that, following the question presented to Full Council last year, was suggested as an action for the future but has never been followed through. It is one of the first small steps in making our school and community a safer place for pedestrians.

St Josephs Primary School in Hollingdean is situated on a busy main bus route and every day parents, carers and their children take their lives in their hands when trying to cross outside the school. It is also situated next door to a sheltered housing scheme whose residents are always looking for a safe place to cross. The situation is worsened by the fact that there are bus stops both directly opposite and a short distance up the road. Parents are continually talking about near misses that happen all the time and one day there is going to be a serious accident with a child either seriously hurt or killed.

We are continually advising parents to park away from the school and walk down to cross Davey Drive outside the school at the point of the new steps, as advised by Councillor Ian Davey and the 'Park Safe, Walk Safe' materials suggested following last year's question to full council. However with no safe crossing point, parents are reluctant to do this.

According to the follow up report from Councillor Ian Davey after our question to Council last year, the Transport Planning Team had carried out an assessment at this point in Davey Drive by The Crossway in September 2011 between 8am and 9am. It apparently showed that this location did not meet the nationally recognised criteria based on the number of pedestrian and vehicle movements over a given period to justify a crossing. I would argue that there is now a need to re-assess this as since 2011 the school has gained more pupils, many of which travel from outside the local area.

Also following the question presented to Full Council last year a response was received from the Chair of the Transport Committee stating that *"officers have carried out site visits and undertaken speed surveys and the results indicate an average speed of 20.4 mph. Due to the low speed and good safety record the locations does not warrant a full signalised crossing."*

Whilst I accept this may be the average speed over a longer period it doesn't mitigate the fact that at the beginning and end of the school day when many families are crossing the road, vehicles are travelling at much faster speeds, fast enough to maim or kill a child.

I would therefore urge you to look at this situation again and give the children at St Josephs School what they themselves are asking for - a safe crossing.

**Councillor Davey, Lead Member for Transport will reply.**

## **Supporting Information:**

The school and local community have been campaigning for years and have contacted the Council on many occasions to ask for a safe crossing place to be situated on Davey Drive outside the school. A petition was presented to Council in August 2009 from the school and local community asking for a safe crossing point on Davey Drive. Last year I presented a petition and question to Council asking for the same thing. Following our last attendance to the Full Council meeting in September 2012 and a meeting with the School Travel Team in October 2012, a fantastic new slope and steps were built outside the school entrance. This has created a crossing point for pedestrians and enables them to avoid walking down the grassy slope, as had been necessary prior to the steps. Unfortunately the steps are directly opposite the bus stop and as there are no other safe crossing measures in place, the pedestrians have to cross a busy road with a very limited view of oncoming traffic.

The Road Safety Team of 8 children from St Joseph's School has recently met with Councillor Christina Summers and Community Development Worker Liz Lee. Having discussed the issues for pedestrians and been outside to review Davey Drive, the team came up with a dream vision of how they would like Davey Drive to be. The initial problem suggested by the children was the limited view when crossing from the bus stop, due to parked cars on the opposite side of Davey Drive. This is why we decided to start the petition to extend the yellow zig-zag lines. The bigger issue is getting safely across the road to the new steps, with the children suggesting getting a Crossing Patrol person to help them to cross.

We know there is a big issue with the way some of our parents park when dropping off and picking up their children. This has been an ongoing problem and something that the school is working hard to address. If there was a safe place to cross, we could ask parents to drop their children up by The Crossway and not park up at all, especially the children in KS2. However, at present we cannot guarantee the safety of these children when crossing and are therefore reluctant to advise this. Would you drop your child off to school knowing that they had to cross a busy road independently, negotiating cars and buses without a clear view of oncoming traffic?

The school has held assemblies educating the children how to cross safely, held meetings with parents and regularly updates the weekly newsletter with safe crossing information. Having met with several parents, and being one myself, I have to argue that until a safe crossing point is put in place this will continue to be an issue.

**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions listed on page 39 of the agenda have been received from Councillors and will be taken as read along with the written answers listed below:

**(a) Councillor Hamilton**

“There are many footpaths in Portslade, providing safe traffic free access to many parts. The path at the rear of High Close in Portslade was impassable, with brambles and nettles on both sides of the path meeting in the middle. It appears there is no programme for footpath clearance. Please could consideration be given to an annual maintenance programme?”

**Reply from Councillor West, Chair of the Environment, Transport & Sustainability Committee.**

“Many of the cities footpaths including the High close path referred to by Councillor Hamilton are on an annual cut. This cut has recently taken place in Portslade and most of the paths are now clear. By cutting in June and July paths tend to stay clear for the rest of the summer and through the winter although, as Councillor Hamilton has raised, the vegetation can get long prior to the cut. If we are aware of paths being impassable prior to the scheduled cut additional cuts can be made.”

**(b) Councillor G. Theobald**

“How much money was spent on agency staff between the start of the recent unofficial strike and subsequent work to rule by City Clean staff on 8<sup>th</sup> May, and the start of the official strike on 14<sup>th</sup> June?”

**Reply from Councillor Littman, Deputy Chair (Finance) of the Policy & Resources Committee.**

“The total spend on agency staff in Cityclean covering all services was £92,527.60. On average, over a 28 day period, the amount spent would be £52k to cover for normal absenteeism across all Cityclean services. Over the course of the unofficial industrial action, additional agency staff were deployed to collect refuse from households to try to minimise disruption to residents as far as possible.”

**(c) Councillor Hyde**

“Many councils operate corporate ‘customer charters’ which, amongst other things, specify how quickly telephone calls should be answered by staff. Does Brighton & Hove City Council have such a charter with a target time for staff to

answer telephone calls and, if so, how does the Planning Department perform against that target?"

**Reply from Councillor Mac Cafferty, Chair of the Planning Committee.**

"The Planning team uses the City Council's Customer Promise which states

- we will be easy to reach
- we will be clear and treat you with respect
- we will listen and get things done

The Customer Promise is a flexible statement that can be applied to customer services across different types of access channel and teams.

Services are expected to develop and adopt their own standards as part of their service planning that are specific and relevant to them. In response to our city's demographics we are seeing the number of incoming telephone calls going down as online services and self serve options increase.

The Planning service offers immediate guidance and advice on a daily basis through two enquiry lines and a face to face drop in service. This recognises that contact takes place in many ways.

Development Control, general enquiries on 292222 (which includes access to a free planning advice

Heritage enquiries on 292271 which includes free advice on conservation and heritage issues

Planning staff deal with upward of 50,000 calls a year and meet more than a 1,500 people a year through our drop in service and prior appointment.

Calls are also managed by individual officers to their direct extension numbers and email accounts. Voicemail is used to assist officers with managing call volumes.

Cllr Hyde will be aware that the cross party Planning Committee Member Working Group (2 Labour/2 Conservative/2 Green) has agreed at the request of the Development Control Service to work with them on establishing what appropriate service standards should be set. Setting these standards will also take into consideration the volume of customer contact taking place through emails as well as by telephone. For instance we know some of our customers will have preferred ways of making contact and we need to ensure we have standards for all of these."

**(d) Councillor G. Theobald**

"In the light of (a) the recent statement in the House of Commons by Local Government Minister, Brandon Lewis, about the unsuitability of Green Belt land for traveller sites and (b) the concerns that have been raised by experts about possible contamination of the drinking water aquifer, will the



Administration now be shelving its plans for a new permanent traveller site at Horsdean?"

**Reply from Councillor West, Chair of the Environment, Transport & Sustainability Committee.**

"The recent ministerial statement was about Green Belt land, not national parks. The NPPF does look to restrict development in areas such as national parks, but these designations are not a blanket ban. There are of course a number of communities living in towns and traveller sites within the national park (including the transit site already at Horsdean). The site selection process we have undertaken found Horsdean to be the most appropriate location in the city for the permanent Traveller site when compared against a whole range of criteria. BHCC has worked with landscape advisors who have a great deal of experience of working in the South Downs National Park to advise on how the scheme can be landscaped to both minimise its own impact and in fact improve on the existing impact of the transit site.

We are presently exploring the options to eliminate the potential for ground water contamination and will have this ready prior to the planning application being submitted to the National Park Authority - we are working with our hydrology experts and the Environment Agency on designing a solution.

There is an identified need for permanent Traveller pitches in the City, which the proposed Horsdean Permanent Traveller Site seeks to address. The absence of that provision currently contributes to the pressures we see with unauthorized encampments on sensitive sites in the city. Opposing the permanent site proposal will only prolong those impacts."



**ORAL QUESTIONS FROM COUNCILLORS**

A period of not more than 30 minutes is set aside for oral questions from Members, at the expiry of which, the Mayor will call a halt and proceed to the next item of business of the agenda. Any Member whose question then remains outstanding will be contacted to determine whether they wish to have a written answer provided or for their question to be carried over to the next meeting.

The following Members have indicated that they wish to put questions to the Leader, Chairs of Committees or Members of the Council that have been appointed to an outside body. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion:

- (a) **Councillor C. Theobald**  
*Subject matter – Advertising & Sponsorship*

**Reply from Councillor Littman, Deputy Chair (Finance) of the Policy & Resources Committee**

- (b) **Councillor Marsh**  
*Subject matter – Lewes Road Traffic Scheme*

**Reply from Councillor Davey, Lead Member for Transport**

- (c) **Councillor Summers**  
*Subject matter – Protest Marches in Brighton and Hove*

**Reply from Councillor Wakefield, Lead Member for Community Safety**

- (d) **Councillor Wealls**  
*Subject matter – King's Church of England Free School*

**Reply from Councillor Shanks, Chair of the Children & Young People Committee**

- (e) **Councillor Meadows**  
*Subject matter – Wild Park*

**Reply from Councillor West, Chair of the Environment, Transport & Sustainability Committee**

- (f) **Councillor Cox**  
*Subject matter – Staff-Led Mutuals*

**Reply from Councillor J. Kitcat, Leader of the Council**

- (g) **Councillor Barnett**  
*Subject matter – Traveller Waste Contract*

**Reply from Councillor West, Chair of the Environment, Transport & Sustainability Committee**

- (h) **Councillor Mears**  
*Subject matter – Armed Forces Day*

**Reply from Councillor J. Kitcat, Leader of the Council**

**24. SUBSTITUTION ON AUDIT & STANDARDS COMMITTEE AND COMPOSITION OF STANDARDS PANELS**

Extract from the proceedings of the Audit & Standards Committee meeting held on the 25 June 2013, together with a report of the Head of Law.

Please note that paragraphs 8.7 on page 147 and 3.10 on page 153 should read as follows with the changes shown in bold italics and text crossed out:

- 8.7 Before Members voted the Chair clarified the recommendation would be amended to allow Standards Panel of up to four elected Members – with a minimum of three, and one independent ~~Member~~ **Person**.
- 3.10 To enable an Independent ~~member~~ **person** to serve on a Standards Panel, it is recommended that the start of paragraph 9 of the Council's arrangements for dealing with allegations of breaches of the Members' Code of Conduct be amended to read:

"9. Who are the Standards Panel?

The Standards Panel is a Sub-Committee of the Council's Audit & Standards Committee, and only Members of that Committee may be appointed to a Standards Panel. Panel Membership will consist of **a minimum of three** elected Members **and up to a maximum of four**, and one Independent Person who will attend the hearing in his/her statutory advisory capacity."



**Council**

18 July 2013

**Agenda Item 26(A)**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of Political Balance</b>		
<b>Date of Meeting:</b>	<b>18 July 2013</b>		
<b>Report of:</b>	<b>Chief Executive</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel:</b> 29-1006
	<b>Email:</b>	<a href="mailto:mark.wall@brighton-hove.gov.uk">mark.wall@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All Wards</b>		

**FOR GENERAL RELEASE**

Note: By reason of the special circumstances referred to below, the Mayor is of the opinion that this item should be considered the Council meeting as a matter of urgency. The special circumstances are that the political make-up of the council has changed and a request submitted for a review of the political balance of the committees.

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the results and implications of the Hanover & Elm Grove By-election were not known until after the despatch of the council agenda.

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Local Government & Housing Act 1989, the Council has an obligation to review the allocation of seats at committees and sub-committees at each Annual Meeting of the Council, or following any change in the overall balance of the council if it receives a request to do so that complies with the requirements of the Local Authorities (Committees and Political Groups) Regulations 1990.
- 1.2 The purpose of this report is to consider the proposed changes to the make-up and membership of various committees following a request from the Leader of the Labour & Co-operative Group as a result of the Hanover & Elm Grove By-election which complies with the above regulations.

**2. RECOMMENDATIONS:**

- 2.1 That the allocation of seats as detailed in the report and in Appendix 1 to the report be approved;
- 2.2. That the revised memberships of the Policy & Resources, Environment, Transport & Sustainability Committees and Overview and Scrutiny Committee be agreed as follows:

- (a) Policy & Resources Committee on the basis of: 4 Green, 3 Conservative and 3 Labour & Co-operative Members;
  - (b) Environment, Transport & Sustainability Committee on the basis of: 4 Green, 3 Conservative and 3 Labour & Co-operative Members.
  - (c) Overview & Scrutiny Committee: on the basis of 4 Green, 4 Conservative and 2 Labour & Co-operative Members.
- 2.3 That Council agrees to retain the current arrangements regarding the Personnel Appeals Panel, the Urgency sub-Committees and the seats allocated to the Independent Member as alternative arrangements in accordance with regulation 20 of the Local Authorities (Committees and Political Groups) Regulations 1990.

### **3. BACKGROUND INFORMATION:**

- 3.1 The current political composition of the Council is Green (21 Members), Conservative (18 Members), Labour & Co-operative (14 Members); and Independent Member (1). Section 15(1) of the Local Government & Housing Act 1989 requires the Council to review the representation of the different political groups on committees and sub-committees:
- At, or as soon as practicable after, the Annual Meeting of the Council or,
  - Where a notice/request is received asking for a review of the allocation of seats following a change in the political composition of the Council.
- 3.2 The Chief Executive is under a duty, whenever such a review takes place, to submit a report to the Council showing what allocation of seats would, in her opinion, best meet the requirements of Section 15 of the 1989 Act.
- 3.3 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government & Housing Act 1989 (specifically sub-sections (3) to (5) and regulations made under the Act. These are referred to generally the "proportionality rules.)
- 3.4 There are 124 seats to be allocated and, based on the relative size of each of the political groups on the council and applying the proportionality rules, it is proposed that the allocation of seats at committees and sub-committees of the Council be reviewed to result in the allocations as shown in the Appendix to this report.
- 3.5 Neither the Act nor the regulations entitle Members who are not members of a political group to be allocated seats. However, the Council can agree to allocate seats to an Independent Member or Members by adopting "alternative arrangements" under regulation 20 of the Local Authorities (Committees and Political Groups) Regulations 1990. This has been the practice of the Council in the past and Council is recommended to continue the arrangements. Similarly, to deal with the difficulty of Member availability, alternative arrangements were agreed in the past whereby any member of the pool of Members who is available can serve in the Personnel Appeals Panel. In addition, it is proposed that urgency sub-committees should be, as far as possible, politically proportionate, but not count in the overall allocation. No change is proposed



regarding any of these arrangements and the proposed allocation assumes that these arrangements continue.

#### **4. CONSULTATION**

- 4.1 The Group Leaders have been consulted on the various changes that are required to comply with the regulations covering the need to maintain political balance on committees

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

##### Financial Implications:

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

Finance Officer Consulted: James Hengeveld Date: 16 July 2013

##### Legal Implications:

- 5.2 The proposals in this report comply with the requirements of the Local Government & Housing Act 1989 and associated guidance.

There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 16 July 2013

##### Equalities Implications:

- 5.3 The changes to the allocations of committee seats maintain a political balance and thereby ensure an equal distribution for all Groups.

##### Sustainability Implications:

- 5.4 There are no direct sustainability issues arising from the report.

##### Crime & Disorder Implications:

- 5.5 There are no specific implications arising from this report.

##### Risk and Opportunity Management Implications:

- 5.6 The allocation of seats across the various parties is required by statute and the failure to comply with the requirements could place the council at risk and subject to review from the Secretary of State.

- 5.7 There is a risk that agreement cannot be achieved on the proposed allocations and that the full membership of the committees in question cannot be achieved.

##### Public Health Implications:

- 5.8 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.9 The appointments process needs to be completed to enable the various decision making bodies to have their memberships confirmed so that meetings can then be called in accordance with regulations. The failure to appoint to the bodies would prevent decisions from being taken and therefore could result in the authority failing to undertake its duties and responsibilities.

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

- 6.1 Following changes to the political make-up of the authority, the Chief Executive is required to report the impact of those changes to the council in order for the council to determine whether there is a need to amend the allocations of seats across the Groups.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The recommendations take account of the change in political balance across the three Groups represented on the council and enable an equality of distribution of seats across the various committees.

**SUPPORTING DOCUMENTATION**

**Appendices:**

Appendix 1 - Committee seat allocations;

**Documents in Members' Rooms**

None

**Background Documents**

None

Brighton & Hove City Council		No. Members 54			
No. Seats to be Allocated 139		Green	Conservative	Labour & Co-operative	Independent
Policy & Resources Committee	10	<b>4</b>	3	<b>3</b>	
Adult Care & Health	10	4	3	2	1
Children & Young People	10	4	3	3	
Economic Development & Culture	10	4	4	2	
Housing	10	4	3	3	
Environment, Transport & Sustainability	10	<b>4</b>	3	<b>3</b>	
Licensing (Non 2003) Committee*	15	6	5	4	
Planning Committee	12	5	4	3	
Audit & Standards Committee	8	2	3	2	1
O&SC	10	<b>4</b>	<b>4</b>	2	
Health & Wellbeing OSC	8	3	3	2	
Housing Management Sub	8	3	3	2	
Personnel Appeals Sub	3	1	1	1	
<b>Total</b>	<b>124</b>	<b>48</b>	<b>42</b>	<b>32</b>	<b>2</b>

Figures shown in bold italics indicate where changes to the number of seats have been recommended to meet the overall allocations to Groups.



**NOTICE OF MOTION****CONSERVATIVE GROUP****TRAVELLER ENCAMPMENTS ON SENSITIVE SITES  
IN BRIGHTON & HOVE**

The final paragraph has been amended with the word 'unauthorised' inserted as shown in bold italics to replace 'unlawful' as struck through.

"On 25<sup>th</sup> October 2012, Full Council resolved to:

*"Request that the Environment & Sustainability Committee considers the adoption of a sensitive site protocol, in partnership with Sussex Police, as a matter of urgency and that any future incursions on sensitive sites be the subject of immediate eviction utilising the powers described above (Criminal Justice & Public Order Act 1994)."*

This Council regrets that, as of 18<sup>th</sup> July 2013, the will of Full Council has not been carried out in respect of the above resolution and that unauthorised incursions on sensitive sites are still being tolerated by the Council and Police for significant periods of time, causing great disruption to local communities.

Furthermore, this Council believes that appropriate measures are not being taken by the Council and the Police to ensure that sensitive sites are adequately protected from break in, especially immediately after travellers are moved on from another site in the city.

Therefore, this Council resolves to request that the Chief Executive organise an urgent meeting between herself, the Chief Superintendent of Brighton & Hove and the Leaders of the 3 political groups on the Council to agree a robust action plan to ensure that, as the busy summer season unfolds, the city's parks, gardens and playing fields are properly protected from further ~~unlawful~~ ***unauthorised*** encampments."

Proposed by: Cllr G. Theobald

Seconded by: Cllr K. Norman

Supported by: Cllrs Peltzer Dunn, Wealls, A Norman, Janio, Hyde, Brown, Simson, Mears, Cox, Smith, C. Theobald, Barnett, Wells, Pidgeon and Bennett.



**NOTICE OF MOTION****GREEN GROUP  
AMENDMENT****PAYDAY LENDERS**

To insert the text as shown in bold italics in points 1) and 3) below and to add a further point 4).

“This council notes the increasing use of payday lenders charging interest rates of up to 5,800% by families in Brighton and Hove.

This council notes that 20,000 people called the National Debtline last year with problems arising from payday loans, with typical debts of £,1500 on average.

This council notes that the Office of Fair Trading has ordered the Competition Commission to investigate bad practices in the industry, worth £2.2billion in the UK, with 8.2 million loans taken out in 2011/12.

This council resolves:

- 1) To ask the Chief Executive to write to the Secretary of State for Business and the Chancellor of the Exchequer calling for a cap on loan rates imposed ***by payday lenders and other high interest lenders.***
- 2) To ask the Overview & Scrutiny Committee to establish a Scrutiny Panel to explore options on limiting the number of payday loan shops in the city using examples of best practice in other authorities and reporting to the relevant committees.
- 3) That this authority ***continues to*** use every means available to promote the use of credit unions and other responsible lenders by residents.
- 4) ***To continue with its work of creating a Community Banking Partnership that will include local lending and advice agencies and the high street banks.***

Proposed by: Cllr Randall

Seconded by: Cllr Buckley





**NOTICE OF MOTION****GREEN GROUP  
AMENDMENT****STIMULATING NEW HOUSE BUILDING IN BRIGHTON & HOVE**

Insert new text in paragraphs one, two and three; at paragraph four add a new sub-paragraph (a); insert a new paragraph five; at paragraph six insert new text in sub-paragraph (a), replace sub-paragraph (b) and add a new sub-paragraph (c); and delete the text as struck through in paragraph one, four and six and sub-paragraphs (a) and all of (b).

~~“This Council notes with concern that the Estates Master Plan started under the previous administration in 2009/10 has stalled and is unlikely to deliver any new affordable homes until 2015 at the earliest. This work identified land for a potential 800 new homes in the city, yet, to date, only 15 units at the former Ainsworth House have been built.~~ **welcomes progress with the regeneration of sites on council land and notes that an extra care scheme of 44 homes on the Brookmead site has been submitted for planning permission as the next stage of this work, which delivered 15 new council homes under the last administration.**

**This council recognizes it has been necessary to revisit the previous administration’s Estates Masterplan, which was optimistic in identifying land for a potential 800 new homes in the city. The revised figure is 500 homes, a substantial number,** and a new house building programme of this scale would not only help to reduce the growing waiting list but would also benefit the local economy by creating local jobs and apprenticeships.

This Council notes the proactive and innovative approaches to financing new affordable housing being taken by other local authorities in recent years in response to the climate of reduced public funding. For example, **The London Borough of Southwark, which has ambitious plans to build new council homes**, Wealden District Council, directly funding new council housing; a growing number of councils – e.g. Thurrock and South Holland setting up stand alone housing companies; councils such as Hammersmith & Fulham who have made use of the value in their housing stock to lever in new funding; and councils such as Hastings and Warrington who have loaned money to Housing Associations to develop housing.

Furthermore, this Council welcomes notes:

- (a) **The administration's plans to continue to build new council homes and involve housing co-ops and self-build groups in the provision of new homes on the council's own sites and on other sites across the city.**
- (b) The Government's Affordable Rent model, which significantly reduces the amount of public subsidy required for new affordable housing. If adopted in Brighton & Hove, this could potentially increase the amount of affordable housing built by five and a half times.
- (c) The Government's Affordable Housing Guarantee Scheme, which will help to reduce borrowing costs thereby increasing the number of new affordable homes that can be built.

**However, it expresses its deep concern on the question of affordability and believes that homes built under (b) and (c) will be beyond the pocket of many of those in the most critical housing need in the city.**

Therefore, this council requests that a report be brought to the next Housing Committee ~~giving options for speeding up the Estate Regeneration programme by resolves to~~

- (a) **Look** ~~Looking~~ at how best practice from other councils could be applied in Brighton and Hove; ~~and~~
- ~~(b) Putting forward a business plan detailing how the Affordable Rent Model and the Affordable Housing Guarantee Scheme can deliver specific schemes on HRA land across the city within the next year.~~
- (b) **Explore every housing avenue available to deal with the city's housing crisis; and**
- (c) **Ask for a report to be brought to the next Housing Committee looking at all the options for speeding up the Estate Regeneration programme to provide more homes.**

Proposed by: Cllr Randall

Seconded by: Cllr Kennedy