



**Brighton & Hove  
City Council**

# **COUNCIL ADDENDUM**

**4.30PM, THURSDAY, 15 JULY 2010**

**COUNCIL CHAMBER, BRIGHTON TOWN HALL**



## **ADDENDUM**

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**PETITIONS**

The presentation of a petition shall be limited to not more than three minutes and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories.

A petition presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet or relevant Cabinet Member, Committee or Sub-Committee.

The following e-petitions have been received.

**(a) Councillor Fryer**

“We the undersigned petition the council to review the operation of the dog control order in Queens Park, and to return all areas to the dog-free status which they enjoyed prior to January 2009.”

In the 1970's, and following a popular community campaign highlighting the problem of dog fouling in Queens Park, the southern lawns around the clocktower and down to the lake were declared 'dog free' leaving the northern lawns below North Drive as an area for exercising dogs. This arrangement has worked well over the past 30 years with a strong community of dog owners meeting daily in the northern area, and the southern lawns used extensively for family picnics, games and general leisure, as well as a habitat and feeding area for ducks, geese and other birds living on and around the lake.

Friends of Queens Park support this petition.

**(b) Mr Paul Mendlesohn**

“We the undersigned petition the council to NOT ban dogs from the Southern Lawns, lake and Wild Park areas of Queens Park.”

Following public consultation the Dog Control Order came into force in January 2009. This Order gives dog walkers the same access rights as other people for the majority of parks and public spaces in Brighton and Hove. This was welcomed by the community who live around and utilise Queens Park, as it is an important area for local people to meet and exercise their dogs.

The historic 'dog friendly' area in the park is small and its proximity to the road has caused a number of road accidents in which some dogs have been fatally injured. This also constitutes a danger to drivers and their passengers.

Parents who are dog owners have mentioned how difficult it was to walk both children and dogs in Queens Park. As dogs previously weren't allowed into most of the park, this led to overcrowding in the historic dog friendly area when the rest of the park was often empty.

As dog walkers use most parks and public spaces in the UK without problems or difficulties we would like dog walkers to retain access to all areas of Queens Park excluding the children's' play area.

However we would like to suggest that dogs should be kept on a lead in the vicinity of the lake.

**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 Ian Elkin**

“Why have I been told by an employee of the Environment Directorate that the trees around Hove are only looked at every two years? This is wrong as the branches get lower and lower over the pavement. And yet the trees around the Town Hall are trimmed properly? This smacks of I am ok, blow the rest.

I was told by the same person that the trees in Vallance Road will be looked at but will they be? People are having to cross the road to avoid the trees, can you confirm when action will be taken to address this problem.”

**Councillor Geoffrey Theobald, Cabinet Member for Environment, will reply.**

**(b) Mr Christopher Hawtree**

“In view of the national Coalition's manifesto clause that will allow councils to bring back the committee system, would Councillor Mears please tell us what steps she is taking to further this?”

**Councillor Mary Mears, Leader of the Council, will reply.**

**(c) Mr Patrick Lowe**

The barns at Stanmer Park which are owned by the council have huge historical value both locally and nationally. If restored they would greatly increase the number of visitors to the area and would provide local people and children with a living example of their heritage.

Villagers were promised a progress report and restoration plan for the barns, so could the Cabinet Member for Central Services tell us when this plan could come together, how much the restoration would cost and whether the council would be prepared to work with the various groups of Stanmer Park to find the money to do this?

**Councillor Trevor Alford, Cabinet Member for Central Services, will reply.**

**(d) Mr Trevor Scoble**

“I note that there is to be a Village Street Party in St James’ Street and yet residents and businesses alike in and around St James’ Street have not been consulted on the proposed closure of the street in accordance with the Council Local Policy; ‘Demonstration, parades & street parties’ local residents or community groups can apply to close the road to hold a street party in their locality. The most important factor in arranging the party is that all frontages in the proposed road both residents and businesses are canvassed for their opinion and a signed petition must be produced to submit to the Council when requesting the road closure.

It would appear that the Council and the Police have agreed to the closure of St James’ Street and 15 residential side streets by accepting the request of a few people to hold the event.

Can I ask what right do these people have to achieve the closure of St James’ Street and all 15 residential side streets over the weekend at the detriment to residents and businesses alike without taking into account the views of said residents and businesses?”

**Councillor Geoffrey Theobald, Cabinet Member for Environment, will reply.**

**(e) Ms Valerie Paynter**

“The historic formation of our new Coalition Government brings to mind questions in relation to how or whether local government is now expected to mirror this arrangement.

In Brighton & Hove, the Liberal Democrats rarely vote with the Conservatives, more usually aligning themselves with Labour and/or the Greens. To what extent are the Conservatives and Liberal Democrats required by convention or central government to now collaborate and form policy together in Brighton & Hove?”

**Councillor Mary Mears, Leader of the Council, and Councillor Paul Elgood, Leader of the Liberal Democrat Group 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 deposition 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 deposition be thanked for attending and its subject matter noted.

Notification of two Deputation(s) has been received. The spokesperson is entitled to speak for 5 minutes.

**7(a) Deputation concerning the reinstatement of dog-free zone in Queen's Park - Ms Sandra Magson (Spokesperson)****REINSTATEMENT OF DOG-FREE ZONE IN QUEENS PARK**

"This deputation is presented jointly by The Friends of Queens Park and Queens Park Local Action Team on behalf of users of Queens Park and local residents.

The Council is being asked to re-establish the historic balance that existed prior to January 2009 between dog owners and other users of the park by restoring to the south lawns, cascade & pond areas, wild and quiet gardens and tennis courts, 'dog-free' status.

Since the mid-1970s and following a popular community campaign highlighting the problem of dog fouling in the park, the above areas were a 'dog-free' zone, leaving the whole of the northern lawns below West Drive as an area for exercising dogs. The arrangement operated very successfully for a period of 30 years. Both dog owners and other park users respected the arrangement which as a consequence was self-enforcing, achieving a balance of need for all park users.

In January 2009 new dog control orders came into force overturning this historic arrangement and making the whole of the park, with the exception of the children's play area, 'dog-friendly'.

As a result an imbalance has now arisen between the needs of those affected by dogs and those seeking to exercise dogs in Queens Park, where none previously existed. Most dog owners valued the previous arrangement which ensured for them an area where they could exercise their dogs freely and without criticism or conflict. The new arrangements have introduced a previously unfelt tension due to people engaging in incompatible activities in a heavily used and compact space.

The new dog control orders cannot compensate for the loss of the 'dog-free' area. The major concern relates to dog excrement raising serious health

issues around *toxocariasis* and the unpleasantness of fouling generally. Putting dogs on leads would not resolve this issue.

The park and south lawns in particular, support a wide variety of activities over the year from organised events to individual usage.

For example schools and nurseries in the area use Queens Park for play, sports and educational projects. More than 1,800 children attend schools and nurseries within 5/10 minutes walk of the park. Staff and parents advise they place a high value on having access to the park for a range of learning activities. The Local Authority organises fun days for younger children during the summer months. A local 6-a-side football team set up portable goal posts every Sunday for a supervised game. Friends of Queens Park hold their annual summer picnic in the park. Brighton Festival have chosen the park's south lawn for outdoor installations and entertainments and a local language school regularly brings its students in the early evening for a game of organised rounders during the summer months.

More generally, families and their friends use the South Lawn as a gathering point for picnics; students study and revise; adults and children walk through this area on their way to work, school and nursery. Older people sit on the benches to enjoy the view and sunshine. Singles and groups just relax and/or sunbathe on the grass. Teenagers gather in groups to chat. Grandparents bring their grandchildren to the pond area to watch the squirrels, geese and other wildlife and adults and children engage in games of football, cricket, frisbee etc. These park users value the park as one of the few in Brighton & Hove where they can relax in a dog-free area. They are entitled to and expect an environment that is clean and healthy.

The changes brought about in January 2009 represent a loss of amenity to such park users. The peace, tranquillity and closeness to nature, being a reason they love the park, is placed in jeopardy.

Wildlife in the park has flourished as a consequence of a portion of the park being dog-free for the last 30 years. Biodiversity within the park has been nurtured, especially by the Park Rangers and local wildlife activists, and provides considerable pleasure to many park users. The recent introduction of dogs to sensitive wildlife areas risks reversing these achievements and appears to contravene both the council's own policy on biodiversity and the law. It is a rare privilege that the wild garden has an active badger sett. The Sussex Badger Trust advises that to give free access to dogs to an active sett is likely to be in breach of the 1992 Badger Protection Act. It is also arguably in breach of the council's duty of care to dog owners as illustrated by the severe injury to a Patterdale terrier in April when it went down the badger sett and was mauled. The RSPB advise that giving dogs access to the pond when water birds are nesting may be in breach of the Wildlife & Countryside Act 1981.

This petition in asking for re-instatement of the 'dog-free' area of the park is not an anti-dog proposal and there is no wish to ban dogs from the whole of the park. It is a sensible compromise allowing for a part dog-friendly and part dog-free park that has a history of proven workability. The majority of dog

owners approached in respect of the petition have been supportive of re-instatement and recognise the need to strike a balance in respect of the needs of all park users.

Queens Park is a much loved, vibrant and appreciated community park retaining much of its historic elegance and style, and in a sense acting as a back garden for many local residents. What happens in their park matters to local people and the revocation of the 'dog-free' area has caused considerable consternation, dismay and disappointment. The names on the petition numbering over 1,500 reflect the concern and show the support that this issue has engendered in our community.

The park is heavily used with a wide range of demands being made upon a relatively small space. The large number of park users and dog owners in such a small park makes the concept of a 'shared space' impracticable as opposed to larger parks where it may be possible.

Re-instatement of the dog-free area would incur no additional cost to the Council and the area is already fenced. Indeed a cost saving would result as a dog-free area would avoid the need for installation of additional bins for dog waste around the pond, south lawns, tennis courts and wild garden where none currently exist.

We urge the Council to support the reinstatement of the dog-free area and to instigate the appropriate action as soon as possible."

**Councillor Geoffrey Theobald, Cabinet Member for Environment, will respond.**

**7(b) Deputation concerning the provision of Primary School Places – Mr Bob Howitt (Spokesperson)**

**'THE FUNDING AND PLANNING FOR THE PROVISION OF PRIMARY SCHOOL PLACES IN THE CITY'**

"The provision of Primary school places in the past two years has been one emergency measure after another, with this year seeing the creation of Benfield Infant in a matter of weeks, in a year we expected only a small rise in the numbers.

Action4kids and parents across Hove welcome the opportunity offered by the Connaught road site, but it is clear that even with this site and the proposed extensions to three schools in the city, we will still struggle to accommodate the intake for 2011 which will require places for at least 230 extra children.

Despite all the facts and history clearly defining this problem, we still do not have a blueprint or strategy from the council to outline how and when these problems will be addressed, instead we just see more delay and more quick fix measures.

Today we see the consequences of the delay and indecision compounding the problem further as we face the scrapping of the 'Building Schools for the Future' funding and the threat of further cuts.

The council owes a great deal to families across the city that have had to endure a great deal of frustration, disappointment and hardship over the years as a direct result of the council's lack of planning and commitment.

It is time for the council to repay the debt it owes to parents, teachers, governors and schools in the city by giving a clear commitment to not only find the funds to provide the school places, but a blueprint, strategy and timetable so that all the affected parties can at least plan and prepare for the changes instead of finding decisions forced upon them.

I would like to thank the council for their time today and hope we can all work together to find a solution."

**Councillor Vanessa Brown, Cabinet Member for Children & Young People, will respond.**

**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions listed on pages 53 – 55 of the agenda have been received from Councillors and will be taken as read along with the written answer detailed below.

**(a) Councillor Kitcat**

“What progress has been made on the purchase and implementation of the transport model?”

**Reply from Councillor G Theobald, Cabinet Member for Environment.**

“Thank you for your two questions about the transport model. I will answer them together as they are connected.

The development of a new transport model, which is a very complex forecasting, computer-based, tool is a key priority of this Administration so that the council can accurately map and design our transport choices across the city. This will help us to look at the transport needs of the city as a whole rather than in isolated areas. The information we will need to collect will help us better understand how and why people move around the city at the moment and will allow us to test the potential effects of schemes such as junction improvements or road closures for special events. We can also use it to predict what will happen in the future more accurately therefore helping us to select the best option and justify any investment we make and enable us to assess the impacts of new developments or policies.

We are currently at one of the most important stages, which involves checking and updating the information which will be used to ‘build’ the model. More surveys will be needed later in the year to ensure that the model is fully up to date, will be robust, and provide us with accurate results. The main computer software has already been purchased.

We expect the model will be completed and available to be used by the end of this financial year.

In response to your second question; the transport model is a priority and the estimated cost of producing it remains in line with the budget allocation.”

**(b) Councillor Kitcat**

“What if any opportunities does the Administration have to reduce the budgeted amounts allocated for spending on the transport model and will they be making use of such opportunities?”

**Reply from Councillor G Theobald, Cabinet Member for Environment.**

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In response to your second question; the transport model is a priority and the estimated cost of producing it remains in line with the budget allocation.”

**(c) Councillor Kitcat**

“Can the Cabinet Member for Environment provide an update on recycling and composting rates in the city and the rate of change in recycling and composting rates over previous years?”

**Reply from Councillor G Theobald, Cabinet Member for Environment.**

“Between 2005/06 and 2008/09 recycling rates have increased from 24.5% to 29.5%.

However, we are in a position where we will need to adjust our figures in the future because the Environment Agency has decided that re-using soil and hardcore to cap landfill sites is not ‘re-use’ but waste.

This common sense approach had been used across the country for many years.

Unfortunately, this means that ‘virgin’ materials may have to be used instead at landfills as we, with councils in East Sussex will need to find another market for our soil and hardcore - if it exists.”

**(d) Councillor Kitcat**

"Can the Cabinet Member for Environment provide a breakdown of the replacement rate for communal bins due to breakage, damage and maintenance and what this costs?"

**Reply from Councillor G Theobald, Cabinet Member for Environment.**

"We have about 700 communal bins and the original bins have been on site for over 5 years and this includes the communal bins on the seafront.

These seafront bins were looking scruffy due to salt and corrosion and along with some bins in the city centre, which were damaged, they were refurbished last year at a cost of £350 per bin.

The smaller lids on the newer version of the communal bins are being replaced, and this cost is being met by the manufacturer.

Last year approximately £19000 was spent on repairing and refurbishing bins, this is in line with our budget."

**(e) Councillor Kitcat**

"Can the Cabinet Member for Finance outline when the Administration propose to implement the Government's requirement to publish all council spending, contracts and tender documents over £500 and under what licence the data will be published?"

**Reply from Councillor Young, Cabinet Member for Finance.**

"The Administration has two options available to it with regards to publishing all council spend over £500. The first would be to generate a report from our creditor system which would consist of raw spend data extracted from invoices paid. We are in a position to do this now subject to ensuring that the appropriate data protection issues are addressed (for example – the publication of individual carer details that currently appear on the system). However, raw data is sometimes difficult to interpret into meaningful information and the Administration want to ensure that the public have information that is easy to understand and means something to them. Therefore we are currently in discussions with an existing supplier who can provide an innovative web-based solution which has been designed to improve the accessibility and relevance of data. This solution will present the information in a user friendly way and data will also be categorised, therefore providing the public with information that will be useful to them such as spend per full time employee, spend with small and medium sized enterprises, spend relative to the number of households, working population, persons of pensionable age and number of children that make up the resident population. There is also the facility to make comparison between authorities of differing sizes. This solution would be accessed via the Council's website and will be free to the public. It is being offered to the Council at no

cost. I am discussing the options with officers and hope to start publication shortly.

The publishing of tenders and contracts over £500 is much more complex however. We have a number of contract registers across the council and therefore it is a large resource intensive task to bring these together and identify the full list of documentation over this low level of spend. The need to have a comprehensive central repository of tender and contracts documentation has already been identified and the sourcing of this forms part of the Procurement work stream under the VFM project.”

**(f) Councillor Kitcat**

“Can the Cabinet Member for Central Services provide a progress report on when the council's website will receive its long overdue upgrade, and if it is still intended to be built on Microsoft software?”

**Reply from Councillor Alford, Cabinet Member for Central Services.**

“It is worth noting that the existing website works well given existing demands, is fully and efficiently supported and it is currently being considered alongside other options for future upgrades in terms of functionality.

Decisions around the technology required (including the question raised around Microsoft) will be made after consideration of residents’ needs and service area requirements.

Another consideration is the consolidation of systems to drive down costs. This is currently being driven through the Value for Money programme, which has already put in place governance processes to ensure good return on investment.

The work being undertaken by the Improving Customer Experience programme is essential to the overall website development. Officers working on the project are looking more broadly at how the website is used and how the services it offers can be improved.

Officers have already identified specific needs in a number of demographic groups across the city. These include increasing the number of council services that residents can self serve and delivering information to residents in a way that is personalised to their needs and local area.

Any future development will focus on delivering information and council services in a way that residents want. We know from our research that a large proportion of residents have little contact with the council but when they do, they want it to be fast, efficient and at their convenience. For example, giving residents the option to register on-line for the electoral roll made it easier for many people, increasing the numbers registering and decreasing paperwork and administration. This ultimately had the effect of reducing unnecessary contact, enabling frontline services to focus on answering other queries.



Staff will ask the public what they think of the website experience and test the site to prioritise areas for improvement. It has been decided that improvements will initially be aimed at a core outcome for the urban environment, with services driving the change.

In September we will bring together the business cases for web transactions and all customer feedback. From this a new approach to delivering web services will be formed."

**(g) Councillor Fryer**

"I have received 3 complaints in as many months from constituents who have felt that the council has acted inappropriately in employing bailiffs and taking legal action without warning to recover council tax which has resulted in both the council and the resident paying large sums of money unnecessarily. In one case this is despite the fact that the resident had not owned or lived at the property in question for over ten years and had contacted the Council tax department to tell them this. In another case the resident was very vulnerable and it was clear from payment history that the resident made a strong effort to meet most payments in time.

1. How many cases are there of residents of Brighton & Hove a) being threatened by bailiffs b) having legal action taken against them?
2. How much money has been spent on legal action and employing bailiffs?
3. In these cases, what efforts were made by the council first to engage with the resident to resolve the situation first?"

**Reply from Councillor Alford, Cabinet Member for Central Services.**

"In December 2009 the Overview & Scrutiny Commission complimented a report on Council Tax Collection Policy, in particular the emphasis on early intervention to prevent arrears and the measures for dealing with vulnerability. Further to this report I am pleased to say that there is further evidence of this approach being effective with a 35% drop in the number of reminders issued compared to the same time last year but with improved collection.

The report also outlined the sequence of recovery steps. No resident of this city receives a visit from a bailiff without first being sent a minimum of four letters. All of these letters encourage customers to contact us so we can offer a range of helpful options, including extended payment plans, advice on claiming council tax benefit and signposting to independent debt advice.

Unfortunately, some either fail to contact us or fail to maintain an agreed payment arrangement. Last year, the Council obtained 13,000 court orders. Approximately 6,000 were passed to bailiffs for further action. In terms of cost, legal action and the use of bailiffs is self-funding, as costs are added to customers accounts when recovery action becomes necessary. If we become aware of exceptional circumstances, or we have made a mistake, the costs will be removed.

I understand that the Revenues & Benefit Service have or will be responding to you regarding the individual cases you mention and I would always encourage any Councillor with a similar query to contact Graham Bourne and his team.”

**(h) Councillor Elgood**

“What progress is being made to implement the requirement by the coalition government to publish all items of spending over £500 and to publish all tender documents in full?”

**Reply from Councillor Young, Cabinet Member for Finance.**

“The Administration has two options available to it with regards to publishing all council spend over £500. The first would be to generate a report from our creditor system which would consist of raw spend data extracted from invoices paid. We are in a position to do this now subject to ensuring that the appropriate data protection issues are addressed (for example – the publication of individual carer details that currently appear on the system). However, raw data is sometimes difficult to interpret into meaningful information and the Administration want to ensure that the public have information that is easy to understand and means something to them. Therefore we are currently in discussions with an existing supplier who can provide an innovative web-based solution which has been designed to improve the accessibility and relevance of data. This solution will present the information in a user friendly way and data will also be categorised, therefore providing the public with information that will be useful to them such as spend per full time employee, spend with small and medium sized enterprises, spend relative to the number of households, working population, persons of pensionable age and number of children that make up the resident population. There is also the facility to make comparison between authorities of differing sizes. This solution would be accessed via the Council’s website and will be free to the public. It is being offered to the Council at no cost. I am discussing the options with officers and hope to start publication shortly.

The publishing of tenders and contracts over £500 is much more complex however. We have a number of contract registers across the council and therefore it is a large resource intensive task to bring these together and identify the full list of documentation over this low level of spend. The need to have a comprehensive central repository of tender and contracts documentation has already been identified and the sourcing of this forms part of the Procurement work stream under the VFM project.”

**(i) Councillor Duncan**

“Concerns have been raised with me that some associations representing tenants and residents living in some council housing blocks in the Queen’s Park ward have not been publicising forthcoming meetings and publishing agendas

and minutes in accordance with their constitutional requirements. Could the administration explain:

- (a) What steps it takes to ensure that all such associations do so?
- (b) Whether or not any funding from the council is dependant on associations acting in accordance with an agreed constitution?
- (c) Whether or not the council is aware of any problems in this regard, either generally or in relation to any particular association(s)?"

**Reply from Councillor Caulfield, Cabinet Member for Housing.**

- "(a) All associations are voluntary organisations, independent of the Council. Each has its own constitution agreed by the members but within the guidelines of a model constitution. This provides the basis for their recognition by the Council. Meetings should be publicised but precise arrangements may differ between associations. Some might put notices through every letterbox in the 'Area of Benefit', some might put publicity on a notice board, and others might use a newsletter. There is not a requirement to publish agendas or minutes but it is considered good practice to do so. Community Participation Officers encourage associations to involve as many individuals as possible in their work.

There is an obligation in the constitution of all associations to give notice of the Annual General Meeting (AGM) sufficiently far in advance to enable as many as possible to attend. Notice periods are usually at least 14 days.

- (b) Housing Revenue Account funding of associations is dependent on them providing minutes from their AGM and a set of independently examined accounts that have been approved by vote at their AGM. The Council also requires that grant funding is spent in accordance with the budget applied for.
- (c) In the Kemp Town area, we are aware of a number of conflicts between and within some associations, with some disputes going back twenty years. Records are held of these conflicts, and although efforts to introduce independent mediation have not always been successful we will continue to work with all parties for a resolution.

If Councillor Duncan would like a more specific response regarding a particular association, I am happy to receive details for further investigation."



**ORAL QUESTIONS FROM COUNCILLORS**

The following Members have indicated that they wish to put questions to the Leader, Cabinet Members, Chairmen 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 Kitcat**

*Subject matter* – Addressing inequality in the face of service cuts.

**Reply from Councillor Mears, Leader of the Council.**

**(b) Councillor Elgood**

*Subject matter* – Intelligent Commissioning.

**Reply from Councillor Mears Leader of the Council.**



<b>COUNCIL</b>	<b>Agenda Item 10</b>
15 July 2010	Brighton & Hove City Council

## **LIBERAL DEMOCRAT GROUP AMENDMENT**

### **2010/11 IN-YEAR GOVERNMENT GRANT REDUCTIONS**

To add an additional recommendation at 2.2 of the report as shown in bold below:

#### **2. RECOMMENDATIONS**

- 2.1 To note and comment on the details of the 2010/11 in-year grants reductions announced by the government and set out in paragraphs 3.1 to 3.5 and appendices 1 to 3.
- 2.2 To request the Overview & Scrutiny Commission and relevant Scrutiny Committees undertake a full scrutiny examination of the in-year reductions to fully assess their impact.**

Proposed by: Cllr Paul Elgood

Seconded by: Cllr David Watkins





<b>COUNCIL</b>	<b>Agenda Item 10</b>
15 July 2010	Brighton & Hove City Council

## **LABOUR GROUP AMENDMENT**

### **2010/11 IN-YEAR GOVERNMENT GRANT REDUCTIONS**

To add the additional recommendations at 2.2 and 2.3 of the report as shown in bold below:

#### **2. RECOMMENDATIONS**

- 2.1 To note and comment on the details of the 2010/11 in-year grants reductions announced by the government and set out in paragraphs 3.1 to 3.5 and appendices 1 to 3.
- 2.2 That in recognition of the huge investment that the Third Sector brings to city service delivery to residents in terms of funding, in-kind support and volunteer time, it be noted that service provision stands to be more adversely affected by the withdrawal of grants and contracts; and
- 2.3 That in regard to 2.2. above, any change in service as a result of these in-year cuts must be subject to a rigorous impact assessment prior to any decisions being made. This assessment to involve the organisations providing the services that are best placed to demonstrate the impact of their work and service users in the wider community who will have strong views about the support that they need and want.

Proposed by: Cllr Gill Mitchell

Seconded by: Cllr Leslie Hamilton



**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE  
MEETING HELD ON THE 13<sup>TH</sup> JULY 2010****BRIGHTON & HOVE CITY COUNCIL****GOVERNANCE COMMITTEE**

**4.00pm 13 JULY 2010  
COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Oxley (Chairman), Simpson (Deputy Chairman), Brown, Fallon-Khan, Kennedy, Mears, Mitchell, Randall, Simson and Watkins.

**PART ONE****12. PETITIONS SCHEME**

- 12.1 The Committee considered a report of the Director of Strategy & Governance, concerning the new statutory requirements for councils in relation to handling petitions, including a requirement to adopt a Petitions Scheme. The report outlined the new provisions and recommended the adoption of a Petitions Scheme for Brighton & Hove City Council.
- 12.2 The Acting Assistant Head of Law explained that, while many of the provisions within the scheme were mandatory, wherever possible the council had used the available flexibility to provide maximum accessibility.
- 12.3 The Chairman reported that, unlike the existing scheme, the new scheme would make it permissible for Members to sign petitions. He explained that the report advised that, subject to approval by Full Council on 15 July, the scheme would come into force immediately and that it was proposed that an additional recommendation be added to reflect this.
- 12.4 In response to a question from Councillor Kennedy, the Acting Assistant Head of Law advised that, following approval, the new scheme would be uploaded to the council's website.
- 12.5 In response to questions from Councillor Mitchell, the Acting Assistant Head of Law confirmed that Members would be able to sign both paper and e-petitions, and that the

relevant decision-making body will have to consider all of the available options in determining the council's response to any petition.

- 12.6 The Chairman stated the proposed scheme had been influenced by recent experiences with petitions, including the Brighton History Centre e-petition, to create an inclusive and workable scheme.
- 12.7 Councillor Watkins raised concerns around the visibility of the names of signatories of e-petitions given that visitors to the council's website could easily print a list of the signatories of any e-petition.
- 12.8 The Head of Law advised that it was important to show the names of signatories to give users confidence in the credibility of the facility. He added that people could also request to see the names on any paper petition submitted to the council.
- 12.9 Councillor Simpson suggested that it be made clear to users that names would be visible on the website.
- 12.10 Councillor Simson advised that verification of email addresses was key because there was no way to prevent signatories using fictional names.
- 12.11 Councillor Kennedy suggested that officers consider using wording from the Prime Minister's petition website Number10.
- 12.12 The Acting Assistant Head of Law advised Members that the committee would review operation of the new scheme at a future meeting and that the review would include the opportunity to make any necessary amendments.

12.13 **RESOLVED TO RECOMMEND:**

- (1) That the Petitions Scheme as detailed in Appendix One to the report be adopted as the Council's scheme for handling petitions pursuant to S11 Local Democracy Act 2009; and
- (2) That the Council's constitution be amended in accordance with the draft amended Procedure Rules as detailed in Appendix Two to the report.
- (3) **That, subject to approval by the Full Council, the scheme come into force immediately.**

**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE  
MEETING HELD ON THE 13<sup>TH</sup> JULY 2010****BRIGHTON & HOVE CITY COUNCIL****GOVERNANCE COMMITTEE**

**4.00pm 13 JULY 2010  
COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Oxley (Chairman), Simpson (Deputy Chairman), Brown, Fallon-Khan, Kennedy, Mears, Mitchell, Randall, Simson and Watkins.

**PART ONE****15. MANDATORY TRAINING FOR PLANNING**

- 15.1 The Committee considered a joint report of the Directors of Environment and Strategy & Governance, concerning the proposed introduction of bi-annual mandatory training sessions for Members serving on or wishing to serve on the Planning Committee.
- 15.2 Councillor Simson welcomed the report and stated that it was important for the Planning Committee to have all the necessary tools to make robust decisions. She highlighted the cost of the training and advised that it would be necessary to ensure that a range of dates and times were offered to ensure that all Members of Committee and the pool of substitutes could attend.
- 15.3 Councillor Kennedy spoke in support of the increased training and advised that the policy framework around planning was changing rapidly making it vital that Members understood both local and national policy. She advised that she hoped investing in training would reduce the resources spent on defending challenges to decisions and commended the Chairman of the Planning Committee, the Head of Developmental Control and the Planning Team for taking the matter forward.
- 15.4 Councillor Mitchell welcomed the proposals and reiterated the need for flexibility in training dates and times in order to accommodate all Members.
- 15.5 The Chairman advised that he was confident that officers would ensure that dates would be flexible.

**15.6 RESOLVED TO RECOMMEND:**

- (1) That mandatory training for all members of the Planning pool be introduced on a six-monthly basis;
- (2) That the training be open to all other Members to attend on a non-mandatory basis;
- (3) That any mandatory development sessions should be offered on at least two different time slots to take account of Members' other commitments;
- (4) That the requirement for ongoing mandatory planning training every six months should come into force with effect from 16 July 2010 and that the first mandatory session be arranged as quickly as possible;
- (5) That the Head of Law be authorised to amend the constitution to reflect the above, including making consequential drafting amendments.

**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE  
MEETING HELD ON THE 13<sup>TH</sup> JULY 2010****BRIGHTON & HOVE CITY COUNCIL****GOVERNANCE COMMITTEE**

**4.00pm 13 JULY 2010  
COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors: Oxley (Chairman), Simpson (Deputy Chairman), Brown, Fallon-Khan, Kennedy, Mears, Mitchell, Randall, Simson and Watkins.

**PART ONE****14. SOUTH DOWNS NATIONAL PARK AUTHORITY – DELEGATION OF  
DEVELOPMENT CONTROL FUNCTION TO CONSTITUENT AUTHORITIES**

- 14.1 The Committee considered a report of the Director of Environment concerning temporary delegation of development control functions to the council from the South Downs National Park Authority (SDNPA), while it considers how best to deliver its planning services.
- 14.2 Councillor Kennedy thanked the Head of Planning Strategy for explaining the effect of the proposals and the assurances that they would not have a significant impact on the workload of the council's planning officers.
- 14.3 In response to a query from Councillor Kennedy the Head of Planning Strategy advised that he had not yet received confirmation of the funding arrangements, but that it remained the intention of the SDNPA that there would be no cost to local authorities.
- 14.4 **RESOLVED TO RECOMMEND:**
- (1) That the scheme of delegation agreed by the SDNPA, the draft Joint working agreement under Section 101 of the Local Government Act 1972 and the Draft funding proposals be noted;
  - (2) That the delegation of development control functions from the SDNPA to the Council on the temporary basis proposed, subject to any review be agreed;
  - (3) That the Head of Law be instructed to make any necessary amendments to the Constitution to reflect the interim delegation to the Council of SDNPA development control powers.





## COUNCIL

15 July 2010

## Agenda Item 17(A)

Brighton & Hove City Council

<b>Subject:</b>	<b>South Downs National Park Authority – Delegation of Development control function to constituent authorities</b>	
<b>Date of Meeting:</b>	<b>15 July 2010</b>	<b>Council</b>
	13 July 2010	Governance Committee
<b>Report of:</b>	<b>Director of Environment</b>	
<b>Contact Officer:</b>	<b>Name: Rob Fraser</b>	<b>Tel: 29-2380</b>
	<b>E-mail: <a href="mailto:rob.fraser@brighton-hove.gov.uk">rob.fraser@brighton-hove.gov.uk</a></b>	
<b>Wards Affected:</b>	<b>All</b>	

### FOR GENERAL RELEASE

Note: By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason. The South Downs National Park Authority expects all Local Authorities to formally confirm their acceptance of the delegation scheme by 31st July 2010, and to have signed the attached legal agreement by that date. This is necessary to ensure that the NPA can be confident that a satisfactory planning service can be provided from 1st April 2011.

The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) is that it has come to light there is an expectation from the South Downs National Park Authority that the delegation scheme would be signed and approved by the 31 July 2010.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The new South Downs National Park Authority (SDNPA) came into being on the 1 April 2010 but will have a year to prepare itself before it becomes fully operational. The SDNPA will assume planning powers for the area of the National Park on 1<sup>st</sup> April 2011. The SDNPA is seeking Local Authority agreement to a proposal to delegate back (at least in the short term) development control powers to the Local Authorities currently exercising those powers. The proposal includes a 'Joint working agreement to providing planning services from 1<sup>st</sup> April 2011' (Appendix 1) binding local authorities to providing planning services from 1<sup>st</sup> April 2011 and a 'Draft proposal for funding a scheme of planning delegation' (appendix 2). These anticipate a section 101 agreement with participating authorities. A Draft scheme of delegation (appendix 3) is included for information but is subject to change.

The Joint working agreement makes clear that this is an interim agreement for three years whilst the SDNPA considers how best to deliver its planning services. In the event that this is extended the financial agreement makes reference to a review after 3 years.

- 1.2 This report therefore seeks the agreement of the Governance Committee to accept the proposal on the terms proposed and amend the constitution to accommodate the proposed delegation of development control functions.

## **2. RECOMMENDATIONS:**

- 2.1 Note the scheme of delegation agreed by the SDNPA; the draft Joint working agreement under Section 101 of the Local Government Act 1972 and the Draft funding proposals as set out in appendices 1 & 2 and 3 attached.
- 2.2 That Governance committee recommend that Council agrees the delegation of development control functions from the SDNPA to the Council on the temporary basis proposed, subject to any review.
- 2.3 That the Head of Law be instructed to make any necessary amendments to the Constitution to reflect the interim delegation to the Council of SDNPA development control powers.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 On the 12th November 2009 the creation of the South Downs National Park was confirmed by Hilary Benn, Secretary of State for Environment, Food and Rural Affairs. The South Downs National Park came into being on 31 March 2010 and the Sussex Downs and East Hampshire Areas of Outstanding Natural Beauty (AONBs) were revoked. Designation as a National Park is a formal recognition of the special qualities of the South Downs in terms of natural beauty and opportunities for open-air recreation. The famous South Downs Way, loved by walkers, cyclists and horse riders, stretches the entire 160 km length of the Park from Winchester in Hampshire to the white chalk cliffs of Beachy Head, near Eastbourne.
- 3.2 The South Downs National Park Authority is the lead organisation responsible for promoting the purposes of the National Park. The Authority has 27 Members appointed from Local Authorities covering the Park, Parish Councillors plus National Members appointed by the Secretary of State. It came into being on the 1 April 2010 but will have a year to prepare itself before it becomes fully operational in April 2011, including becoming the statutory Planning and Access Authority. In the meantime the existing respective planning authorities will continue to decide applications within the National Park.
- 3.3 Covering an area over 1600 square kilometres it is not the largest National Park but it is the most populated. The SDNPA would nonetheless be geographically one of the largest planning authorities and have one of the busiest caseloads in the country. An in-house planning service would require setting up a very large planning system and recruiting over 100 staff before April 2011.

- 3.4 Options for the administration of the National Park were considered by DEFRA and CLG in discussion with the affected Local Authorities in the lead up to the announcement of the National Park. The Shadow Authority has therefore built upon this work and is now proposing a scheme of delegation closely relating to that suggested by the affected authorities.
- 3.5 During the shadow year (April 2010 to April 2011) the South Downs National Park Authority will not be the planning authority, its role in planning will be consultative / advisory (if it chooses to take on this role, which is discretionary during the shadow year). Whilst the South Downs National Park Authority will have planning duties from April 2011 it has decided that at least initially it would prefer to concentrate on its plan making (policy) functions and delegate back to the 15 constituent local authorities some of its planning services (particularly some of the smaller development control functions that they were previously carrying out). The SDNPA would work with Local Authorities to complete their LDF documents as co signatory as an interim policy arrangement.
- 3.6 The delegation option is an interim arrangement. It allows the SDNPA to monitor how this arrangement works and to set up an in house system if this proves not to be satisfactory.
- 3.7 Any functions carried out by participating authorities would be carried out in the name of, and using the logo of, the SDNPA.
- 3.8 There are certain types of decision the SDNPA is not legally allowed to include in this arrangement so the SDNPA would hold back for decision certain major planning applications.  
Additionally the scheme of delegation allows for the SDNPA to call in any application decision it considers to be 'significant' regardless of the size of the application.  
The proposed threshold for decisions to be taken by the national park is the normal 'large application' threshold of 10 dwellings, 100 sq m of commercial floor space, or a site of over 0.5 hectares.  
Local Authorities will continue to provide all necessary functions (ecology, historic buildings etc. advice) to support the development control function.
- 3.9 The Joint working agreement makes clear that this is an interim agreement. The agency agreements should initially operate for three years whilst the SDNPA considers how best to deliver its planning services. There will be a 1 year notice to terminate on either side.  
The draft funding proposals indicate that the intention is to create a scheme which is cost neutral to those participating. In the event that the agreement is extended a review in year three is proposed in the draft agreement for implementation in year 4.  
The SDNPA anticipates funding from DEFRA of £4.5 M transferred from a top slice of the National Revenue support grant.

#### **4. CONSULTATION**

- 4.1 The proposal now in front of the committee follows lengthy consultation with the affected Local Authorities facilitated by DEFRA and CLG in the lead up to the establishment of the SDNPA.

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

##### Financial Implications:

- 5.1 The draft funding proposals indicate that the intention is to create a scheme which is cost neutral to those participating. In the event that the agreement is extended a review in year three is proposed in the draft agreement for implementation in year 4.  
During the review in year three the financial implications will be investigated in full

*Finance Officer consulted: Patrick Rice*

*Date: 01/07/10*

##### Legal Implications:

- 5.2 Section 101 of the Local Government Act 1972 provides that a local authority may arrange for the discharge of certain of its functions by another local authority. Development control functions can be so discharged.

As currently drafted the Council's Constitution does not provide for Planning Committee nor the Director of Environment, exercising delegated powers, to carry out planning functions on behalf of the South Downs National Park. In order to allow Planning Committee and the Director of Environment to carry out those functions which it is intended to delegate to the Council under the terms of the proposed Joint Working Agreement with the South Down's National Park it is therefore necessary to amend the Constitution to enable such functions to be carried out.

*Lawyer consulted: Elizabeth Culbert*

*Date: 30/06/10*

##### Equalities Implications:

- 5.3 There are no identified adverse Equalities implications to the proposal that Brighton and Hove continue to undertake the planning control service for the area included within the National Park

##### Sustainability Implications:

- 5.4 None identified.

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

- 6.1 A range of alternative options were discussed and investigated during the lead up to designation of the National Park and these were considered by the Shadow Park Authority since April this year. The proposed scheme is anticipated to be broadly acceptable to all authorities. A number of Authorities (notably Lewes and Chichester) have significant parts of their local Authority area incorporated into

the National Park. This has significant implications for their provision of an affordable and efficient planning service within those areas. Consequently the most affected authorities have sought to persuade the new SDNPA to give the maximum level of delegation.

- 6.2 In comparison the number of applications dealt with by Brighton and Hove City Council is considered to be insignificant.
- 6.3 A number of variations of delegation arrangement and a number of thresholds, at which the SDNPA will determine the application themselves, have been considered.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The proposed delegation arrangements are considered to be workable, likely to be widely acceptable to all affected authorities, not unduly onerous and achievable within the resources available within the planning division. The delegation arrangements and financial proposals will both be subject to review.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

Appendix 1 'Joint working agreement to providing planning services from 1<sup>st</sup> April 2011'  
Appendix 2 'Draft proposal for funding a scheme of planning delegation'  
Appendix 3 Draft scheme of delegation (for information only)

<b>Documents in Members' Rooms</b>	None
<b>Background Documents</b>	None



DATED 2010

SOUTH DOWNS NATIONAL PARK AUTHORITY (1)

EAST SUSSEX COUNTY COUNCIL (2)

HAMPSHIRE COUNTY COUNCIL (3)

BRIGHTON AND HOVE CITY COUNCIL (4)

WEST SUSSEX COUNTY COUNCIL (5)

ADUR DISTRICT COUNCIL (6)

ARUN DISTRICT COUNCIL (7)

CHICHESTER DISTRICT COUNCIL (8)

EASTBOURNE BOROUGH COUNCIL (9)

EAST HAMPSHIRE DISTRICT COUNCIL (10)

HORSHAM DISTRICT COUNCIL (11)

LEWES DISTRICT COUNCIL (12)

MID SUSSEX DISTRICT COUNCIL (13)

WEALDEN DISTRICT COUNCIL (14)

WINCHESTER CITY COUNCIL (15)

WORTHING BOROUGH COUNCIL (16)

**JOINT WORKING AGREEMENT**

relating to

**The provision of planning services  
in the South Downs National Park from 1<sup>st</sup> April 2011**

**THIS AGREEMENT is made the                      day of                      2010**

**BETWEEN**

- (1) South Downs National Park Authority of Rosemary's Parlour, North Street, Midhurst, West Sussex, GU29 9SB
- (2) East Sussex County Council of County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE
- (3) Hampshire County Council of The Castle, High Street, Winchester, Hampshire, SO23 8ZB
- (4) West Sussex County Council of County Hall, West Street, Chichester, West Sussex, PO19 1RQ
- (5) Brighton and Hove City Council of King's House, Grande Avenue, Hove, BN3 2LS
- (6) Adur District Council of Civic Centre, Ham Road, Shoreham-by-Sea, West Sussex, BN43 6PR
- (7) Arun District Council of Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF
- (8) Chichester District Council of East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY
- (9) Eastbourne Borough Council of Town Hall, Grove Road, Eastbourne, BN21 4UG
- (10) East Hampshire District Council of Penn's Place, Petersfield, Hampshire, GU31 4EX
- (11) Horsham District Council of Park Street, Horsham, West Sussex, RH12 1RL
- (12) Lewes District Council of 32 High Street, Lewes, East Sussex, BN7 2LX
- (13) Mid Sussex District Council of Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS



(14) Wealden District Council of Vicarage Lane, Hailsham, East Sussex, BN27 2AX

(15) Winchester City Council of City Offices, Colebrook Street, Winchester, Hampshire, SO23 9LJ

(16) Worthing Borough Council of Town Hall, Chapel Road, Worthing, West Sussex, BN11 5ND

**It is hereby agreed as follows:-**

**1. Recitals**

- 1.1 With effect from 1<sup>st</sup> April 2011, the SDNPA becomes sole statutory planning authority for the South Downs National Park further to the South Downs National Park Authority (Establishment) Order 2010.
- 1.2 The SDNPA and the Authorities have agreed that they will enter into discussions with regard to the discharge by the Authorities of the Planning Services, further to an agency arrangement under Section 101 of the Local Government Act 1972, for a period of three years from 1<sup>st</sup> April 2011.
- 1.3 Pending those discussions, the SDNPA wishes to ensure that, as a minimum, the Authorities who wish to enter into such agency arrangements are bound to provide the Planning Services as the SDNPA's agents for a minimum period of 12 months from 1<sup>st</sup> April 2011.
- 1.4 The Authorities have a duty to provide the SDNPA with such assistance and information as the SDNPA may reasonably request for the purpose of discharging any of its functions pursuant to Schedule 4 of The South Downs National Park Authority (Establishment) Order 2010.

**2. Interpretation**

- 2.1 In this Agreement unless the context otherwise requires the following expressions have the following meanings:-

**"the Agreement"** means this agreement;

**"the Authorities"** means such of the 15 local planning authorities which are currently the planning authorities for the national park area who are parties to this Agreement;

**"the Commencement Date"** means the date on which this Agreement is executed by the Authorities;

**"the SDNPA"** means the South Downs National Park Authority;

**"Planning Services"** means those planning functions exercisable by the SDNPA as sole planning authority from 1<sup>st</sup> April 2011 which the SDNPA decided at its meeting on 15<sup>th</sup> June 2010 could be delivered by the Authorities;

### **3. Term**

- 3.1 Subject to clause 3.2, this Agreement shall commence on the Commencement Date and continue in force until 31<sup>st</sup> March 2012.
- 3.2 Where an agency agreement pursuant to Section 101 of the Local Government Act 1972 is entered into by the SDNPA and any of the Authorities further to clause 4.1 of this Agreement, and such agreement takes effect, this shall terminate that Authority's interest in this Agreement.

### **4. General Principles**

- 4.1 The SDNPA and the Authorities agree that they will use their best endeavours to discuss and agree the terms of an agency agreement, further to Section 101 of the Local Government Act 1972, whereby the Authorities will discharge the Planning Services on behalf of the SDNPA for a period of three years from 1<sup>st</sup> April 2011.
- 4.2 Pending the discussions referred to in clause 4.1, each of the Authorities agrees that, as a minimum, they will discharge the Planning Services on behalf of the SDNPA, in respect of such part of the South Downs National Park Area as falls within that Authority's normal administrative area, for a period of one year from 1<sup>st</sup> April 2011.
- 4.3 Where a formal decision is required to be taken by the Authorities in order to accept the offer by the SDNPA of acting as agent for the SDNPA the Authorities will use their best endeavours to pursue such formal decision by 31<sup>st</sup> July 2010.
- 4.4 The SDNPA agrees to reimburse all costs reasonably incurred by each of the Authorities in discharging the Planning Services on its behalf further to clause 4.2.

## **5. Status of the Agreement**

- 5.1 This Agreement is entered into further to Section 101 of the Local Government Act 1972. It gives rise to a legally binding relationship and mutual commitments are created by this Agreement.

### **In witness hereof the SDNPA and the Authorities have executed this Agreement as a Deed the day and year first written**

The Common Seal of SOUTH DOWNS NATIONAL PARK AUTHORITY was affixed hereto in the presence of the undersigned authorised signatory for and on behalf of SOUTH DOWNS NATIONAL PARK AUTHORITY

..... Authorised signatory

The Common Seal of East Sussex County Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of East Sussex County Council

..... Authorised signatory

The Common Seal of Hampshire County Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of Hampshire County Council

..... Authorised signatory

The Common Seal of West Sussex County Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of West Sussex County Council

..... Authorised signatory

The Common Seal of Brighton and Hove Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of Brighton and Hove Council

..... Authorised signatory

The Common Seal of Adur District Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of Adur District Council

..... Authorised signatory

The Common Seal of Arun District Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of Arun District Council

..... Authorised signatory

The Common Seal of Chichester District Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of Chichester District Council

..... Authorised signatory

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..... Authorised signatory

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..... Authorised signatory

The Common Seal of Worthing Borough Council was affixed hereto in the presence of the undersigned authorized signatory for and on behalf of Worthing Borough Council

..... Authorised signatory

## **Draft funding proposals for funding a scheme of planning delegation**

### **Overarching principles**

There will one funding scheme for the three counties and another one for the 11 districts and the one single tier authority. However the overarching principles will be the same, as follows:

- funding agreements for the provision of planning services to the SDNPA from April 2011 will be as fair and transparent as possible, and will aim to ensure that initially there are no 'winners or losers'.
- the objective will be to improve Development Management performance, quality and value for money over a three year period

### **Methodology Year 1 (2011/12)**

- The SDNPA will fund the Councils providing development management on its behalf for the gross cost of that part of this service which relates to the SDNPA area
- Payments in 2011/12 will reflect actual costs incurred in 2008/9 and 2009/10 with adjustments as follows:
  - to remove non-cash costs such as pension liabilities calculated under FRS 17
  - to ensure that overhead charges are reasonable
  - to take into account both the impact of inflation and national government efficiency saving requirements

The aim is to reach estimated 2011/12 costs for predicted levels of activity

- Councils will collect fee and other relevant income (for example compliance fees for counties and condition discharge fees where appropriate) on behalf of the SDNPA and retain it as a payment on account
- Mechanisms will be developed for dealing with significant variations in workload volume and types of application and extraordinary costs
- There will be a process for negotiation between the SDNPA and each Council in relation to dealing with appeals and for agreeing the action to be taken by the SDNPA and the Councils and how costs will be met
- Quarterly returns will be provided by the Councils to SDNPA providing agreed information on activity levels, fee income, performance and other relevant information to support payments to the Councils
- All planning policy and LDF costs incurred by the Councils before April 2011 will continue to be borne by them. For LDFs not adopted by April 2011 costs will also continue to be borne by the Councils, but the SDNPA will consider sharing specific additional costs such as the costs of Environmental Assessments, enquiries, legal costs etc. where appropriate. These will each be the subject of negotiation and agreement between the SDNPA and each Councils
- The SDNPA will fund the costs of preparing its own Core Strategy and any other LDD it decides to include in its LDS
- The SDNPA will meet identified and agreed transition costs where appropriate

### **Methodology Years 2 and 3**

- During Year 1 each Council will collect actual cost information in an agreed format to facilitate open book accounting and this will involve trading accounts for the larger authorities
- The cost information will be reviewed to provide a revised funding methodology for year 2 with the intention of reaching a fair and consistent tariff scheme for given types and levels of activity by year 3
- During year three, the SDNPA will review how its planning service is to be provided, and decide on the charging basis for any continued delegation scheme



# FRAMEWORK FOR DEVELOPMENT OF PREFERRED SCHEME OF DELEGATION FOR PLANNING APPLICATIONS AND ASSOCIATED WORK FOR CONSIDERATION BY SDNPA

	Preferred Approach	Comment
<b>1 Overall description</b>	<p>NPA determines significant applications itself and exercises an appropriate degree of influence over other applications delegated to LAs, in order to ensure that NP purposes are met. NPA supports all decision making with advice and expertise as appropriate</p> <p>NPA has an active role in pre-and post-application procedures where it is the determining authority, but otherwise this is delegated as for the decisions.</p> <p>NPA has a policy and co-ordinating role in other associated planning functions (enforcement, conservation, trees etc), adding value/resources as appropriate to achieve SDNP objectives</p>	
<b>2 Delegation Scheme</b>	<p>NPA to determine "significant" applications (as set out in delegation scheme), and to retain "call in" power for any other applications which it may wish to determine. All applications submitted to LAs initially, subject to any requirement for the NPA to receive applications itself. Validation and initial consultation undertaken by LA in accordance with standards to be agreed by NPA, including validation training.</p> <p>All apps also entered onto NPA database, with links to LA handling the app for case tracking purposes</p> <p>NPA apps passed to NPA to determine unless agreed that LPA should process it on NPAs behalf.</p> <p>The NPA will need an adequate case handling capacity to deal with applications of NPA significance but there might be some NPA applications which are best dealt with by the LAs</p> <p>Applications initially dealt with under current LA policies, until NP LDF is sufficiently far advanced to be a material</p>	<ul style="list-style-type: none"> <li>Major/minor (GDPO) split to be used as basis for significance, with call-in for more significant minors, and some less significant majors to be delegated. Implied caseload for NPA c150 apps/year, remainder of c4,000 to be delegated. Less significant majors only likely to apply in urban areas. Same principle applies to M&amp;W and reg 3 apps.</li> <li>minimum validation and consultation standards to be agreed from April 2011</li> <li>Agreed programme to further converge validation and consultation standards and procedures over three years from April 2011</li> </ul>

	Preferred Approach	Comment
	<p>consideration</p> <p>Consider possibility of preliminary statement of policy approach by Shadow Authority early in shadow year, eg broadly supporting Core Strategies, and identifying any policies where there might be differences, for the LPAs to consider as they progress CSs.</p> <p>Work during shadow year on LDS for adoption early in first operative year, possibly including an early 'reconciling' LDD to reconcile significant policy inconsistencies on a shorter timescale than the SDNP Core Strategy</p> <p><b><i>NB the last 3 points are policy issues really, not delegation issues, but are clearly relevant to the delegation approach.</i></b></p>	<ul style="list-style-type: none"> <li>• Draw together LA policies and review potential for preliminary statement of policy approach by NPA early in shadow year</li> <li>• Draw up draft LDS, including early 'reconciling' LDD to reconcile any significant policy inconsistencies</li> </ul>
<b>3 Application processing responsibilities</b>		
Pre app discussions	<p>NPA likely to advocate DM approach, and to add value by promoting pre-app discussion</p> <p>Pre-app discussions held by LA or NPA depending on determination.</p> <p>NP link officer to play a role in ensuring consistent approach</p>	<p>Pre-application discussions to be required – specific arrangements to be agreed with each LA, and may vary. Charging regimes also to be agreed with NPA and may vary.</p> <p>NPA to establish charging regimes for NPA pre-app discussions</p>
EIA screening and scoping	<p>LA role. Link officer will have a key role in screening, and may need specific authority to decide whether EIA applies. Training of LA staff in EIA scoping and screening to be agreed by NPA</p>	
Reference numbering	<p>LA role</p>	<p>Application referencing system</p> <p>Scheme to be agreed – eg NPA suffix. May be problems of consistency due to variety of systems (<i>interim solution already agreed</i>)</p>

	Preferred Approach	Comment
Validation	LA role	NPA to agree minimum validation standards (not necessarily uniform at outset) Officer training to be subject to NPA approval
Registration	LA role	
Online posting	NPA/LA joint role. Preference for applications to be received by LAs, but may be legal requirement for NPA to be recipient, in which case apps would need to be transferred back to LA for validation, or else NA would need validation capacity	Need to develop SDNPA Planning IT System
Consultations	LA role. Protocol to provide for any additional consultations required by NPA to be carried out by either NPA or LA	Minimum consultation standards to be agreed by NPA at outset, with convergence to common standard over time NPA/LA protocol for consultations
Processing ( <i>administration, not professional assessment/advice</i> )	LA/NPA role according to determination, but LA to process NPA applications where they retain the professional role	Explore option of LAs processing all applications, even where NPA is determining.
Professional assessment and advice and negotiations	Normally LA/NPA role according to determination but LA may retain professional role for NPA apps by agreement for specific applications, with full involvement of NPA link officer, particularly for transitional period, and lesser minors which are 'significant'	
S.106 agreements	LA/NPA role according to determination Applications initially dealt with under current LA s106 policies, until NPA s106 policy is sufficiently far advanced to be a material consideration	Review current s106 (/CIL)policies and develop NPA s106 (/CIL)policy Explore legal consequences of LAs signing agreements on NPAs behalf Monitoring and publication of s106 agreements to be required, and subject to NPA approval.
Officer Report	LA/NPA role according to determination (but where by agreement the LA is handling an NPA application the NPA report may be drafted and presented by LA officers with full involvement of NPA link officer. This may apply, particularly for the transitional period, and lesser minors which are 'significant')	

	Preferred Approach	Comment
Determination	LA/NPA role according to determination	Detailed delegation scheme
Appeals	LA/NPA role according to determination (but if LA substantially process an NPA application, they might also deal with any appeal, with full NPA involvement)	Opportunities for NPA to add value Protocol for appeal (and other legal) costs

Compliance	LAs to take lead on compliance, with NPA providing overview to ensure consistency in meeting NPA objectives. M&W compliance to continue with M&W authorities	Review systems and resources for compliance monitoring and procedural and resource implications of pan-NP compliance standards, noting that charging for compliance/discharge of conditions can raise income
<b>4 Officer procedures and staffing</b>	<ul style="list-style-type: none"> <li>• Use existing LPA systems and procedures including officer delegation to process and determine most applications, except insofar as standardisation is necessary to meet minimum NPA standards.</li> <li>• Separate teams (in LAs having significant NP workload) or nominated officers (in LAs having small NP workload) (<i>these are intended as options for discussion</i>)</li> <li>• Competency standards to be agreed by NPA</li> <li>• Key role for NPA Link Officers for LAs, or groups of LAs to ensure system effectively meets NP purposes</li> <li>• NPA branding and identification for all applications in NP area.</li> <li>• NP Induction training and regular training afterwards</li> </ul>	<ul style="list-style-type: none"> <li>• Systems and procedures for in-house NP planning team</li> <li>• Review LPA procedures and protocols including current delegation arrangements and establish baseline standards for discussion</li> <li>• Need to agree how NPA/LA procedures will inter-relate</li> <li>• Develop options for procedures for delegated applications for discussion with LAs</li> <li>• Competency standards including induction and training requirements to be developed for discussion.</li> </ul>
<b>5 Decision Making</b>	<ul style="list-style-type: none"> <li>• NPA/LA Scheme of delegation to officers. Some NPA matters might be officer-delegated</li> <li>• Use existing LPA format for officer reports on delegated applications subject to agreement of format/content by NPA.</li> <li>• Reports to NPA committee to be to an agreed format</li> <li>• NPA applications referred to NPA planning committee</li> <li>• Delegated Committees, either Part A (NP) and Part B (non-NP) agendas, or two separate committees within the LA, one for NP and one for non-NP. (<i>NB this might be a menu of alternative options for discussion/agreement</i>)</li> <li>• 'Cooling off' period to be agreed where LA overturns officer recommendation – authority to intervene to be used exceptionally</li> <li>• Appropriate branding of decision procedures and documents</li> <li>• Training/induction for councillors on NP matters.</li> <li>• Forum of NP Committee chairs</li> </ul>	<ul style="list-style-type: none"> <li>• Review existing LPA schemes of delegation to officers, agree 'minimum' delegation requirements</li> <li>• NPA likely to require PAS best practice standards</li> <li>• Develop NPA officer delegation scheme</li> <li>• Report formats – review and agree core components</li> <li>• NPA standards for Committee operation.</li> <li>• Explore legality of co-option on regulatory committees</li> <li>• Review LPA committee formats for delegated items, and agree format for NPA committee items</li> <li>• Develop options for SDNPA Planning Committee structure</li> <li>• Develop menu of committee structure options for delegated decisions for discussion</li> <li>• Develop training/induction programmes for Councillors</li> <li>• Establish forum of NP planning committee chairs</li> </ul>

	<ul style="list-style-type: none"><li>• Co-opted NPA members for LA Committees?</li></ul>	
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<b>6 IT Systems</b>	<ul style="list-style-type: none"> <li>• New NPA IT-system required to monitor all applications and handle NPA applications</li> <li>• SDNPA website to link with planning pages on LA website(s), particularly for on-line viewing of planning applications.</li> <li>• Separate pages for NP applications on LA websites?</li> <li>• IT protocol for all LAs handling delegated applications.</li> </ul>	<ul style="list-style-type: none"> <li>• Specification for NP IT system for planning.</li> <li>• Develop system to link all relevant planning pages at NPA and in LPAs .</li> <li>• IT protocol for all LPAs handling delegated applications.</li> </ul>
<b>7 Finance &amp; Performance Review</b>	<ul style="list-style-type: none"> <li>• CLG to transfer funds to SDNPA via Defra – LAs lose only small amount of RSG</li> <li>• LAs to be paid for services provided on an 'open book'/ trading account basis, with costs and standards converging over a three year period.</li> <li>• Planning application fees retained by LA, as payment on account.</li> <li>• Financial protocol for non-application processing work (both pre-application and post determination) between NPA and LAs</li> <li>• Service Level Agreement between NPA and LA, setting performance standards , and providing mechanisms for reviewing and achieving agreed standards.</li> <li>• Scrutiny of LA performance by NPA Committee/Panel</li> <li>• Peer Review</li> </ul>	<ul style="list-style-type: none"> <li>• Funding working group developing funding options</li> <li>• Financial protocol between NPA and LAs</li> <li>• Service Level Agreement</li> <li>• NPA likely to require quality assurance mechanisms eg monitoring/reviewing outcomes of delegated decisions</li> <li>• Arrangements for exercise of NPA Scrutiny role</li> <li>• Develop options for Peer Review – between SDNPA member authorities, and with other NPAs</li> </ul>

<p><b>8 Ancillary planning services</b></p> <p>(a) Conservation Areas/ Listed Buildings/Archaeology/Ecology advisers</p>	<ul style="list-style-type: none"> <li>• Specialist NPA officers input to planning application process</li> <li>• Local authority specialist officers continue to provide input to the mainstream planning application process</li> <li>• NPA provide policy framework for CA designations, CA Character Appraisals, CA enhancement schemes, CA and LB grant schemes and other conservation work eg BPNs – possibility of ‘Heritage at Risk’ strategy with EH</li> <li>• LA staff carry out CA/LB work in accordance with NPA policy, making recommendations as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunities for NPA to add value.</li> <li>• NPA to establish key objectives, and resources appropriate to achieve them, including specialist officers who can then support the planning function – delegated or otherwise</li> <li>• Interim agreement on policy framework for CA designations, CA Character Appraisals, CA enhancement schemes, CA and LB grant schemes, pending development of NPA policy – information/policy database required</li> <li>• Liaise with EH to develop Heritage at Risk strategy</li> <li>• Protocol for role of NPA/LA advisers</li> <li>• Review existing resources and establish resource input from NPA</li> </ul>
<p>(b) Trees and Landscape</p>	<ul style="list-style-type: none"> <li>• Specialist NPA officers input to planning application process</li> <li>• Local authority specialist officers continue to provide input to the mainstream planning application process</li> <li>• NPA provide policy framework for TPO designations, TPO works applications, tree works in conservation areas, tree planting schemes; Dutch Elm Disease control etc.</li> <li>• LA staff carry out other tree and landscape work, in accordance with NPA policy, making recommendations as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunities for NPA to add value</li> <li>• NPA to establish key objectives, and resources appropriate to achieve them, including specialist officers who can then support the planning function – delegated or otherwise</li> <li>• Interim agreement on policy framework for TPO designations, TPO works applications, tree works in conservation areas, tree planting schemes, Dutch Elm Disease control etc pending development of NPA policy – information/policy database required.</li> <li>• Protocol for role of NPA/LA specialists</li> <li>• Review existing resources and establish resource input from NPA</li> </ul>



(c) Planning Enforcement	<ul style="list-style-type: none"> <li>• LA enforcement teams carry out investigation of alleged breaches of planning control (reactive).</li> <li>• LA enforcement staff to undertake compliance monitoring. NPA to set minimum standards, with possibility of convergence over time</li> <li>• NPA to establish policy on enforcement, and to provide any additional resources necessary to achieve it</li> <li>• M&amp;W authority enforcement staff to undertake M&amp;W compliance and enforcement work including site monitoring</li> <li>• Specialist Planning Enforcement team(s) supplement LA enforcement resources</li> <li>• Protocol on formal enforcement action to establish roles of LA/NPA enforcement teams</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunities for NPA to add value</li> <li>• Protocol for planning enforcement roles of LA/NPA enforcement teams.</li> <li>• Review current approach to compliance monitoring and establish minimum standards</li> <li>• Develop enforcement policy for NPA</li> </ul>
(d) Reg 3 applications	LA/NPA role depending on NP significance, as for core delegation principles ( <i>see row 2 – delegation principles</i> )	<ul style="list-style-type: none"> <li>•</li> </ul>
(e) Customer Care/Complaints	<ul style="list-style-type: none"> <li>• LAs use existing Customer Care standards for planning service in NP for functions delegated to them, subject to agreement of minimum standards by NPA, with convergence over time</li> <li>• LA/NPA handle complaints relating to cases they have handled</li> <li>• Periodic complaint review to identify opportunities for service improvement, jointly between NPA and LAs. NPA to establish Customer Care standards for its own services, taking into account existing LA standards</li> </ul>	<ul style="list-style-type: none"> <li>• Review current LPA customer care standards and complaints procedures, establish baseline standards and procedures for delegated NPA matters and programme for convergence.</li> <li>• Develop NPA Customer Care standards for NPA matters, taking into account existing LPA standards and procedures</li> <li>• Establish procedures for joint NPA/LA review of customer service (cross-cutting, ie not just planning) Opportunities for NPA to add value</li> </ul>
(f) Stakeholder Engagement	<ul style="list-style-type: none"> <li>• Continue existing User Groups, Design Panels, Conservation Area Advisory Committees run by LAs in the NP area, subject to NPA agreement. Additional NPA representation to be included as appropriate. NPA to consider establishing NP design panel, and to encourage LAs to establish CAACs.</li> <li>• NPA to review stakeholder engagement and</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunities for NPA to add value.</li> <li>• Planning stakeholder engagement procedures for NP and for</li> </ul>

	supplement as appropriate	each LA to be reviewed
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<b>Council</b>	<b>Agenda Item 18(a)</b>
15 July 2010	Brighton & Hove City Council

## NOTICE OF MOTION

### CONSERVATIVE GROUP AMENDMENT

#### A RETURN TO THE COMMITTEE SYSTEM OF GOVERNANCE FOR BRIGHTON & HOVE CITY COUNCIL

Insert new wording shown in bold italics and delete text as struck through and shown in bold italics:

“In its document ‘The Coalition: our programme for government’ published in May 2010, the new government states;

“We will allow councils to return to the committee system, should they wish to do so.”

Prior to its implementation in 2008, all political parties represented on Brighton & Hove City Council were opposed to the Leader and Cabinet System and accordingly this council:

- Reaffirms its desire to return to the committee system of governance, ***provided there is significant local support from residents to do so following proper consultation;***
- Requests the Chief Executive of the Council to write to the Minister with responsibility for Communities and Local Government ~~***stating that this council wishes to return to the committee system asking when the required legislation will be forthcoming***~~ and seeking clarification of the process to be followed.”

Proposed by: Cllr Garry Peltzer Dunn

Seconded by: Cllr Dee Simson

Supported by: Cllrs Mary Mears, Ayas Fallon-Khan, Ken Norman, Ann Norman, Maria Caulfield, Jan Young, Vanessa Brown, Trevor Alford, Tony Janio, Dawn Barnett, Brian Oxley, Steve Harmer-Strange, Averil Older, Ted Kemble, Geoffrey Theobald, Carol Theobald, Brian Pidgeon, Denise Cobb, Lynda Hyde, David Smith, Pat Drake and David Smart.



<b>COUNCIL</b>	<b>Agenda Item 18(b)</b>
15 July 2010	Brighton & Hove City Council

## NOTICE OF MOTION

### LABOUR GROUP AMENDMENT

#### HOUSING BENEFIT

Insert additional paragraphs 4 and 6 and the wording at the end of paragraph 5 as follows and shown in bold italics:

“This council recalls the period in the 1990s when Housing Benefit changes led to a crisis in rough sleeping and homelessness.

It acknowledges the excellent work of the city housing team, Brighton Housing Trust, the Sussex Central YMCA, CRI and others who have dramatically reduced the problems.

However, it fears the Coalition Government’s recent proposals to cut Housing Benefit and the Job Seeker’s Allowance could result in a return to the homelessness and rough sleeping levels of the 1990s, with younger single people and families with children particularly affected.

***This council notes that cuts in housing benefit made by the Conservative and Lib Dem Government will unfairly hit the poorest families and individuals of our City the hardest. The poorest 10% of households in the Country will see their income cut by more than one fifth, the second poorest group earning below £16,900 will see the largest cuts at 13.6% of their income and the richest will see a cut of just 3.6%.***

The changes could have a profound effect on Brighton and Hove, a city with double (24 per cent) the national average of private rented housing and a critical shortage of social housing ***as well as being one of the most expensive areas in the UK to live.***

***This council requests that a report setting out the impact of these cuts to Housing Benefit claimants in Brighton and Hove be brought to Cabinet as soon as possible with proposals for shaping local support services accordingly and how the recently produced Housing Strategy will be adapted to also reflect this.***

This council therefore *also* requests the Chief Executive to write to:

1. the Coalition Government asking the government to withdraw the proposals affecting Housing Benefit and Job Seeker’s Allowance and to consult with the Local Government Association, the National Housing Federation, private landlords’ organisations, the CAB and other advice agencies to find a way forward; and

2. the city's three MPs asking them to support the council's request by making a direct approach to Ministers.

Proposed by: Cllr Christine Simpson

Seconded by: Cllr Pat Hawkes

Supported by: Cllrs Gill Mitchell, Anne Meadows, Mo Marsh, Juliet McCaffery, Les Hamilton, Bob Carden, Jeane Lepper, Warren Morgan, Craig Turton and Mel Davis.

<b>COUNCIL</b>	<b>Agenda Item 18(b)</b>
15 July 2010	Brighton & Hove City Council

## NOTICE OF MOTION

### CONSERVATIVE GROUP AMENDMENT

#### HOUSING BENEFIT

Insert new paragraph 3 and text as shown in bold italics and delete wording as struck through and shown in bold italics:

“This council recalls the period in the 1990s when Housing Benefit changes led to a crisis in rough sleeping and homelessness.

It acknowledges the excellent work of the city housing team, Brighton Housing Trust, the Sussex Central YMCA, CRI and others who have dramatically reduced the problems.

***Furthermore, this Council recognises that significant cuts in public expenditure are required over the coming years in order to address the huge deficit bequeathed by the previous Labour Government which has left every man, woman and child in the country owing £22,400.***

~~***However, it fears***~~ the Coalition Government’s recent proposals to cut Housing Benefit ~~***from October 2011 and the Job Seeker’s Allowance could result in a return to the homelessness and rough sleeping levels of the 1990s, with younger single people and families with children particularly affected. The changes***~~ could have a profound effect on Brighton and Hove, a city with double (24 per cent) the national average of private rented housing and a critical shortage of social housing. ~~***However, until further details of the proposals emerge, it is difficult to predict the impact with any certainty. This will also depend to a large extent upon other unpredictable variables such as landlord behaviour, tenant behaviour, the wider housing market and unemployment levels.***~~

This council therefore ~~***requests the Chief Executive to write resolves***~~ to:

- ~~***1. the Coalition Government asking the government to withdraw the proposals affecting Housing Benefit and Job Seeker’s Allowance and to consult with the Local Government Association, the National Housing Federation, private landlords’ organisations, the CAB and other advice agencies to find a way forward; continue to work with the City’s MP’s and the new Coalition Government to minimise any potential negative impacts of the proposed changes to Housing Benefit; and***~~
- ~~***2. the city’s three MPs asking them to support the council’s request by making a direct approach to Ministers Continue the good work in housing strategy where our excellent relationship with private sector landlords and other partners will minimise the impact of any changes.***~~

Proposed by: Cllr Maria Caulfield      Seconded by: Cllr Trevor Alford

Supported by: Cllrs Mary Mears, Dee Simson, Ayas Fallon-Khan, Ken Norman, Ann Norman, Garry Peltzer Dunn, Jan Young, Vanessa Brown, Brian Oxley, Tony Janio, Dawn Barnett, Steve Harmer-Strange, Averil Older, Ted Kemble, Geoffrey Theobald, Carol Theobald, Brian Pidgeon, Denise Cobb, Lynda Hyde, David Smith, Pat Drake and David Smart.



<b>COUNCIL</b>	<b>Agenda Item 18(c)</b>
15 July 2010	Brighton & Hove City Council

## NOTICE OF MOTION

### LABOUR GROUP AMENDMENT

#### OPPOSING CUTS AND ‘INTELLIGENT COMMISSIONING’ AS THE RESPONSE

Insert after ‘This council also refutes the need for the high salaries of the new strategic directors proposed for this restructure’ the text in bold italics and delete all text as struck through from ‘*This council agrees that the main sources of the national deficit . . . . to ‘wealthy individuals.’*

“This Council notes with dismay the cuts imposed upon it by the Conservative/Liberal Democrat government, amounting to £3.55 million within the current financial year. These cuts will hit services to all residents, but particularly the most vulnerable and those least able to lose the support of our public servants.

Local government including this Council, has continued to deliver annual efficiency savings and so played no part in causing the current national government’s budgetary deficit. These cuts unfairly penalise this Council, put public sector jobs at risk and threaten important programmes including Connexions, housing benefit and road safety improvements.

This Council deplores the Government’s willingness to hand down swingeing cuts without providing any additional powers to raise funds in a fairer way than the regressive council tax system.

This Council also notes the Conservative Administration’s stated desire to adopt a process of outsourcing and privatisation labelled ‘Intelligent Commissioning’.

This Council expresses full confidence in its staff and would wish to protect their pay and conditions. It expresses concerns in respect of ‘Intelligent Commissioning’ which it feels risks:

- Wasting time and resources on lengthy tendering processes;
- Outsourcing services to private firms who will place profit ahead of public service;
- A hugely negative impact on staff morale.

With less than a year until local elections, this Council questions the timing of this restructure and the political mandate for its implementation.

This Council also refutes the need for the high salaries of the new strategic directors proposed for this restructure.

***However, this council notes that during discussions on the restructure at Cabinet both the Leader of the Council and the Chief Executive indicated that public services will not be further privatised under the guise of 'Intelligent Commissioning' and call on them to;***

- Restate this principle and include it within any further officer reports coming to Cabinet or Council meetings;***
- Ensure that any future reports will contain an express willingness to seriously consider and evaluate Co-operative, Social Enterprise and other 'mutual' models of service delivery within any new commissioning strategy;***
- Make available to all Elected Members the comments and opinions of members of staff, unions and other stakeholders that were forwarded as part of the consultation on the proposed new commissioning model.***

~~*This Council agrees that the main sources of the national deficit were:*~~

- ~~*• A huge bailout of failed banking institutions which the previous Labour government failed to properly regulate;*~~
- ~~*• The vastly expensive foreign wars pursued in Iraq and Afghanistan with the support of Tory and Labour MPs;*~~
- ~~*• Billions spent on unnecessary projects including ID cards and Trident nuclear weapons;*~~
- ~~*• A failure to address massive tax evasion by corporations and wealthy individuals.*~~

This Council requests that:

- The Leader & Chief Executive reconsider their approach to restructuring the Council;
- The Chief Executive write to Eric Pickles, Secretary of State for Communities and Local Government, requesting he reconsider the huge cuts imposed on this Council;
- The Chief Executive write to the city's three MPs asking them to support the council's request to the Secretary of State Eric Pickles to reconsider the cuts he has imposed.

Proposed by: Cllr Gill Mitchell

Seconded by: Cllr Kevin Allen

Seconded by: Cllrs Anne Meadows, Mo Marsh, Juliet McCaffery, Les Hamilton, Pat Hawkes, Christine Simpson, Bob Carden, Jeane Lepper, Warren Morgan, Craig Turton and Mel Davis.