BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 16 DECEMBER 2010

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

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

PART ONE

42. DECLARATIONS OF INTEREST

42.1 Councillors Steedman, Kitcat, Wakefield-Jarrett and Older declared a personal but non-prejudicial interest in Item No.57 (d) on the agenda, Notice of Motion regarding Private Rented Sector Rents. as they were tenants,

42.2 Councillors Phillips, Watkins, Simson, Harmer-Strange, Cobb, Rufus, Brown, Fallon-Khan, Peltzer Dunn, Janio and Wells declared a personal but non-prejudicial interest in Item No.57 (d) on the agenda, Notice of Motion regarding Private Rented Sector Rents. as they were landlords,

42.3 Councillor Rufus also declared a personal and prejudicial interest in Item No's.49(a) and 57(c) as he had a child at the Bright Start Nursery and would therefore retire from the chamber and take no part in the debate or voting thereon.

43. MINUTES

43.1 The minutes of the last meeting held on the 21st October 2010 were agreed and signed as a correct record of the proceedings.

44. MAYOR'S COMMUNICATIONS.

44.1 The Mayor informed the Council of the recent death of former Councillor Smart and before holding a minute's silence in recognition of his service to the council, called on the Leaders of each Group to pay their respects.

44.2 Councillors Mears, Mitchell, Elgood and Randall each expressed their sadness at the loss of Councillor Smart and asked that theirs and their Groups' sympathy be passed onto his family.

44.3 The Mayor then held a minute's silence in memory of Councillor Smart.

44.4 The Mayor then reminded Members of the need to respect the rulings and directions of the Mayor and the consequences should any Member persist in not taking these on board.

44.5 The Mayor then stated that in view of the high level of interest in regard to the Bright Start Nursery, as demonstrated by the number of public questions, Member questions, the petition and the Notice of Motion on the agenda; he intended to change the order of the agenda so that Item 49(a) was taken together with Item 57(c) in one debate. He would then revert back to the order of items as listed on the agenda.

44.6 The Mayor then offered the Council's congratulations to the staff from Wetton Cleaning Services who had enabled the Council to come top of the table in the UK Premier League of Local Authority toilets. The Loo of the Year Awards were run independently by the British Toilet Association and the toilets at the Lawn Memorial Cemetery had been awarded Cemeteries and Crematoria national Category Award winner for England.

44.7 The Mayor then stated that he was very pleased to inform Members that the Council's Adult Home Care Team had won two awards at the South East Care Awards. The Home Care Team won the Care Team award, and Personal Admin Assistant, Stephanie Anderson won the Ancillary Worker award. The awards were recognition of the dedication the whole team continued to show to the people who used the council's services.

44.8 Finally, the Mayor reported that Councillor Ayas Fallon-Khan was one of only a handful of politicians in the UK who had completed the Institute of Customer Service Award for Communication (ICS). It was an evidence-based set of competencies, assessed over several months, and the findings praised him for his direct contact and customer service to the residents of his ward, covering over 144 case studies, and also as a strategic lead as a Cabinet Member for the city. The Mayor also noted that this news followed on from the last council meeting where he was able to inform council of a number of officers who had also been ICS accredited.

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

45.1 The Mayor noted that the next item was to consider nominations for the Mayor-elect and Deputy Mayor-elect and called on the Monitoring Officer to outline the procedure.

45.2 The Monitoring Officer informed Council of the process for nominations and voting thereon should there be more than one nomination. He then sought nominations from Members for the Mayor-elect.

45.3 Councillor Mears stated that the Conservative Group would not be making a nomination at the meeting in view of the impending local elections in May. She also stated that

subject to the outcome of the process at the present meeting, the Conservative Group would reserve the right to review its position following the results of the said elections and make any nominations as appropriate at the Annual Council Meeting in May 2011.

45.4 Councillor Mitchell stated that she wished to nominate Councillor Ann Meadows as the Mayor-elect for 2011/12.

45.5 Councillor Kennedy formally seconded the nomination.

45.6 The Monitoring Officer confirmed that no other nominations had been made and the Mayor announced that Councillor Ann Meadows had been duly appointed as Mayor-elect for 2011/12.

45.7 The Monitoring Officer then sought nominations for the Deputy Mayor-elect for 2011/12; noting that by convention the outgoing Mayor was usually appointed.

45.8 Councillor Mears nominated Councillor Wells as ***Deputy*** Mayor-elect for 2011/12.

45.9 Councillor Oxley formally seconded the nomination.

45.10 The Monitoring Officer confirmed that no other nominations had been made and announced that Councillor Wells had been duly appointed as Deputy Mayor-elect for 2011/12.

46. TO RECEIVE PETITIONS AND E-PETITIONS.

46.1 The Mayor invited the submission of petitions from councillors and members of the public. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.

46.2 Councillor Mitchell presented a petition signed by 24 residents of Sudeley Terrace requesting resident only parking bays.

46.3 Councillor Turton presented a petition signed by 24 residents, requesting the extension of the parking area in Southease, Whitehawk.

46.4 Councillor Elgood presented a petition signed by 19 residents, requesting better lighting in Brunswick Place.

47. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

47.1 The Mayor reported that sixteen written questions had been received from members of the public. He noted that a period of 15 minutes was set aside for the consideration of public questions at council meetings and that a written response would be given to any outstanding questions once the time period had elapsed.

47.2 The Mayor then invited Captain Briggs to come forward and address the council.

47.3 Captain Briggs asked the following question, "Brighton & Hove City Council spends £148,300,000 on Housing Benefit, of that £88,200,000 is paid to private landlords or (59.5%).

Many of these properties, owned by private landlords, are below the minimum standards required by the Housing Act 2004.

Landlords should be made responsible to provide appropriate homes for the tenants and only be allowed recourse to public funds once these properties are brought up to a legal minimum standard.

Is it not possible for private landlords to be made to bring up these homes to minimum standards, or decent home standards, before tenants end up trapped in homes that are unsuitable, sometimes barely habitable and with very little recourse?"

47.4 Councillor Caulfield, Cabinet Member for Housing replied, "Unfortunately, in regard to private landlords it is not currently under local authority control. There is no specific test within Housing Benefit regulations relating to property standards in privately rented properties.

The council is required to establish a liability to pay rent and the eligibility of the person making the claim. It remains for the tenant to decide whether the rent being charged for the property is appropriate and whether they should enter into a tenancy agreement with the landlord.

Similarly, under the Housing Act legislation there are no prescribed standards that have to be met before a property can be let. Issues that the council becomes aware of are raised with landlords and agents, informally at first, and many then arrange for these problems to be rectified. If there is insufficient engagement the issues are assessed formally and remedial work is undertaken where required. I do take your point that currently under legislation local authorities have very little powers to act on private landlords."

47.5 Captain Briggs asked the following supplementary question, "Councillor I can tell you there is legislation because I have researched it and know it but my supplementary question goes on to a little bit of the agenda on vulnerable children.

In July my wife and I got married here. In November through legislation housing benefit made it so difficult for us to live together that we now are separated and can no longer live together. Since December 2009 we have been trying to get the Environmental Health Agency to bring our home up to what is called in the HHSRS a decent home standard.

The question is why are some departments applying every single item of legislation and others are not applying absolutely any?"

47.6 Councillor Caulfield replied, "I think what you are trying to look at is how we can enforce private landlords to bring their properties up to a decent standard as a council. I know you have had experience with various departments because I know we have met to discuss this before.

What I can say is that at a previous Council meeting a few months ago a Notice of Motion was brought forward to look at the role of letting agents and private landlords and it has been decided, and it's going to be led by one of the Councillors in the Opposition, to look at a Scrutiny Panel about how we can address improving letting agents and the role that they have to play in this as well. I think this scrutiny is taking place in January and I think your experience would be very valuable.

I know that I am going to be attending one of the scrutiny meetings in relation to that and I think your situation, your experience would be very valuable for the Scrutiny Panel to hear and that the council could learn some valuable lessons as a result of your experience. I would encourage you to maybe attend those meetings or submit evidence so that we could look at your experience because I know your experience does represent those of many other people in the city."

47.7 The Mayor thanked Captain Briggs for his questions. He noted that Ms. Joyce had agreed to her question as detailed below being taken as read and called on Councillor Brown, Cabinet Member for Children & Young People to respond.

"My 3 year old son Lawrie will start a local school in September 2011 and I selected Bright Start (2 years ago) as it offered the very best run up to formal education. If the nursery closes where is Lawrie supposed to go for the 5 month period between April and September that will ensure he is not unsettled at this crucial time?"

47.8 Councillor Brown replied, "I do appreciate that this is a concern for children who are due to leave the nursery to go to school in September and I have asked my officers to look at the cost of keeping the nursery open until the end of August so that I can consider this option when I make any decision about the future of the nursery."

47.9 The Mayor noted that Ms. Tolinsson had agreed to her question as detailed below being taken as read and called on Councillor Brown, Cabinet Member for Children & Young People to respond.

"How will the council either compensate parents for the loss of earnings if no suitable childcare can be found after April or reimburse parents for the additional costs of finding childcare in way of having to pay deposits for putting the child's name on waiting lists for privately run nurseries which in itself is no guarantee of a place being available at the time it's required?"

47.10 Councillor Brown replied, "I have to reiterate that no decision has been made to close the nursery. If the decision should be taken to close the nursery in April then parents would have three month's notice to find alternative childcare. Many other parents in the city including council employees who do not use Bright Start, already do have to pay deposits for childcare places."

47.11 The Mayor then invited Mr. Sykes to come forward and address the council.

47.12 Mr. Sykes asked the following question, "In view of the apparent shortfall in the region of £260,000 in the Culture and Enterprise budget for 2011/12, would Councillor Smith

please tell us whether he will be making any cuts to the funding of the libraries services?"

47.13 Councillor Smith, Cabinet Member for Culture, Recreation & Tourism replied, "The Library budget will not be directly affected by this budget figure which relates to a very specific different item. There are no plans to cut the library services."

47.14 Mr. Sykes asked the following supplementary question, "My supplementary concerns the library book fund and I wonder if this is protected and index-linked within the current library PFI contract or will it be reduced due to wider funding and cost pressures?"

47.15 Councillor Smith stated that he was unable to give a full response and would therefore provide a written reply.

47.16 The Mayor thanked Mr. Sykes for his questions and invited Mr. Hawtree to come forward and address the council.

47.17 Mr. Hawtree asked the following question, "Would Councillor Theobald please tell us what steps he will be taking, and when, to increase the composting of domestic food waste?"

47.18 Councillor G. Theobald, Cabinet Member for Environment replied, "When the council adopted its waste strategy last year it looked into food waste collections in detail and decided not to commence this at this stage because:

- Independent research suggested that having a separate food waste collection (which means having a separate collection service) is not necessarily the best environmental option. We felt that more research is needed to ensure the service was environmentally sustainable.

- National trials have shown that food waste tonnages collected separately are much higher in areas which have a fortnightly, rather than a weekly refuse collection and in order to fund a food waste collection, refuse collections would also have to be fortnightly. This Administration believes that refuse collections should be weekly.

We have been focussing, as you may know, with the Food Partnership on reducing the amount of food waste in the first instance and that, I think, is very important. The campaign is ongoing and further details can be found on our website and that of the Brighton & Hove Food Partnership."

47.19 Mr. Hawtree asked the following supplementary question, "In view of what you say about the food waste Councillor Theobald, could you tell us what is the percentage of domestic food waste in the collections made by this authority's dustbin persons?"

47.20 Councillor Theobald stated that he was unable to give a full response and would therefore provide a written reply.

47.21 The Mayor thanked Mr. Hawtree for his questions and invited Miss Tamsin Wright and Miss Sophie Wright to come forward and address the council.

47.22 Miss Tamsin Wright and Miss Sophie Wright asked the following question, "I cried when I heard that Bright Start might be closed down. Children love it, parents trust it, the staff are the best you can find, and the government want nursery places. How can the Council say they want Brighton to be the best place for children to grow up in when they want to close Bright Start down?"

47.23 Councillor Brown, Cabinet Member for Children & Young People thanked both Miss Tamsin and Miss Sophie Wright for their question and replied, “No decision has been made to close the Bright Start Nursery. To make Brighton the best place for children to grow up we need to make sure that we spend our resources on children wisely and make decisions about what to prioritise. This is the context in which I agreed to allow the consultation on whether or not to close this particular nursery. However, I’ll say to you again that no decision has yet been made and I will be considering whether or not Bright Start is necessary to deliver our vision for the city when I make my eventual decision.”

47.24 The Mayor noted there was no supplementary question and invited Mr. Jarrett to come forward and address the council.

47.25 Councillor Morgan raised a point of order in light of the fact that the 15 minute period for public questions had almost elapsed and moved that Standing Orders be suspended to allow all the remaining public questions to be taken.

47.26 Councillor Kennedy formally seconded the motion.

47.27 The Mayor noted that a motion to extend the period for public questions had been moved and put the motion to the vote, which was carried. He then invited Mr. Jarrett to put his question to the Cabinet Member.

47.28 Mr. Jarrett asked the following question, "Would Councillor Theobald please report the findings of the officers that he asked to fully investigate the junction of Cromwell Road and The Drive in Hove, with a view to assessing the need for pedestrian crossings?"

47.29 Councillor G. Theobald, Cabinet Member for Environment replied, “Officers have looked into the need for a crossing at this junction and found that there has only been one accident involving a pedestrian here in the last six years. The number of pedestrians wanting to cross at this point is also fairly low compared to other crossing points in the city that also have no formal pedestrian crossing facilities.

It is important that the council prioritises its resources and invests them in areas where there are known problems. However, I can assure you that officers will continue to monitor this junction and take action if the situation changes.”

47.30 Mr. Jarrett asked the following supplementary question, “Councillor Theobald, you said that we had only had one recorded accident at this junction and presumably this doesn’t involve a number of near misses that I have had reported to me. Am I to assume then that we have to wait until there is a serious accident or a fatality of a pedestrian at this junction before action is taken?”

47.31 Councillor Theobald replied, "It's like all road safety matters, Mr Jarrett. There are, you know, lots of requests for various matters to be dealt with and the council just has to prioritise what it does in this.

I mean to give an example the council is currently improving many crossings in the city, including Hove Street and the A259 junction, Boundary Road and the A259 junction, Wharf Road and the A259 junction, Church Road, Trafalgar Road and the A259 with further work planned for pedestrian improvements at the Upper Drive and the Old Shoreham Road junction and the Church Road and the Grand Avenue junction and Preston Road subject to consultation. These matters are ongoing and they will carry on being ongoing but we have to have a list of priorities so that obviously those where the situation is more necessary are dealt with first.

As I have said I fully understand your request and should the situation change then obviously we would look at this one again. Officers have monitored, have looked at it and we will continue to keep an eye on that situation."

47.32 The Mayor thanked Mr. Jarrett for his questions and invited Ms. Summers to come forward and address the council.

47.33 Ms. Summers asked the following question, "Can the council provide a full update on its progress with the redevelopment plans for Preston Barracks on Lewes Road, originally set out and agreed in a 2005 planning brief in which it was acknowledged to be a significant landmark as a 'gateway to the city'?"

47.34 Councillor Fallon-Khan, Cabinet Member for Enterprise, Employment & Major Projects replied, "In 2005 I wasn't an elected Member and obviously not in the position I am in now. As I understand it in 2005 and up until a year or two ago there was a Preferred Option but the financial viability of that scheme didn't materialise so therefore nothing happened.

What there has been since September 2009 is a 'Shared Vision' for the site which includes, with our partners, employment, new homes, a University Business School, student housing and high quality public spaces.

One of the things that we have done and this is particularly after an enormous amount of work my colleague, Councillor Peltzer Dunn, has achieved as the Project Board Manager of that, is that we are trying to accelerate the process now of the major projects, because despite the fact that there is a recession here the Conservative Administration is determined to follow through with as many major projects as possible, including Preston Barracks, because this does supply employment, regeneration and also a lot of sustainability implications which this Administration believes in.

There will be a planning brief and that will build on the existing Supplementary Planning Guidance (SPG14 – 2003)."

47.35 Ms. Summers asked the following supplementary question, "You did mention a Business School, I just wanted to double check that with you, because in a conversation recently with a resident who works at the University of Brighton they did ask whether that redevelopment was going to include a new Business School, so I heard you

mention that. Is that for sure that that is part of the plans for redeveloping that area? Is that what I could say to the resident?"

47.36 Councillor Fallon-Khan replied, "In relation to the Business School, this is going to be something that is going to be under discussion as part of the consultation process on the redevelopment."

47.37 The Mayor thanked Ms. Summers for her questions. He noted that Mr. Titheridge had agreed to his question as detailed below being taken as read, and called on Councillor Brown, Cabinet Member for Children & Young People to respond.

"For clarity and transparency in decision making, what criteria will the council be using to decide whether Bright Start Nursery should close?"

47.38 Councillor Brown replied, "I intend to make a reasonable, informed and balanced decision. I will fully consider the responses to the consultation, the council's duties and obligations under the law including the impact upon equalities. I will carefully weigh in the balance the aspirations of the city against the need to use our resources wisely so as to ensure we have sufficient resources available to prioritise meeting the needs of the most vulnerable children in our society.

In short my criteria are to be fair, informed and transparent."

47.39 The Mayor then invited Mr. McKay to come forward and address the council.

47.40 Mr. McKay asked the following question,

"The Equalities and Human Rights Commission Impact Assessment Guidance states that 'EIA should start prior to policy development or at the design stages of the review and continue throughout the policy development' - Can you explain to me please what you (Vanessa Brown) or the Committee has done to date about ensuring proper implementation of your Equalities Impact Assessment obligations?"

47.41 Councillor Brown, Cabinet Member for Children & Young People replied, "An Equalities Impact Assessment has been started and is continuing. It is a living document and as you would expect the final version will, of course, need to incorporate consideration of all the relevant issues raised during the consultation period. That consultation formally finished on 3 December but I am aware that officers have taken responses since then and I have asked officers to treat the public questions asked tonight as part of that consultation.

The final Equalities Impact Assessment will form part of the final paper which makes the recommendation on the future of the nursery. It is obviously one of the areas I will consider carefully before I make any decision."

47.42 Mr. McKay asked the following supplementary question, "The EIA if it is operated properly will result in policy being reviewed and redesigned as policy develops. Can you perhaps tell me what you have done to ensure that that is actually happening?"

47.43 Councillor Brown replied, "I can assure you that that is happening because I have questioned my officers closely."

47.44 The Mayor thanked Mr. McKay for his questions and invited Mr. Guy to come forward and address the council.

47.45 Mr. Guy asked the following question, "At the last meeting of the Council in October Councillor Brown stated that the proposal to move to academy status at Portslade Community College was to proceed, with the council working in close co-operation with the Aldridge Foundation. My question is in two parts:

- How advanced does this process have to be before there is a genuine attempt to consult with the parents, staff and other stakeholders, in other words all those people in the local community who rely on the college for the services it provides, as well as the education of the children in the locality?

- And will that consultation incorporate a ballot of those stakeholders in order that there can be a genuine opportunity for the parents staff and other stakeholders to have their say on the proposal?"

47.46 Councillor Brown, Cabinet Member for Children & Young People replied, "The process for the creation of an academy involves a number of stages. Although that process has changed from what we had to do with Falmer the key milestones remain the same. Government requires the submission of an Expression of Interest, the closure of the existing school subject to it becoming an academy and the acceptance of the final business case. The council is required to consult the school, its community and other interested parties prior to submitting the Expression of Interest and prior to publishing the closure of the existing school.

Following the submission of the Statement of Intent in April 2010 and having received Ministerial approval, the council consulted the community prior to the submission of the Expression of Interest. Consultation was undertaken between 10 May and 18 June 2010, this included two public meetings held on 10 June at PCC and 14 June at the Village Centre. The results of this consultation were reported back to Cabinet on 22 July 2010 and Cabinet agreed to progress to the next stage.

At the Cabinet meeting held on 9 December 2010 the council agreed to the publication of the statutory notice to close PCC subject to its becoming an academy. The publication of this notice offers a further opportunity for the school, the community and other interested parties to comment on the proposal. This further period of consultation will take place during January 2011 and be reported back to Cabinet prior to the decision whether to proceed with the proposal or not.

The consultations carried out throughout this process and many others do not include balloting stakeholders as members are publicly elected by the community to make decisions but these decisions are only made after all representations have been carefully considered."

47.47 Mr. Guy asked the following supplementary question, "You say, Councillor Brown, that initially after the first consultation that you publish the outcomes. I don't actually remember seeing those outcomes being published but since that time do you not accept that the whole proposal has been conducted apace behind closed doors with decisions

being made on the future, for example, of the Head, the plans for sixth form provision and other aspects of the academisation often being announced in the local press before being communicated to those affected directly? Can this really be described as democratic and by the way how long is the process of the consultation in January going to be?"

47.48 Councillor Brown replied, "I strongly refute that anything's been done behind closed doors. We've had public meetings, consultation papers, Cabinet meetings. Nothing has been done behind closed doors and it has been agreed that the Head at the moment should become the Principal of the academy designate."

47.49 The Mayor thanked Mr. Guy for his questions. He noted that Master. Connaghan had agreed to his question as detailed below being taken as read, and called on Councillor Brown, Cabinet Member for Children & Young People to respond.

"Could the Councillors please come and visit Bright Start to see for themselves why I love my nursery?"

47.50 Councillor Brown replied, "Thank you very much for your question, Charlie. I have visited Bright Start in the past and I went back again just last week."

47.51 The Mayor noted that Mr. Wellstead had agreed to his question being taken as read as detailed below, and called on Councillor Brown, Cabinet Member for Children & Young People to respond.

"At the last meeting on the 21st October, Councillor Brown stated that, "The state of the building is very poor. It has high windows and little light". I would suggest this is good for a nursery because why would you want low windows? Also, the light is little, well my child is also little. Where is her evidence that the light is little, does the nursery not have lights and high windows? It has been stated that the ceilings are too low, they are about 8 foot, my child is 2 foot. Why do they need altering?"

47.52 Councillor Brown replied, "Issues about the building will be considered in the officers' report to me. Bright Start does not have the same child friendly environment as the other council run nurseries. It is good practice for children to be able to look out of the windows in their nursery. However, the state of the building is just one of the factors I will be considering and is not a determining factor on its own."

47.53 The Mayor then invited Ms. Hands to come forward and address the council.

47.54 Ms. Hands asked the following question, "The 1996 Employment Relations Act states that 'consultation' regarding job losses must be 'meaningful'. Why was an £87,0000 saving in nursery provision, confirmed subsequently as Bright Start, published in papers for cabinet meeting for 9/12/2010, and 'the Argus', 3/12/2010, while the consultation period of 30 days hadn't even finished?"

47.55 Councillor Brown, Cabinet Member for Children & Young People replied, "Thank you, Ms Hands, for your question. I did actually answer this at Cabinet and the Finance Officer did too.

The Cabinet considered budget papers which identified £87,000 as the target saving for nursery provision. The budget papers contained no more than proposals which will, in the fullness of time, be presented to Council for final decision. It's no secret that this is a proposal – we were consulting on it. However, the fact of this being a proposal in no way fetters any future decision.

I can assure you that the responses to consultation by members of the public and others are being fully considered by officers prior to their making a final recommendation and I will be fully considering them too and I expect the issues raised in the consultation to be fully addressed in the final paper.

Please be assured that I have yet to come to a decision about the nursery and all responses to the consultation will be carefully considered and weighed in the balance before a final decision is made."

47.56 Ms. Hands asked the following supplementary question, "Isn't it a fact that this Administration made up its mind a long time ago to close Bright Start Nursery and is using the current round of cuts as a convenient excuse for carrying out their long-held wishes and is undertaking consultation merely as a box ticking exercise?"

47.57 Councillor Brown replied, "I think I actually just answered that question: no, we are considering all the responses that we are receiving at the moment and there is no foregone decision."

47.58 The Mayor thanked Ms. Hands for her questions and invited Ms. Bruce to come forward and address the council.

47.59 Ms. Bruce asked the following question, "In the Argus on 15/11/2010 Councillor Brown stated that the council has "a statutory duty to protect the most vulnerable children in the city"."

Does the Councillor not agree that all children are, by definition vulnerable, that no assessment has made of the numbers of the "most vulnerable" children in the Bright Start area, and that all children deserve the kind of "high quality" childcare provided by Bright Start?"

47.60 Councillor Brown, Cabinet Member for Children & Young People replied, "I stated that the council has a duty to protect the most vulnerable children in the city. The majority of children in the city are safe and well supported. Unfortunately the city has an increasing number of children who need child protection plans.

I want to stress again that I have not made any decisions about the future of the nursery. In order to address the concerns raised in this question I have asked my officers to supply me with some factual information about the children in the area of Bright Start and those attending the nursery.

A significant portion of those children who attend the Bright Start Nursery do not come from that area of the city. In fact one in five children who attend Bright Start live outside the city altogether, and about two thirds do not live in the immediate area of the nursery.

Bright Start is based in the Tarner Children's Centre area. There are sixteen children under 5 who are looked after or who have child protection plans in this area, and so would qualify as the most vulnerable. Of the children who currently attend the Bright Start Nursery none are the subject of child protection plans.

Looking at the question of quality, my aspiration is for all the early year childcare settings in the city to achieve good or outstanding Ofsted inspections. This has been achieved by 88% of the city's nurseries and playgroups inspected since September 2008. I was delighted that the Roundabout Children's Centre Nursery was inspected this term and was judged to be outstanding in all areas. The Tarner Nursery has also just been judged to be outstanding. I do realise how valued Bright Start is but, actually, when it had its last Ofsted inspection it was graded as satisfactory."

47.61 The Mayor noted that Ms. Bruce did not have a supplementary question and thanked her for her question. He also noted that Mr. Jones was unable to attend the meeting and invited Ms. Leach to come forward and address the council on his behalf.

47.62 Ms. Leach asked the following question, "Councillor Brown, in response to the previous question that Dave Jones asked at the full Council on 21/10/2010, you stated that "more information about the feasibility study (i.e. the Bright Start building work) will be included in the consultation document". Why did the said document continue to wrongly claim that £230,000 was needed to "bring the building up to a good standard" and then exclude the information from informal Cabinet on 12/5/2010 which said "the scope of the works could be reduced to cost £160,000 and could be reduced further by only addressing the most urgent issues"?

Can Councillor Brown give an accurate figure for necessary building work now essential work is completed?"

47.63 Councillor Brown, Cabinet Member for Children & Young People replied, "Thank you, Ms Leach, I understand you are asking the question for Dave Jones. I have asked my officers to address the issues about the building in the final report and to explore a range of options for improving the building. However, as I said earlier, the state of the building is just one of the factors I will be considering and is not a determining factor on its own."

47.64 The Mayor noted that Ms. Leach did not have a supplementary question and thanked her for her question and noted that this concluded the public questions.

48. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

48.1 The Mayor noted that there were no deputations from members of the public for the current meeting.

49. PETITIONS FOR COUNCIL DEBATE

Note: Items 49(a) Petition for Debate and 57(c) Notice of Motion, concerning the Bright Start Nursery were taken by the Mayor at this point, but the minutes for each item have been detailed in the order of the agenda item number for ease of reference.

(a) Bright Start

49.1 The Mayor stated that in view of the high level of interest in the issue affecting the Bright Start Nursery, he had decided that it would be appropriate to take both the petition, Item 47(a) and the notice of motion, Item 57(c) together in one debate. He noted that under the Council's petition scheme, if a petition contained more than 1,250 signatures, it could be debated by the Full Council and such a request had been made in respect of the petition concerning the Bright Start Nursery.

49.2 The Mayor then informed the meeting that the Leader of the Council wished to make a statement as she believed the information may be pertinent to the forthcoming debate and consideration of the proposals for the Bright Start Nursery.

49.3 Councillor Mears stated that she had listened very carefully to the many questions on the issue from parents and staff at the nursery and had received a large number of representations asking for the nursery to be kept open. She stated that there was a need to review whether it was feasible to maintain the nursery and continue to subsidise it, when it was the only nursery in the City which received such a subsidy. However, no decision had yet been made and any suggestions on the future of the nursery would be given consideration. In this respect she noted hat the Localism Bill contained provisions to enable measures such as the 'Community Right to Challenge' and the 'Community Right to Buy' and as such she wished to formally propose, for consultation and consideration, Bright Start as a community asset to a consortium of parents, staff or other interested local parties. She was aware that a substantial business-case had already been put forward by one parent and hoped that others may come forward and engage constructively with the Council about this opportunity of taking Bright Start forward.

49.4 The Leader therefore stated that it was intended to extend the consultation period, to enable detailed proposals to be worked up and as part of this; a further consultation document would be issued in the New Year which would lay out the financial and legal implications for anyone wishing to establish a community nursery.

49.5 The Mayor thanked the Leader for her comments and invited Ms. Statham to come forward and present the combined paper and e-petition which sought to keep the nursery open.

49.6 Ms. Statham thanked the Mayor and outlined the strength of feeling in favour of keeping the nursery open and finding ways to improve its viability. She stated that the combined number of signatures amounted to total of 5,125 and read out the prayer of the petition:

"We the undersigned, petition Brighton & Hove City Council that Bright Start Nursery is both viable and sustainable. Agenda Item 34 of the Children & Young People Cabinet Member Meeting (11 October 2010) does not adequately evaluate the alternatives to closure and the impact to the wider community.

Bright Start Nursery is one of the few city-centre nurseries and an essential resource to the community and should NOT be considered for closure."

49.7 The Mayor thanked Ms. Statham for attending the meeting and presenting the petition and called on Councillor Deane to move the Green Group's notice of motion.

49.8 Councillor Deane moved the Green Group's notice of motion which called on the council to recognise the value of the nursery as an asset and called on the Cabinet to reconsider the proposal to close it and look instead at ways of enhancing the provision offered to parents and children. She also stated that she was happy to accept the Labour Group amendment as circulated in the addendum papers.

49.9 The Mayor then congratulated Councillor Deane on her maiden speech.

49.10 Councillor West formally seconded the motion and stated that he believed the decision to propose closure had been taken in haste without fully consulting the staff or users of the nursery. He believed that there were options which could enable it to be kept open and utilised more effectively.

49.11 Councillor Brown thanked Ms. Statham for presenting the petition and stated that she had made a careful note of all the points expressed in the public questions, which would be included in the consultation process. She believed the Leader of the Council had given a clear commitment in her statement and that a clear way forward had been outlined and therefore, as the Cabinet Member for Children & Young People, did not feel it was appropriate to take part in the current debate.

49.12 Councillor Hawkes noted the comments and stated that she wished to move an amendment to the petition report's recommendation and add a further recommendation at 2.2 to read,

"That in recognition of the widespread opposition to the proposed closure of Bright Start Nursery as demonstrated by the petition, the Cabinet Member for Children & Young People undertakes to carry out the following measures before proceeding any further with its proposals for closure:

- To properly explore all options for improving the occupancy rate and thus further reducing the council subsidy to the nursery including; effective marketing, reviewing session fees, promoting the nursery to other large employers such as the police, NHS and American Express;

- To review the business model to achieve greater efficiency while building on the nursery's unique city centre location; and

- To consult all Brighton & Hove City Council employees as to the future of the nursery on the basis that access to the nursery is part of the 'Rights and Responsibilities' section of their contracted terms and conditions."

49.13 Councillor Mitchell formally seconded the amendment.

49.14 Councillor West stated that he believed there had been a failure to consult properly and as such he wished to move an amendment to the petition report's recommendation to add a further recommendation to read:

"That the Cabinet Member for Children & Young People be requested to give consideration to:

a) the high regard with which Bright Start Nursery is held, and the important service it continues to provide, is fully acknowledged,

b) the consultation on closure of Bright Start beng terminated and the scheduled decision on closure is abandoned,

c) a working group is formed, and includes the CYP Cabinet Member, council officers, staff, parents and Ward Members,

d) that the well argued case put forward by parents for making Bright Start viable, and other alternatives to closure, including retention of some subsidy, are seriously and fully explored."

49.15 Councillor Fryer formally seconded the amendment and stated that there was a need to retain the nursery and to retain a skilled workforce, which the provision of the nursery contributed to. She believed that the establishment of a working group as proposed by the amendment would enable a solution to be found.

49.16 Councillor Hawkes then introduced and moved the Labour Group's amendment to the Green Group's notice of motion, which sought to strengthen the motion and called for a report to the Children & Young People's Cabinet Member Meeting on the viability of keeping the nursery open. She suggested that if the nursery was given greater publicity it was likely to attract more people and hoped that the need to work together to keep it open would be recognised.

49.17 Councillor Mitchell formally seconded the amendment and stated that she believed the strength of feeling on the issue was self-evident. There was a clear need to have proper discussions and further consultation on how to keep the nursery operational.

49.18 Councillor Elgood stated that the Liberal Democrat Group fully supported the parents and staff at the nursery and believed that there was a need to resolve the situation in a positive manner.

49.19 Following the conclusion of the debate, the Mayor asked if Councillors Brown and Deane wished to respond.

49.20 Councillor Brown declined having noted the comments.

49.21 Councillor Deane stated that she believed there were sound proposals on how to take the matter forward and hoped that the proposed closure would be stopped and the nursery's future secured.

49.22 The Mayor thanked Ms. Statham for attending the meeting and presenting the petition. He noted that two amendments to the petition report had been moved and put each one to the vote; both of which were carried. He then put the recommendations as amended to the vote, which was carried.

49.23 **RESOLVED:**

(1) That the petition be referred to the Children & Young People Cabinet Member Meeting for consideration;

(2) That in recognition of the widespread opposition to the proposed closure of Bright Start Nursery as demonstrated by the petition, the Cabinet Member for Children & Young People undertakes to carry out the following measures before proceeding any further with its proposals for closure:

- To properly explore all options for improving the occupancy rate and thus further reducing the council subsidy to the nursery including; effective marketing, reviewing session fees, promoting the nursery to other large employers such as the police, NHS and American Express;

- To review the business model to achieve greater efficiency while building on the nursery's unique city centre location; and

- To consult all Brighton & Hove City Council employees as to the future of the nursery on the basis that access to the nursery is part of the 'Rights and Responsibilities' section of their contracted terms and conditions.

(3) That the Cabinet Member for Children & Young People be requested to give consideration to:

- the high regard with which Bright Start Nursery is held, and the important service it continues to provide, is fully acknowledged,

- the consultation on closure of Bright Start being terminated and the scheduled decision on closure is abandoned,

- a working group is formed, and includes the CYP Cabinet Member, council officers, staff, parents and Ward Members,

- that the well argued case put forward by parents for making Bright Start viable, and other alternatives to closure, including retention of some subsidy, are seriously and fully explored.

Refreshment Break

49.24 Following the debate on items 49(a) and 57(c), the Mayor then adjourned the meeting for a refreshment break at 6.30pm.

49.25 The Mayor reconvened the meeting at 7.05pm.

(b) Eco-Friendly Lights for St Ann's Well Gardens Petition

49.26 The Mayor noted that under the Council's petition scheme, if a petition contained more than 1,250 signatures it could be debated by the Full Council and such a request had been made in respect of the petition concerning eco-friendly lights in St Ann's Well Gardens.

49.27 The Mayor invited Councillor Davis to present her petition.

49.28 Councillor Davis stated that a total of 1,476 people had signed either the paper or e-petition version which read as follows:

"We the undersigned petition the council to provide financial support and help to install wildlife-friendly lighting along the main paths and entrance of St Ann's Well Gardens similar to that of Hove Park. This will make the park safer at night for everyone who uses it.

.

St Ann's Well Gardens is a very well used local park, many events are held there, the cafe is always busy and it is also used as a cut through by people walking to work, home and school. There is need for the paths to be safer and better lit, and for that lighting to be wild life friendly."

49.29 Councillor Davis stated that local residents felt very strongly about the need for lighting to improve the safety of the area and enable people to make use of the only open space in the vicinity. The request for eco-friendly lights was based on the desire to preserve the balance of remarkable wildlife that existed in the park. The petition was supported by both the Local Action Team and the local police. She therefore hoped that the Cabinet Member would give an assurance that the funding set aside as part of the Section 106 Agreement would be used to provide the lights requested.

49.30 Councillor Theobald noted the request and referred to a letter from a Dr. Snell which he believed had been copied to all councillors and which he felt outlined a case for using the available funding to improve the park itself rather than provide lighting. He suggested that in having regard to the current economic climate and the fact that the council had put a lot of investment into its green spaces, the use of the funding needed careful consideration. He therefore questioned whether there was a need for such lighting.

49.31 Councillor Davis suggested that the Section 106 Agreement had been made on the basis of providing eco-friendly lighting and therefore queried whether it would be implemented.

49.32 Councillor Theobald stated that he was not sure if it would prove to be the best use of the funding and that a choice would have to be made.

49.33 Councillor Davis stated that she wished to move an amendment to the recommendation of the report to include an additional recommendation as follows:

"That the Cabinet Member be requested to ensure that the £10,000 already allocated to St Ann's Well Gardens from the S106 funding attached to the Southdown House,

Somerhill Avenue development will be spent on these eco-friendly lights similar to those in Hove Park). This would ensure safe night time use of the Garden's main entrance and main paths by local residents and parents of the nearby schools."

49.34 Councillor Mitchell formally seconded the amendment and stated that she believed it was clear that the Section 106 Agreement had been made on the premise that the funding would be used to provide eco-friendly lighting in St Ann's Well Gardens.

49.35 Councillor Fallon-Khan stated that he understood the petition's objective but felt that there was a need to consider the best use of the available funding to improve the area ***and to take into account the importance of biodiversity issues for the area***.

49.36 Councillor Phillips noted that there was a difference of opinion and whilst she recognised the need to improve the safety of the area, she was unsure as to the quality and sustainability of the lighting that was being sought.

49.37 Councillor Theobald stated that he felt there was need to give full consideration to the best use of the funding and therefore suggested that the petition be noted and the matter looked into further with a view to utilising the funding to improve the area for the benefit of all users.

49.38 The Mayor noted that an amendment to the report's recommendation had been moved by Councillor Davis on behalf of the Labour Group and put it to the vote which was carried.

49.39 The Mayor then put the substantive recommendations as amended to the vote which was carried.

49.40 **RESOLVED:**

(1) That the petition be referred to the Environment Cabinet Member Meeting for consideration; and

(2) That the Cabinet Member for Environment be requested to ensure that the £10,000 already allocated to St Ann's Well Gardens from the S106 funding attached to the Southdown House, Somerhill Avenue development will be spent on these eco-friendly lights similar to those in Hove Park). This would ensure safe night time use of the Garden's main entrance and main paths by local residents and parents of the nearby schools.

50. WRITTEN QUESTIONS FROM COUNCILLORS.

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

50.2 **(a)** Councillor Elgood asked:

"The NLC (NCP) on-street parking enforcement contract includes a clause to allow for a two year extension when it expires, please could the Cabinet Member state:

- Has the council undertaken this extension?
- Who made a decision on this and on what date?
- What member involvement did this include?
- What consultation was undertaken with residents to assess their views on potentially extending it?
- What is the total value of any extension?
- When they would be informing residents of this decision?"

50.3 Councillor Theobald replied:

"Thank you for your questions about the NSL contract. The council has extended the NSL contract for two years, from January 2011. The NSL contractual period – including the extension option – was approved by the Policy and Resources Committee in November 2006, before the award of the contract. Therefore it was not necessary to seek further approval to implement the option to extend and legal advice confirmed this.

After careful evaluation of NSL's performance and consultation with the Director of Environment, the council extended the contract with NSL in April 2010. The value of the NSL contract is approximately £3.5 million per year. Member involvement and public consultation was not required because the approvals process did not require further specific authority for the implementation of the two year extension, which was referred to in the original Policy and Resources Committee Report."

50.4 **(b)** Councillor Carden asked:

"Following a number of accidents to elderly residents tripping on poor paving, will the council reduce the mismatch for repair from 19mm to 12.5mm to make it safer for them?"

50.5 Councillor Theobald replied:

"The standard for pavement repairs is set using National Guidance and all councils endeavour to adhere to a similar level. Brighton and Hove is set to 20mm as the level where repairs are considered and this is a common standard across the South East."

50.6 **(c)** Councillor Carden asked:

"As there still are not enough grit bins in North Portslade will the council provide several more in areas that are not covered?"

50.7 Councillor Theobald replied:

"North Portslade had an additional five new grit bins this year making the total in North Portslade to 28. This is a high number compared to some other wards, in recognition of its position as a colder area. However, we must balance the amount of grit bins in the city with what we can sensibly provide for and refill, during severe weather.

This means that we cannot supply an unlimited amount for every street in the city. We looked at all the requests we received over the last year and officers assessed each site, placing bins where they met the criteria, hence the additional bins in your ward.

A map of the grit bins is on our council website so people can find out where their nearest bin is sited."

50.8 **(d)** Councillor Kitcat Asked:

"Could the Cabinet Member for Central Services please list which publications the council's media monitoring service surveys and does it include Private Eye which often has stories of relevance to this authority. What is the cost per annum of providing this monitoring service?"

50.9 Councillor Alford replied:

"The city council no longer monitors print publications using an external provider and stopped doing so at the end of the last financial year as part of its work to seek savings and efficiencies.

However, we now use an agency called Meltwater to monitor online news sources. The cost for 2011/12 will be £3,250, around half the annual cost we were incurring by monitoring print publications. As part of the contract, Meltwater monitors 130,000 online news sources every day (by comparison, the most commonly used free service, Google News, monitors around 4,000 sources). Private Eye's website is one of the 130,000, along with almost all mainstream local, regional and national news media websites in the UK.

Meltwater produces a daily report, including at weekends, which is emailed to 10 licence holders. Licence holders also have access to an online area, where the council can produce its own tailored analysis reports based on any of numerous available metrics, including tone, audience size and geographical area of coverage.

The licence enables 10 groups of similar search terms to run at any one moment. For example 'Brighton and Hove City Council', 'Brighton and Hove Council' and 'Brighton Council' would all be part of one group. The council can use any of the other nine groups to monitor coverage of any other search item, for example another council, an individual person, an organisation, or a theme, such as 'severe weather'. Search groups can be amended or replaced at any moment.

The Meltwater service enables the council to monitor and react to public opinion as mediated by the new and traditional media. Furthermore, it enables the council to assess whether its media communications, which are in essence designed to make services as accessible, are effective."

50.10 **(e)** Councillor Kitcat asked:

"Given, as reported in Private Eye, Vodafone's avoidance of at least £6 billion in UK taxes, will the Cabinet Member responsible make a statement on whether the council

will continue to use Vodafone's services noting that, if Vodafone are cheapest, that low price has come at a cost to the tax payer?"

50.11 Councillor Alford replied:

"In line with Council's Value for Money Programme we are already committed to reviewing our contracts, particularly for ICT. This work is in progress and a procurement plan for mobile and telephony services is being developed. Any new contract will be let with due regard to the Council's Procurement Strategy and Codes of Practice.

The Council has been using Vodafone for its mobile phones and Blackberry estate since 2003. At this time there was a wide gap in mobile network coverage between Vodafone with good to excellent coverage and the other suppliers operating in the City with mediocre coverage. As such engaging with any service provider has to be a balance between cost and service, a key factor in the decision to use this particular provider. Many of our mobile devices are used by lone workers visiting clients in their homes or relatively remote locations in parts of the city where coverage from other suppliers is patchy. Vodafone both assures service by making our staff contactable, and supports our Lone Worker policy by assuring these staff a means of contacting colleagues or third party services wherever they may be.

Since engaging Vodafone the Council has reviewed the contract terms on many occasions, meeting with other suppliers and benchmarking against other authorities' providers and solutions. In addition, we have renegotiated the tariffs on several occasions to take account of what we have found through benchmarking, and the changing needs of the business. As a result savings of up to 66% on voice costs have been made, Blackberry device costs have been significantly reduced and we have a wider range of tariffs to suit different usage patterns reducing the overall cost of the service.

Independent advice has confirmed that the pricing through the OGC contract framework that Brighton & Hove currently has is extremely favourable compared with other authorities. Taking into account the prohibitive transition costs of moving to another supplier combined with the good service and coverage that Vodafone provide at the moment there is no advantage in changing to another supplier as coverage is likely to be reduced and revenue costs increased.

We remain open to exploring new services and offers from other suppliers, whilst continuing to watch the market closely and benchmarking regularly. The market is developing rapidly and we recognise the need to move with it. We have undertaken trials of alternatives to Blackberry and a review of voice and data service provision for users of mobile devices is currently underway. A summary report of findings and options appraisal will be available before the end of the year."

50.12 **(f)** Councillor Kitcat asked:

"Will the council consider using a free You Tube Partner account to host webcast videos in a low-cost and accessible format for online access – as other councils, including Calgary City Council, are considering?"

50.13 Councillor Alford replied:

"The Leader's Group is currently reviewing various options for future web casting of Council meetings and I will ensure that your suggestion is fed into that review. However, it is important to note that the Council web cast has recently been upgraded to improve online access. Greater functionality has been added to enable users to embed the web cast on their own site or link directly to it from a range of online and social media channels (Facebook, Digg, StumbleUpon, MySpace, Windows Live, Twitter, Google Bookmark & Browser Favourites). This can be done for the web cast as a whole or individual agenda items."

50.14 **(g)** Councillor Kitcat asked:

"Cllr Mears' previous response to my question; 'Will the Leader of the Council commit to wherever possible now publishing Council information, including spending data, under an open licence such as Creative Commons or the National Archive's new Open Government Licence?' failed to address the issue of licensing, but instead spoke of data formats and transparency.

I am once again asking the Leader if she will commit the Council to using more permissive terms than straight copyright on the Council's publications and data. This is so that others can remix and reuse the work of this council, paid for by taxpayers, in new and imaginative ways.

Will the Council commit to using an open licence and which one will it use?"

50.15 Councillor Mears replied:

"The council is fully supportive of the coalition government's transparency agenda and is actively looking at the newly developed Open Government Licence. As this is based on the existing Creative Commons licence but specifically tailored to be available for cross public sector use, it does look to be the most appropriate choice.

A significant amount of the data that we currently publish through the city's Local Information Service (www.bhlis.org) is provided by our partners. Before committing to the Open Government Licence we will work with our partners across the city to agree the most appropriate licence position."

50.16 **(h)** Councillor Kitcat asked:

"Given the ongoing cold snaps, will the Council Administration now agree to implement an ambitious insulation scheme for homes in our city, as proposed by Green Councillors at budget councils in previous years? This would keep residents' bills down, homes warm and reduce the city's carbon emissions."

50.17 Councillor Caulfield replied:

"We already operate a successful insulation scheme in the private sector through the Brighton & Hove Energy Action Partnership having delivered 1346 loft insulation and

1037 cavity wall insulation measures in the private sector since the partnership was established in 2005.

In the council housing stock we have historically invested significantly in insulation & heating, much of this from utility-funded grant programmes. The current SAP Energy Rating of 76.4 puts us in the top quartile of performance in this indicator. We are investing £3.5 million in boiler & heating replacements and upgrades, installing high efficiency condensing boilers and last year we completed 2 insulated overcladding projects to Wiltshire House & Somerset Point and a communal solar hot water system at Hazelholt sheltered scheme, funded 100% by utility company grant monies

Further to those measures above we will be addressing carbon emissions and resident's energy bills through the development of a feed in tariff scheme. The scheme will see the mass installation of solar PV across the council stock and will examine ways to expand these opportunities into the private sector.

The proposals referred to by Cllr. Kitcat would impact on the levels of Council Tax for all residents.

We are seeking to maximise inward investment from external sources such as energy companies that would enable us to continue to deliver targeted insulation measures across both the private and social housing sectors."

50.18 **(i)** Councillor Hamilton asked:

"In October you told me that there were career pathways in some areas of the council, including legal services. In a review situation, where job losses are likely, do you agree that it is important to provide career pathways for all staff, especially those on low grades or with many years of service? This would give staff greater prospects of redeployment within the authority, reduce redundancies, save money, and retain staff that are already familiar with the council and its work culture."

50.19 Councillor Alford replied:

"It is important that the Council provides opportunities for its employees to develop their skills and knowledge to enhance both their current job performance and future career prospects. The Council also benefits from 'growing its own talent'.

We have learning centres where staff are encouraged to undertake learning activities and skills for life courses to help those who want to develop their numeracy and literacy skills. In addition to this we have set up job shadowing and employee mentoring schemes. Staff are sponsored to undertake professional qualifications.

The council also operates two in-house staffing pools to supply workers for carer and administrative roles. These are designed to provide entry level roles for individuals who can be deployed flexibly, build up knowledge of the organisation and in the case of the care workers receive specialist induction training. Many of these individuals subsequently move into permanent roles with the council.

In situations where jobs are at risk within the council it is particularly important that as a responsible employer we try to mitigate the risk of job losses through redeployment of existing staff to other suitable roles. We have a tried and tested consultation mechanism and redeployment process which has been used successfully in recent years to re-train and retain existing staff."

50.20 **(k)** Councillor Mitchell asked:

"In light of recent government statements that would indicate a rethink of its withdrawal of funding from Schools Sports Partnerships, including the Brighton and Hove Schools Sports Partnership, will the Leader of the Council commit the council to pro-actively working with and maintaining a dialogue with schools, sport leaders and partners in the city to ensure that the expertise, significantly increased participation and enthusiasm for the varied programme of sporting and healthy activities supported by the Partnership to schools across the city is maintained during any changes to the funding regime?"

50.21 Councillor Mears replied:

"Brighton and Hove School Sports Partnership is highly regarded. The Strategic Director – People has met with sports leaders from across the City to discuss how its work can best be secured should there be a change in the funding regime. A commitment has been given to look at sports development work across the City, including as part of the review of youth provision, to ensure that all children and young people have access to a wide range of sporting and other forms of health promoting activities both during the school day and out of school hours."

50.22 **(l)** Councillor Kitcat asked:

"What is the pay multiple in Brighton & Hove City Council between the lowest paid and highest paid members of staff."

50.23 Councillor Alford replied:

"At the beginning of December the Work Foundation set out the case for a maximum pay multiple that would keep the pay of top executives in the public sector bounded to what their staff earn. This is expressed as a pay multiple or ratio between the lead executive and the lowest paid.
The pay multiple in Brighton and Hove is 13:1
By comparison, pay for median FTSE 100 CEO executives is 88 times the UK median wage."

50.24 **(m)** Councillor Kitcat asked:

"I refer Councillor Geoffrey Theobald to section 7.4 of the minutes for the City Sustainability Partnership Meeting of 1st November 2010:

'PB inquired after the usage of communal bins and their effect regarding individual responsibility for waste recycling. JJ answered that they were monitoring the levels of recycling in relation to the introduction of communal bins. PB asked if this monitoring was focused solely on the bins in the city centre. JJ replied that this monitoring was

focused on both residential and city bins and he stated that there did seem to be a contingent drop in the levels of recycling.'

How is it that when I have repeatedly asked the Councillor whether recycling rates are lower in communal bin areas than elsewhere he has said he is unable to answer? Yet here one of our officers is able to report that monitoring shows drops in levels of recycling? Will Cllr Theobald explain himself and report what is being done to remediate the drop in recycling rates that I have long argued was likely to happen in communal bins areas?"

50.25 Councillor Theobald replied:

"I have set out below the previous responses that I have given to you nearly two years ago on the matter of recycling rates in the city centre. This situation has not changed. Whilst we do not have the exact figures we estimate that recycling rates are higher in wheelie bin areas and that recycling tonnages in the city centre have always been lower even when we had black bags.

This administration believes in increasing recycling rates both to protect the environment and to reduce costs, as recycling is cheaper than waste disposal. To this end:

(i) We have written to all residents reminding them when their recycling collection day is, and how they can recycle.
(ii) Officers are preparing a communications campaign targeting the city centre in particular early next year.
(iii) Officers will be working with residents on a trial of communal recycling bins later next year to see if that makes it easier for people to recycle and hence increase our recycling rate.

I suggest that you contact Jan Jonker directly so that he can clarify any comments he made in the meeting to which you are referring."

50.26 **(n)** Councillor Meadows asked:

"In Wild Park there is a by-law/highways permission allowing cyclists to ride on the pavement beside the main Lewes Road although there is a perfectly safe cycle lane on the Lewes Road. The police believe it is a by-law so when cyclists use this path without lights they won't enforce it, some council officers believe it is highways permission so they won't remove signage, either way it means that pedestrians have to share a narrow path with cyclists leading to confrontation and residents almost getting run over. Will the council rescind the by-law or revoke that permission to allow pedestrians to take precedence on this pathway and to ensure that cyclists use the cycle lane provided for them?"

50.27 Councillor Theobald replied:
"The footpath alongside Wild Park was designated for shared use from the Home Farm Road junction through to Coldean Lane before Brighton & Hove became a unitary authority. Therefore, the shared use of this path was in place before the Lewes Road cycle lane and remains shared use today.

Children or those who are less confident may feel safer cycling along the pathway. I will suggest that officers consider improvements to this area in light of any funding opportunities safely to accommodate the volume of both pedestrian and cyclist users.

If you consider that there is a significant problem I can arrange for officers to discuss this with the ward councillors."

50.28 **(o)** Councillor Steedman Asked:

"The Council's Corporate Procurement Team are not currently able to mandate that all procurement by Council officers goes via central corporate contracts, which offer the efficiencies of bulk purchasing and the opportunity to set minimum standards for product specification, environmental performance, support for local buying, etc. As a result, individual departments or teams can – and do – bypass corporate procurement contracts. Does the Cabinet Member for Central Services believe that this situation represents good value or that it accords with the Council's corporate priority of 'better use of public money'?"

50.29 Councillor Alford replied:

"Obtaining value for money in all that we do is an important issue for this authority particularly in these current challenging times. As part of Procurement work-stream within the VFM programme there is a review of how officers can engage with Corporate Procurement to ensure that they correctly utilise the corporate agreements that are available. Information is gathered on a regular basis to establish levels of compliance across the organisation and this shows that the majority of relevant council spending does go through the corporate contracts. All significant off-contract spend is investigated to establish the reasons why it takes place and address any service concerns relating to either product availability or quality issues.

For example in the first quarter of 2009/10 one area was shown to be using the corporate stationery contract for only 51% of their stationery spending and they were using 17 different suppliers. Investigations showed that the main reason for this low figure was the use of another supplier for high volume copier paper where there were doubts about the quality of the paper supplied under the corporate contract due to bad experiences in the past. Discussions were held with the corporate supplier, options were suggested and testing was undertaken that re-assured the client that the paper was fine for the vast majority of their uses. The resultant switch to the corporate contract delivered significant savings. By the third quarter of 2009/10 the area use of the corporate stationery contract had risen to 93% of relevant spending and they were using only 3 different suppliers leading to further savings in invoice processing and supplier management.

Where it is identified that services are not using corporate contracts resulting in a significant failure to achieve value for money and there are no mitigating circumstances then action can and will be taken to block off-contract spending within the financial systems."

50.30 **(p)** Councillor Steedman Asked:

"None of the Council's committee reports – including the Council agenda paper in which this question appears – are printed on recycled paper. Does the Cabinet Member for Central Services believe that this is acceptable and that it accords with the Council's corporate priority of 'protecting the environment while growing the economy'?"

50.31 Councillor Alford replied:

"As you will be aware, the Printing and the Procurement Teams have been working together to find a suitable solution to the difficulties that have been experienced when using large amounts of recycled paper in the council's printers and copiers.

Although recycled paper is the council's preferred option, it has been found that the quality of paper purchased is unsuitable where the quantity of printed material produced is substantial, such as in the King's House Print Room. This is because deposits from the recycled paper are left on the printing equipment and particularly on the glass and the council would need to purchase appropriate cleaning products at an additional cost to have them removed.

Whilst I would like to be able to tell you today that higher grade recycled stock has been purchased, such products are very much more expensive and being mindful of severe budget pressures, a change to a higher grade recycled paper in the current economic climate is simply not a viable option.

In the circumstances I feel that the decision to use a keenly priced, non-recycled paper is an acceptable alternative and in terms of reduced paper wastage and cost, it does accord with the council's policy of "protecting the environment while growing the economy."

50.32 **(q)** Councillor Steedman asked:

"We welcome the announcement that the Council is considering how to insulate homes and install renewable energy technologies through the creation of an energy services company. The Birmingham Energy Savers programme, already up and running, uses an innovative 'pay as you save' mechanism to recycle the savings from the energy bills of households that have benefited from insulation and low-carbon technologies, to ensure that the maximum number of houses can be reached, in the private as well as the social housing sector.

Given that the Council has missed its carbon savings target for the local authority area by nearly 50%; that the domestic sector accounts for 42% of Brighton and Hove's carbon emissions; and that there are nearly 14000 households in fuel poverty in the city as we enter another freezing winter at a time of rising fuel bills, will the Cabinet Member for Housing:

a) set out how the Council's housing policies will deliver at least a 42% cut in carbon emissions by 2020 from the domestic sector, and an 80% cut by 2050, as agreed in the Sustainable Community Strategy?

b) ensure that any energy services company scheme targets deprivation and fuel poverty first, and benefits residents living in the private (especially private rented) sector as well as the social rented sector?
c) seek to take advantage of the money available to local authorities for energy efficiency projects under the recently revised rules of the European Energy Recovery programme?
d) commit to a 'pay as you save' mechanism like Birmingham's for Brighton and Hove to ensure that we make our money go as far as possible?
e) join me in meeting the architects of the Birmingham scheme to learn from their experience?"

50.33 Councillor Caulfield replied:

"Through the Brighton & Hove Energy Action Partnership we operate a comprehensive grant scheme in the private sector. Since the partnership was set up in 2005 it has delivered;

- 2400 insulation measures
- 1481 heating measures
- 141 solar water heating systems (since 2006)

In 2009/10 alone the above scheme through the installation of 800 measures for those at risk of fuel poverty alone saved 650 tonnes of CO2.

In this period we have seen steady reductions in CO2 emissions in Brighton & Hove, achieving an above average reduction compared to the national average. The trend of reduction in the domestic sector in the city is better than the average in both the South East and England as whole.

We will continue to reduce carbon emissions through the continued delivery of home energy efficiency measures and increasing the use of renewables across both the private sector and council housing stock;
A Community Energy Savings Programme scheme will deliver over 10,000 tonnes of carbon dioxide savings and early analysis of a Feed In Tariff (FIT) scheme in Brighton & Hove shows the potential to deliver over 30,000 tonnes of carbon dioxide savings and reduce residences fuel bills.

We already meet our Local Area Indicators on reducing fuel poverty.

We are exploring a range of options to further reduce CO2 emissions and tackle fuel poverty across the city; this would be a major objective of any Energy Services Company (ESCO).

The availability of any EU funding will be considered alongside other investment options when further details are forthcoming.

We will be extending the availability of affordable/recyclable loans for home energy efficiency measures enabling residents to pay for energy efficiency measures at a low borrowing rate whilst saving money on their energy bills."

50.34 **(r)** Councillor Allen asked:

"The announcement that the new owners of Anston House are preparing a plan for a mixed-use development of the whole site is excellent news for the city. Residents of Dyke Road Drive in particular will be delighted to see that the pressure they exerted on the council to sort this problem out has been so successful. Would the Leader of the Council agree with me that it will now be important to give local residents, above all those in Dyke Road Drive whose views of Preston Park will inevitably be affected, every opportunity to influence the plan as it moves forward?"

50.35 Councillor Mears replied:

"I am delighted that the owners of the site have commissioned Urban Splash to take forward the development of this site with their preferred d architects. Officers will be meeting with both shortly. In the meantime we have been working proactively with the owners to encourage a realistic high quality vision for the site.

The developers will have to demonstrate that they have consulted local residents but I share your desire to see them and ward councillors fully involved in this process."

50.36 **(s)** Councillor Duncan asked:

"Could Cllr Theobald describe the measures taken to ensure the paths inside and roads surrounding Queen's Park were safe for pedestrian use during the recent cold weather, and reassure residents that adequate resources will be available to ensure park users' safety in any future 'cold snap'?"

50.37 Councillor Theobald replied:

"Our Highway Winter Service Plan was agreed at the Cabinet Member Meeting on the 4th November 2010 and it sets our priorities. Our resources are deployed to bring the maximum benefit to the greatest number of people. This means that we treat all A and B roads, most C roads plus all bus routes. We also carry out pavement gritting in main thoroughfares.

In order for the treatments to be effective, they need to be ground in by heavy traffic and footfall so that's why we need to concentrate our resources on these roads and pavements. I am sure you will appreciate that we cannot do every road, pavement and park in the city as this simply wouldn't be feasible. Therefore I'm afraid that Queen's Park cannot be included in any clearance programme although nearby Queen's Park Road and other main roads surrounding this area are gritted."

51. ORAL QUESTIONS FROM COUNCILLORS

51.1 The Mayor reminded the Council that councillors' oral would be taken in the order as listed in the council agenda and that a period of 30 minutes was set aside for the item. Should any questions not be reached at the end of the time period, those councillors would have the opportunity for their questions to be carried over to the next council meeting.

51.2 The Mayor then called on Councillor Mears to put her question to Councillor Duncan, as the Council's representative on the Police Authority.

51.3 **(a)** Councillor Mears asked, "What representation has Councillor Duncan made to the Sussex Police Authority about squatting and/or van dwelling in the city over the last year?"

51.4 Councillor Duncan replied, "There have been a number of events and briefings and so on that I have attended through Sussex Police Authority that are really about scrutinising the police's response across Sussex to these issues but on this specific question of what specific representations have I made, I have passed on all the information that I have ever been asked to do from this Administration which is precisely nil, Councillor Mears."

51.5 Councillor ~~Duncan~~ ***Mears*** asked the following supplementary question, "Just to come back on the first point: I think, Councillor Duncan, we have had Notices of Motion, they have come from Council. I would have assumed you would have taken them to the Police Authority but if that's your way of representing the Council, that's quite odd.

My second supplementary is can he confirm what the position of the Green Party is in its terms of supporting the squatter movement in the city?"

51.6 Councillor Duncan replied, "Well, I'll be absolutely clear, I think when it comes to squatting what the real issue is a lack of affordable housing. That's the issue that we really should be addressing.

I have on several occasions mentioned to the local police and the Police Authority at appropriate points in the agendas of those meetings, I'll be quite happy to refer you to minutes where that's appropriate, mentioned the issues of squatting and what I believe to be a slight misuse, if you like, of police resources dealing too much with squatting and not enough with the issues that neighbourhood police think really matter to most people in this city.

51.7 **(b)** Councillor McCaffery asked Councillor Mears, the Leader of the Council, "My experience on the Permanence Panel, which is the Adoption Panel, as the elected Councillor suggests that this authority is one of the best in the region regarding looked after children. However, this authority has not been without child tragedies in the past. While I hope such an event will not occur in the future, would the Leader please inform this Council who carries the ultimate responsibility for the safety of children in our care?"

51.8 Councillor Mears replied, "I would also like to make reference to Councillor McCaffery's commitment on this committee, she works tirelessly, so I do respect her views.

As Councillors we all have corporate parentings, we are all corporate parents, but it is the Cabinet Member of CYPT and the Strategic Director, People in combination with Head of Service, Children & Families – James Dougan, who have the required social care qualification, who carry ultimate responsibility."

51.9 Councillor McCaffery asked the following supplementary question, "Thank you, Councillor Mears, for your answer and thank you for your comments about my commitment.

I would like to say that the recent unannounced Ofsted inspection noted nine areas of, shall we say, development, one could say improvement, but they use the word 'development'. These indicated delays in seeing children, protection plans of variable quality and on occasion incomplete plans. These all accord with some of our experience on the Permanence Panel.

Would the Leader inform the Council how much more time in person-hours will be allocated to experienced front-line social workers in order to keep our children safe and to achieve the developments referred to in the inspection?"

51.10 Councillor Mears replied, "I'm very grateful to the Councillor for raising these points. At this moment in time I can't answer in detail but I will most certainly have it looked into and make sure the Councillor is written to."

51.11 **(c)** Councillor Kitcat asked Councillor Mears, the Leader of the Council, "Will Councillor Mears, now that we have an answer on the pay multiple for officers working in this council, will Councillor Mears agree to making that multiple a regularly reported monitoring statistic that is published on a regular basis to the public and to Councillors?"

51.12 Councillor Mears replied, "I'd heard, actually Councillor, that you had changed your question because I was quite concerned that you had put in a written question and then asked exactly the same question in an oral question.

As for openness and transparency that is quite acceptable."

51.13 Councillor Kitcat asked the following supplementary question, "Well, I am delighted with that commitment to publish the pay multiple. Will Councillor Mears agree with me that we should work to reduce that pay multiple and that it is unacceptably high at the moment?"

51.14 Councillor Mears replied, "The Prime Minister, David Cameron, has suggested that it should be set at 20.1. Brighton & Hove City Council ratio is 13.1, so we are doing much better than this."

51.15 **(d)** Councillor Allen asked the following question, "In the light of what happened this past summer, would the Leader of the Council agree with me that Pride in its present form has outgrown Preston Park and would she also agree that for a large area of the park to be out of use for at least a week at the height of the summer is not right and is unfair on families and regular users of the park?"

51.16 Councillor Mears replied, "I want to make it quite clear that Pride is an LGBT community event. Clearly the council has an important role to play in facilitating the festival through the use of the park and road closures but ultimately it is for the organisers of Pride to bring their recommendations forward.

I think there is a universal agreement between the organisers of Pride and all those statutory services and the City Council that there is a need to bring some significant changes to the running of the Pride event in Preston Park. There are a number of issues to be looked at in the shaping up of the event for next year and this is currently being done."

51.17 Councillor Allen asked the following supplementary question, "Would the Leader of the Council please confirm that she would use her influence to make sure that if Pride is to take place in Preston Park in 2011 that the numbers will be controlled and, moreover, that Councillors from the two adjacent Wards, Preston Park and Withdean, plus representatives of the recently established Friends of Preston Park are involved in overseeing the planning of the event?"

51.18 Councillor Mears replied, "There has been some talk about ticketing but it is ultimately for the organisers to bring this forward to the council. In coming to their decision I am sure that Pride will fully consult with the statutory agencies to ensure that all safety and other considerations are taken into account.

I fully endorse Councillor Allen's request around local Councillors and the Friends of Preston Park who will absolutely be consulted around the planning of the event and there will also be an ongoing residents' liaison and that includes Preston Park and Withdean.

We as a city have a number of very large events and Pride is one of them and obviously it's important that we get an absolute balance in the city."

51.19 **(e)** Councillor Fryer noted that the question she had intended to ask had been raised by one of the public questions and she therefore did not see the point in repeating it.

51.20 **(f)** Councillor Caulfield asked "Early in the year thousands of tons of chalk were dumped on the Downs in Bevendean extending to the East Sussex County Council boundary on the Falmer Road. Residents were unhappy that an official pathway is now blocked by chalk and despite numerous requests from both residents and Members no explanation or reassurances that this won't happen again can be given.

A few months ago in the 'Argus' a notice was put out for residents who wished to have a Scrutiny Panel on any subject of their choice could contact the council and the Bevendean LAT, through Councillor Marsh, asked for a scrutiny on the dumping of the chalk to be undertaken. Can Councillor Mitchell explain why this request has been denied?"

51.21 Councillor Mitchell replied, "Over sixty suggestions were received and, I think, around about one-third of those were from members of the public. The Scrutiny Committees, including OSC, were not provided with details of where those questions came from and that was done specifically to avoid any allegations of interference. The general principle is that it's not the Chair's decision as to what topics were reviewed but rather that scrutiny operates through a process of consensus and reasoned debate.

Just for information, I will run through the criteria which was applied to the various suggestions and, therefore, informed those topics that were taken forward:

- The length of the review that would have had to have been undertaken;
- relevance to Brighton and Hove as a whole;
- policy context and the alignment to the council and the LSP priorities;
- service performance issues, such as the snow scrutiny; and
- a care to avoid duplication."

51.22 Councillor Caulfield asked the following supplementary question, "Given the criteria you have just described and given the environmental damage and impact this has had on local residents and its relevance to the city as a whole as an Area of Outstanding Natural Beauty, will Councillor Mitchell now reconsider the request from the Bevendean LAT?"

51.23 Councillor Mitchell replied, "I am very pleased to confirm that any requests for scrutiny are always considered, as I think I have just undertaken and explained to you and, therefore, if a request was to come forward from an organisation or an individual member of the public that would be looked at in the same way."

51.24 **(g)** Councillor Steedman asked, "Today the Department for Energy and Climate Change announced that the Warm Front budget for insulation across the country is now fully allocated for this financial year, meaning that no further applications by fuel poor and vulnerable people can be accepted for months to come. This is a direct result of changes announced by George Osborne in the Spending Review.

Would Councillor Caulfield join me in condemning this short-sighted move which will leave thousands of households in Brighton and Hove choosing between heating and eating as the snow returns tonight?"

51.25 Councillor Caulfield replied, "No, I'm afraid I can't join you in that because we as a council take fuel poverty and reducing our CO^2 emissions very seriously and we are actually going to pick up the shortfall there from our budget and, in addition, Warm Front is not the only way that we are helping either fuel poverty or reducing CO^2 emissions."

51.26 Councillor Steedman asked the following supplementary question, "Well, as you have indicated fuel poverty and climate change can very much be tackled together, particularly in the domestic setting around housing, but in a written answer to a question on this very topic in the papers today you failed to set out how your housing policies would allow us to meet our adopted targets for cutting carbon emissions, which are a 42% cut by 2020 and an 80% cut by 2050.

Will the Cabinet Member, therefore, commit to setting out in a report to her CMM how you propose to hit these targets?"

51.27 Councillor Caulfield replied, "It's a shame that Councillor Steedman didn't come to the Central Area Panel that I chaired a couple of weeks ago where we set out clearly our vision for reducing CO^2 emissions across the city. We are, actually, working with our partners, energy companies and our neighbouring authorities in order to reduce CO^2 emissions and setting up an energy company to do so which we believe will bring in about £1M a year over 25 years from our feeding tariffs.

I know your request and in your written question to me you asked if the council would be prepared to work with architects in Birmingham to work on reducing CO^2 emissions. Well, this Conservative Administration believes that we have the skills locally to do that and with our 'be local, buy local' ethos we would prefer to use the expertise and skills locally, to use the local labour force and the local knowledge that we have here, which is second to none in the country, and we do not believe in paying for consultants from Birmingham to teach us how to suck eggs."

51.28 **(h)** Councillor Barnett asked, "There has been a lot of misinformation surrounding the recent Standards complaint involving Councillor Kitcat, in particular the allegation that the whole process was driven by the Conservative Party for political reasons.

As Chair of the Governance Committee could Councillor Oxley clarify the position for the council please?"

51.29 Councillor Oxley replied, "I am aware that there has been a lot of discussion around this case and I am happy to set out the position. Firstly, the initial complaint was submitted by a Member of the Conservative Group as an individual, not by the Group or on behalf of the Group. I believe it's the moral duty of every Member who genuinely believes that there has been a breach of the code to draw it to the attention of the Monitoring Officer and the Standards Committee. That was exactly what the Member was doing and, in fact, until recently it used to be a mandatory obligation on all Members of the Council to report if they believed there had been a breach of the code.

Secondly, it is only if an Assessment Panel decides that a complaint should be investigated that it is referred for investigation. The Assessment Panel in this case was chaired by an Independent Member and I can confirm that it had no Conservative Members. Therefore any allegation that the process was influenced by the Conservative Party cannot be correct.

Next, the Hearing Panel that heard the complaint consisted of an Independent Chair and two other Councillors. Again, there was no Conservative Member represented on the Hearing Panel.

Further, all the Panel wanted the Member in question to do was essentially to apologise and attend some training agreed with the Monitoring Officer. Suspension was not what the Panel wanted as they made it clear when they both announced their decision and afterwards. It was only if Councillor Kitcat chose not to apologise that he would have been suspended."

51.30 Councillor Kitcat moved a point of personal clarification and stated that he would have been suspended for a period up to six months if he failed to apologise and if he failed to submit to retraining.

51.31 Councillor Oxley noted the point of clarification and stated that in addition, contrary to press reports, it was not the council that took the Member to court it was his decision to appeal to a court rather than issue the apology. The Council was left with no option, therefore, but to defend the proceedings.

Finally, the Tribunal made no criticism of the process or of the Council's handling of the matter. They made a ruling on the narrow technical issue of whether what happened amounted to an abuse of resources and also whether it amounted to treating others with disrespect as intended by the code. In fact, they rejected the appellant's argument that he was not acting as a Councillor and that his action was intended to inform. If they had felt that the complaint should not have been lodged or that the Council or the Standards Committee acted in any way improperly, they would have said so and what is more they would have used their powers to require the City Council to pay costs. They did neither. The Council, of course, accepts the decision of the Tribunal. I hope, Mr Mayor, that this is both helpful to Councillor Barnett and the Council."

51.32 **(i)** Councillor Duncan asked, "What assurances can the Leader offer this Council that Notices of Motion accepted and adopted by this Council but without the support of her minority Administration are implemented with exactly the same level of enthusiasm as those supported by Members of the Conservative Party?"

51.33 Councillor Mears replied, "I would like to start out by pointing out that there is no such thing as implementing Notices of Motion. One does not implement Notices of Motion, only resolutions when passed by the body responsible to make the decision which in most cases is the Cabinet. Most Notices of Motion passed at Council are declaratory and ask the Chief Executive to write to the relevant government department or organisation expressing the Council's view and asking for action. If such Motions are passed the resolution is implemented, without exception, by the Chief Executive writing to the relevant body.

Occasionally Notices of Motion ask the Cabinet to take steps outlining the Motion. In the last six months Cabinet has had two Notices of Motion. One on the Connexions Service and another on youth services generally.

In the case of the Notice of Motion relating to Connexions, which was agreed by Council unanimously, it was considered by the Cabinet on 11 November when Councillor Hawkes was given the opportunity to speak to her Motion. It was agreed that a report would come back to the Cabinet after the announcement of the spending review and after all the relevant consultation was completed. Councillor Hawkes was satisfied with the response and I am not sure what else Councillor Duncan was expecting Cabinet to do.

The second Notice of Motion on the youth service was simply a long list of loosely connected complaints about the Government. What Government was proposing regarding youth related services. It lacked focus and I don't believe what Councillor Fryer was saying would have taken us forward, it was therefore noted.

I can assure Councillor Duncan that every Notice of Motion passed by Council receives serious consideration by the Cabinet or Cabinet Member. However, ultimately it is the Cabinet or Cabinet Member who has to make the decision and we make what we believe to be the right decision. The legal and constitutional power and responsibility for making these decisions vests with the Cabinet. If Cabinet were to turn itself into a rubber stamping machine of what comes from Council then it would not only be failing in its duty but potentially unlawful."

51.34 Councillor Duncan asked the following supplementary question, "I thought after we heard Maria Caulfield earlier use some weasel words and not really know the difference between vision and targets, that would be the end of it but I've heard it all now if we're really being asked to accept that we don't implement Notices of Motion.

You gave a couple of examples there and in my supplementary question I'll give another example and to ask specifically about the progress of a Notice of Motion and you don't have to take my word for it, it's in the papers tonight. On page 48 of the papers we've got tonight, the minutes that we've adopted from the last meeting, we see that we passed a Notice of Motion, a Notice of Motion entitled 'Support for Neighbourhood-Based Policing in Brighton and Hove', despite the opposition of Conservative Party Members who presumably don't support neighbourhood-based policing in Brighton and Hove. Amongst other things, and I am referring to point 4, paragraph 4 on page 48 of the minutes we've agreed, it contains the request that officers explore ways this council directly funds PCSOs in light of the massive proposed job losses at Sussex Police.

Can Councillor Mears, and you asked for the question, here it is, give us an update on how officers work in this regard dealing with the request that we adopted last time, two months ago, how that work has progressed over the last seven weeks?"

51.35 Councillor Mears replied, "Could I just correct the Councillor, I don't think he listened to what I said at the very beginning. What I said was I'd like to point out that there is no such thing as implementing Notices of Motion. One does not implement Notices of Motion, only resolutions when passed by the body responsible to make the decision. I thought I'd made that quite clear at the beginning.

Actually, Councillor, I found your second supplementary when you got to it very interesting. Bearing in mind and as a Member of the Police Authority and you are engaged with the budget rounds within that Authority and the restraints they are going through and we are hearing some of that, not from you, unfortunately, but there is a whole process going on. It is in hand because obviously it's through this organisation we need to do that. It would be very useful, Councillor, if you would like to bring some thoughts back from the Police Authority to assist in that but that's where we are."

51.36 The Mayor thanked the Members for their questions and moved to the next item on the agenda.

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

(a) Callover

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

Item 53 - 20mph - Scrutiny Review Panel Report
Item 54 - Staff Disabilities - Scrutiny Review Panel Report
Item 55 - Climate Change Adaptation - Scrutiny Review Panel Report
Item 56 - Statement of Licensing Policy - Three Year Review

(b) Receipt and/or Approval of Reports

52.2 The Head of Democratic Services confirmed that Items 53, 54, 55 and 56 had been reserved for discussion.

(c) Oral Questions from Members

52.3 The Mayor noted that there were no oral questions as all the items had been reserved.

53. 20MPH - SCRUTINY REVIEW PANEL REPORT

53.1 Councillor West introduced the report and stated that he believed the Review Panel had made a number of important recommendations and hoped that these would be reconsidered by the Cabinet Member. He noted that authorities elsewhere were rolling out 20mph zones in recognition of the need to address the safety of the public and felt that the council should be undertaking a similar exercise.

53.2 Councillor Davey stated that as the mover of the original notice of motion which led to the scrutiny review, he wished to thank the Panel and the officers who supported the review. He believed it had been a very worthwhile exercise, which had been recognised nationally and was concerned that the council did not appear to be taking the recommendations on board.

53.3 Councillor Davis stated that she welcomed the recommendations and hoped that the serious issue of a number of 'rat runs' in Goldsmid ward could be addressed in the near future to ease residents' suffering.

53.4 Councillor Theobald stated that as the Cabinet Member for Environment he had received a number of road safety reports and 20mph zones had been introduced in areas across the city. He had welcomed the scrutiny panel's report and taken on board a number of the recommendations. However, he had also taken into account advice from other agencies such as the Police who had indicated that additional measures were required, such as road humps, to enable 20mph zones to be effective and these had resource implications.

53.5 Councillor Mears stated that she believed there was a need to look at the wider picture for the city and noted that congestion figures had fallen and therefore questioned the need to roll out a programme of 20mph zones.

53.6 Councillor Mitchell stated that she believed the need for an incremental introduction of 20mph zones had been highlighted by the panel's findings and also noted the number of petitions that had been presented to the Council calling for such schemes and traffic control measures.

53.7 Councillor West noted the comments and stated that he believed the need for a review and further consideration of the panel's recommendations had been made. He hoped that the Cabinet Member would take this on board and wished to add his thanks to the Panel Members and officers who supported the review.

53.8 The Mayor noted that the report had been moved and asked that the recommendation be agreed.

53.9 **RESOLVED:** That the report be noted.

54. STAFF DISABILITIES - SCRUTINY REVIEW PANEL REPORT

54.1 Councillor Watkins introduced the report and thanked all those involved in the review process. He noted that it had been an unusual review in so much as it involved a member of staff and had enabled panel members to get an insight into how disabled staff felt and how their working environment could be improved. He welcomed the acceptance of the recommendations by the Cabinet and wished to thank the Leader for nominating him as the Council's champion for staff disabilities.

54.2 Councillor Elgood wished to thank the review panel for their work, which had resulted from a scrutiny request submitted by him. He fully supported the recommendations and welcomed the approach taken by the Leader and the Cabinet. He also noted that at the recent Overview & Scrutiny Commission, the monitoring report on diversity data had not included details around disability and hoped this would be addressed for future reports.

54.3 Councillor Harmer-Strange stated that he had found it to be an excellent scrutiny review and wished to add his thanks to the panel members and staff who had supported the review. He believed as the city's largest employer there was a need for the council to lead by example and so welcomed the acceptance of the recommendations by the Cabinet.

54.4 Councillor McCaffery welcomed the report and supported Councillor Elgood's request for monitoring information to be made available to the Overview & Scrutiny Commission.

54.5 Councillor Mears welcomed the report and stated that she was happy to confirm that future monitoring reports would include such data. She was also pleased that Councillor Watkins had agreed to be the Council's Champion for Staff Disabilities.

54.6 Councillor Watkins stated that he was proud of this particular scrutiny review and especially grateful for the opportunity to meet with witnesses on a 1 to 1 basis, as this had proved to be very helpful to the panel members.

54.7 The Mayor noted that the report had been moved and asked that the recommendation be agreed.

54.8 **RESOLVED:** That the report be noted.

55. CLIMATE CHANGE ADAPTATION - SCRUTINY REVIEW PANEL REPORT

55.1 Councillor Mitchell introduced the report and noted that the subject matter could be regarded as abstract and controversial. However, it was very relevant to people's lives with more extreme and unpredictable weather becoming the norm in coastal areas. She noted that the panel had looked at potential problems and the opportunities that could follow and the need for business continuity plans.

55.2 Councillor Fallon-Khan noted that the majority of the recommendations had been taken on board but stated that he could not accept recommendation No.8.

55.3 Councillor Wakefield-Jarrett welcomed the report and thanked the officers for their work in enabling the review to take place and to produce an excellent set of recommendations; having received a wide range of evidence from expert witnesses.

55.4 Councillor Mitchell noted the comments and thanked the panel for their report.

55.5 The Mayor noted that the report had been moved and asked that the recommendation be agreed.

55.6 **RESOLVED:** That the report be noted.

56. STATEMENT OF LICENSING POLICY - THREE YEAR REVIEW

56.1 Councillor Cob introduced the report and stated that it was the third version of the Licensing Policy, which was much improved having had Member input following training and experience on Licensing Panels. She also stated that she was happy to accept the Liberal Democrat amendment as detailed in the addendum papers.

56.2 Councillor Elgood moved the Liberal Democrat amendment to add a further recommendation to the report and thanked the Councillor Cobb for accepting the amendment, which had resulted from concerns raised by residents over the impact of late night drinking in the area.

56.3 Councillor Watkins formally seconded the amendment.

56.4 Councillor Lepper stated that she felt it was important that Members had been able to contribute to the review of the policy having gained experienced through training and serving on Licensing Panels. She believed the Cumulative Impact Area (CIA) had proved to be a great success, and recognised the need to review the boundaries with Special Stress Areas. She therefore welcomed the Liberal Democrat amendment.

56.5 Councillor West stated that he wished to move an amendment on behlf of the Green Group to the Liberal Democrat's amendment so that the review would include all Stress Areas rather than just the one mentioned. He welcomed the changes in the policy which had taken on board matters raised by residents and the responsible authorities, but felt that the CIA needed to be extended.

56.6 Councillor Kitcat formally seconded the amendment.

56.7 The Mayor noted that an additional amendment had been moved and called on the Monitoring Officer to clarify the position in relation to the Licensing Policy and the outcome of approving the amendment.

56.8 The Monitoring Officer stated that there was a need to comply with Administrative Law Principles and in taking into account the Green Group's amendment, it would result in the CIA potentially covering the whole of the city. In order to extend the CIA a consultation exercise with all stakeholders would be required to show the support for

any change. There would be a need to show that any change could withstand any legal challenge and the wider the CIA the more difficult that defence became. He also stated that any proposed changes to the Licensing Policy would normally come forward from the Licensing Committee as the responsible body. There was also a need to take into account the resource implications for a wider consultation exercise. Whilst the Liberal Democrat Group's amendment could be addressed by the report before the council the Green Group's amendment had a greater impact. He therefore suggested that it would be more appropriate to refer the matter back to the Licensing Committee. The proposed amendment could be agreed in principle and the Licensing Committee asked to give it consideration in light of an officer report.

56.9 Councillor Mitchell welcomed the advice from the Monitoring Officer and stated that she supported the proposal to refer the amendment back to the Licensing Committee for consideration.

56.10 Councillor Peltzer Dunn stated that he believed the Green Group's proposed amendment had the potential to result in a CIA that covered the whole city. He was concerned about the resource implications for such a consultation exercise and the maintenance of such a large CIA. He believed that there was a need to approve the policy before the council and therefore it was more appropriate to refer the amendment back to the Licensing Committee for consideration.

56.11 Councillor Cobb stated that she believed it would have been more appropriate for the Green Group to have moved the amendment at the Licensing Committee meeting rather than at the council meeting. There was a need to have an agreed policy in place for the beginning of January and whilst the Liberal Democrat Group's amendment could be accommodated, the Green Group's amendment had wider resource implications which would need to be considered by the Licensing Committee.

56.12 Councillor Randall noted the comments and stated that the Green Group would accept the approval in principle and referral to the Licensing Committee.

56.13 The Mayor noted that the report had been moved and that two amendments had also been moved. He therefore put the Liberal Democrat Group's amendment to the vote which was carried.

56.14 The Mayor then put the Green Group's amendment to the vote on the basis that it was to be approved in principle and referred to the Licensing Committee, which was carried.

56.15 The Mayor then put the substantive recommendations as amended to the vote which were carried.

56.16 **RESOLVED:**

(1) That the revised Statement of Licensing Policy as amended by the Licensing Committee be approved and adopted; and

(2) That in adopting the new Licensing Policy, the concern expressed by residents in all Special Stress Areas and others in the city be noted; and

(3) That the Licensing Committee be requested to receive an officer report and give consideration to undertaking consultation and review of the evidence with a view in principle, to the possible inclusion of the areas in (2) above in the Cumulative Impact Area at the earliest opportunity.

57. NOTICES OF MOTION.

57.1 Prior to the consideration of the Notices of Motion, the Mayor noted that the meeting had been in session for four hours and in accordance with Procedure Rule 17, he was required to move a closure motion to effectively terminate the meeting.

57.2 The Mayor therefore moved the closure motion and put the matter to the vote which was carried and therefore resulted in the remaining items being put to the vote unless the mover chose to withdraw the item.

(a) National Health Service Brighton and Hove

57.3 The Mayor put the amendment proposed by Councillor Ken Norman on behalf of the Conservative Group, and seconded by Councillor Peltzer Dunn to the vote, which was lost.

57.4 The Mayor then put the following Notice of Motion as detailed in the agenda proposed by Councillor Allen on behalf of the Labour Group and seconded by Councillor Turton to the vote:

"This council places on record its appreciation of the role of NHS Brighton and Hove (the Primary Care Trust) as commissioner of health services in the city and as a strategic partner of the council.

In anticipation of the planned abolition of the PCT the council requests that the Cabinet seeks to encourage and support any initiatives aimed at preserving as much as possible of the experience and expertise of the PCT and its staff, thereby reducing the risk that the new GP consortium or consortia will hire in private companies to carry out their commissioning functions."

57.5 **The motion was carried.**

(b) Vodafone and Brighton and Hove City Council

57.6 The Mayor then put the following Notice of Motion as detailed in the agenda proposed by Councillor Morgan on behalf of the Labour Group and seconded by Councillor Mitchell to the vote:

"This Council notes that Vodafone have allegedly been allowed to avoid an estimated £6 billion in tax through basing their financial operations in Luxembourg, despite being a UK based company.

This Council also notes that Brighton and Hove City Council has a substantial contract for mobile phone telecommunications with Vodafone, worth over £125,000 a year.

This Council notes the statement on Vodafone's own website that: *"The maximisation of shareholder value will generally involve the minimisation of taxation. It will also involve choices as to the jurisdiction in which to locate capital and/or business activity. Such choices will take account of all the business consequences, including the taxation consequences, of operating in that location."*

This Council notes that the effective tax rate for the largest companies like Vodafone will fall over the next four years from 21% to 17% under measures introduced by the Conservative/Liberal Democrat Coalition Government.

This Council also notes statements by the Chancellor that "we are all in this together", and believes that this should apply to businesses as well as individuals.

This Council further believes that taxpayers' money paid by this council to private companies should not then leave the UK via tax avoidance, and should instead remain within the UK as part of the taxation system, aiding the financial recovery, protecting public services and paying down the deficit.

This Council asks the Cabinet, within the terms of the relevant contract and the council's own legal duties (including best value and Contract Standing Orders) to:

- review the Council's contract with Vodafone with immediate effect;

- investigate if other not-for-profit telecommunications suppliers such as the Phone Co-op could offer a similar service at a similar price that would ensure taxpayers money does not go into private shareholder profits and out of the UK in terms of unpaid tax."

57.7 **The motion was carried.**

(c) Extend the Consultation on Bright Start Nursery and Effect Its Future Viability

57.8 The Mayor noted that the Labour Group amendment to the Green Group's Notice of Motion had been accepted and therefore put the following substantive motion as amended to the vote:

"This council notes Bright Start is a vibrant city nursery, located in the heart of Brighton. It caters for the children of council employees and those living in the surrounding area. As such, it is a valuable local resource that benefits the wider community.

The nursery is staffed by excellent and loyal professionals who have worked there for many years, offering a steadfast and continuous service that the children enjoy, and their parents and carers implicitly trust.

Bright Start has never been allocated a marketing or advertising budget. As a result many local parents are either not aware of the nursery's existence or believe that it is for council staff only, and thereby not available to them.

It has suffered from cutbacks in the past, and currently receives just £87,000 per year from the Council, as opposed to £200,000+ per year in the past.

The city's birth rate is currently rising. It has been doing so for some years and the 2011 figure for 0-4 year olds is projected to be almost double that of 2001.[1]

The Deputy Prime Minister has pledged to provide nursery places for all vulnerable 2-year-olds.

The council further notes the Conservative administration intends to withdraw funding and close the nursery in April 2011. At a Cabinet meeting on 11 October, and in the presence of a large number of parents and supporters who all called for the nursery to stay open, the Cabinet Member for Children and Young People effected a consultation process which is perceived to be the first step towards closure.

This council believes previous efforts to maximise take-up of Bright Start places have been ineffectual and the consultation proposed is totally inadequate. It therefore calls on the Cabinet to recognise that:

- Bright Start nursery is a highly valued local resource available to all pre-school children in the vicinity.

- With effective marketing, Bright Start could attract many more users and be a viable concern.

- Projected figures will place more and more demand on nursery places in future years.

- Failure to consult the wider community on the loss of Bright Start renders the consultation process fundamentally flawed.

- The council regrets that the proposal to withdraw the total amount of subsidy from the Bright Start Nursery was published in advance of the formal ending of the consultation process and the proper consideration of its outcome.

Furthermore council calls on the Cabinet, as part of its consultation process, to consider:

- Identifying all parents of pre-school children within a 500m radius of Bright Start and including them in the consultation.

- Ensuring, before any decision is taken on the nursery's future, that all those who are eligible to use the nursery are aware a) of its existence and b) their eligibility to use it.

- Ensuring that consultation on the future of Bright Start and the possible withdrawal of a staff benefit is extended to all Brighton and Hove City Council employees, not just those who use the nursery.

- Undertaking to take the results of the consultation into account and especially, if a majority of those consulted express a desire for Bright Start to remain open.

- Bringing a detailed report to the Children and Young People Cabinet Member Meeting on the 17th January 2011 setting out how the proposals in this Notice of Motion will be taken forward along with options for the future running of Bright Start as a viable city centre children's nursery."

57.9 **The motion was carried.**

(d) Private Rented Sector Rents

57.10 The Mayor put the amendment proposed by Councillor Simpson on behalf of the Labour Group, and seconded by Councillor Meadows to the vote, which was carried.

57.11 The Mayor then put the following Notice of Motion as amended, proposed by Councillor Randall on behalf of the Green Group and seconded by Councillor Fryer to the vote:

"This council notes many employees in the public and private sectors in Brighton and Hove are facing very low wage increases, pay freezes or, in some cases, wage cuts as an alternative to unemployment.

It also notes that, according to the council's latest *Housing Costs Update (November 2011*), private sector rents in the city for homes in the greatest demand – two-bedroom flats and houses – have risen by 22 per cent and 10.9 per cent between September 2009 and June 2010; the rents of studio flats rose by 12.4 per cent during the same period.

It also notes that, with the exception of rooms and studio flats, the local housing allowance is now less than lower quartile rents which could reduce the chances of those on benefits finding an affordable home (*Housing Costs Update, November 2011).*

It also notes that these rent rises have a widespread impact in Brighton and Hove where 22 per cent of all households live in the private rented sector (twice the national average) and where home ownership is beyond the pocket of many of those renting in the city where the average 1 bedroom flat costs more than 5½ times the median household annual income, 3-bedroom houses cost more than 10 times median annual income and deposits of 25 per cent are required (*Housing Costs Update, November 2011).*

Therefore, in circumstances where the combination of Housing Benefit cuts and rent increases will lead to increased hardship and homelessness in the city, this council:

Calls on the Leader of the Council and the Chief Executive to write to the Chancellor of the Exchequer and the Minister for Housing, urging them to set up a commission to examine private rented sector rent capping, regulation, and other measures to reduce the cost of rented homes and to reconsider their Housing Benefit proposals, and

As a matter of urgency requests that officers report back to the Cabinet on:

(i) ways that relevant council departments can work together with other partners, including private sector landlords, to develop plans to understand who will be most affected by the LHA changes and to mitigate the impact of those changes on claimants; and

(ii) possible protocols to prioritise the use of Discretionary Housing Payments to prevent homelessness."

57.12 **The motion was carried.**

58. CLOSE OF MEETING

58.1 The Mayor noted that the motion to terminate the meeting had been carried and that all outstanding items had been dealt with accordingly and therefore closed the meeting.

The meeting concluded at 9.15pm

Signed Chairman

Dated this day of