

# **BRIGHTON & HOVE CITY COUNCIL MEETING**

**4.30PM 30 APRIL 2009**

**COUNCIL CHAMBER, BRIGHTON TOWN HALL**



## **AGENDA**



**Brighton & Hove  
City Council**

# Council Meeting

Title:	<b>Council</b>
Date:	<b>30 April 2009</b>
Time:	<b>4.30pm</b>
Venue	<b>Council Chamber, Brighton Town Hall</b>
Members:	<b>All Councillors</b> You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Stephen Terry
Contact:	<b>Mark Wall</b> Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
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## AGENDA

**Part One**

**Page**

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

**75. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 19 MARCH 2009 (COPY ATTACHED).** 1 - 38

**76. MAYOR'S COMMUNICATIONS.**

**77. TO RECEIVE PETITIONS FROM MEMBERS.**

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

**78. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

A list of public questions received by the due date of the 23 April 2009 will be circulated separately as part of an addendum at the meeting.

**79. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

A list of deputations received by the due date of the 23 April 2009 will be circulated separately as part of an addendum at the meeting.

**80. WRITTEN QUESTIONS FROM COUNCILLORS.** 39 - 42

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

**81. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

(a) Call over (items ) will be read out at the meeting and Members invited to reserve the items for consideration.

(b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.

## COUNCIL

- (c) Oral questions from Councillors on the Cabinet, Cabinet Member and Committee reports, which have not been reserved for discussion.

### **82. CODE OF CORPORATE GOVERNANCE**

**43 - 54**

Extract from the Proceedings of the Governance Committee held on 28 April 2009 (to be circulated), together with:

- (a) report of the Director of Finance & Resources, and
- (b) an extract from the proceedings of the Audit Committee meeting held on 31 March 2009 (copies attached).

*Contact Officer: Ian Withers*  
*Ward Affected: All Wards;*

*Tel: 29-1323*

### **83. HEALTH & SAFETY ANNUAL SERVICE PLAN 2009/10**

**55 - 72**

Extract from the proceedings of the Cabinet meeting held on 23 April 2009 (to be circulated), together with:

- (a) Report of the Director of Environment,
- (b) Extract from the proceedings of the Environment Cabinet Member Meeting held on 26 March 2009,
- (c) Extract from the proceedings of the Environment & Community Safety Overview & Scrutiny Committee held on the 23 March 2009 (copies attached).

*Contact Officer: Roy Pickard*  
*Ward Affected: All Wards;*

*Tel: 29-2145*

### **84. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2009/10**

**73 - 108**

Extract from the proceedings of the Cabinet Meeting held on 23 April 2009, (to be circulated), together with:

- (a) Report of the Director of Environment,
- (b) Extract from the proceedings of the Environment Cabinet Member Meeting held on 26 March 2009,
- (c) Extract from the proceedings of the Environment & Community Safety Overview & Scrutiny Committee held on the 23 March 2009 (copies attached).

*Contact Officer: Nick Wilmot*  
*Ward Affected: All Wards;*

*Tel: 29-2157*

### **6.30 - 7.00PM REFRESHMENT BREAK**

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

**85. SIX MONTH REVIEW OF THE CONSTITUTION** **109 - 142**

Extract from the proceedings of the Governance Committee meeting held on the 10 March 2009, together with a report of the Director of Strategy & Governance (copies attached) and an extract from the proceedings of the Cabinet meeting held on the 23 April (to be circulated).

*Contact Officer:* Elizabeth Culbert *Tel:* 29-1515  
*Ward Affected:* All Wards;

**86. STATUTORY CRIME & DISORDER COMMITTEE** **143 - 150**

Extract from the proceedings of the Governance Committee meeting held on the 28 April (to be circulated), together with a report of the Director of Strategy & Governance (copy attached).

*Contact Officer:* Oliver Dixon *Tel:* 29-1512  
*Ward Affected:* All Wards;

**87. NOTICES OF MOTION.** **151 - 158**

- (a) Neighbourhood Policing, Council Services and Local Action Teams (LATs).** Proposed by Councillor Ben Duncan.
- (b) Electricity Internet.** Proposed by Councillor Brian Oxley.
- (c) Financial Services.** Proposed by Councillor Bill Randall.
- (d) Support Apprenticeship Programmes in Brighton and Hove.** Proposed by Councillor Craig Turton.

**88. REFERRED NOTICES OF MOTION REPORTED TO COUNCIL FOR INFORMATION ONLY** **159 - 160**

**Note:** The following Notice of Motion was referred to the Governance Committee Meeting held on the 10 March 2009 and is reported back to the Council for information only, without debate, in accordance with Procedural Rule 24.

- (a) Senior Staff Salaries.** Proposed by Councillor Keith Taylor.

## COUNCIL

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

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

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

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

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

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

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

Date of Publication - Wednesday, 22 April 2009



Acting Chief Executive

King's House  
Grand Avenue  
Hove  
BN3 2LS

**BRIGHTON & HOVE CITY COUNCIL****COUNCIL****4.30pm 19 MARCH 2009****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

**PART ONE****60. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.**

- 60.1 The Mayor noted that all Members had a personal but non-prejudicial interest in Item 68, Members Allowances report of the Independent Remuneration Panel.
- 60.2 Councillor Elgood referred to Item 71(h) and stated that as a supported of the Trust he had a personal but non prejudicial interest in the matter.
- 60.3 Councillors Young, Fallon-Khan, Kemble, Wells, Harmer-Strange, Simson, Cobb and Peltzer Dunn referred to Item 71(a) and stated that they were involved with small businesses in the city and therefore each had a personal but non-prejudicial interest in the matter.
- 60.4 Councillor Caulfield referred to Item 71(g) and stated that as the Chair of the Stanmer Park Stakeholders Group, she had a personal but non-prejudicial interest in the matter.

**61. MINUTES**

- 61.1 The Mayor drew Members attention to paragraph 46.8 of the minutes of the last meeting and stated that there was a need to amend them to read, "Councillor Fryer presented a petition which she believed taken together with the petition to be presented by

Councillor Mitchell amounted to over 1,000 signatories, concerning the Turner and Eastern Road Partnerships.” He therefore moved that the minutes be agree subject to the amendment proposed.

- 61.2 The minutes of the last meeting were approved as a correct record of the meeting, subject to the amendment outlined by the Mayor.

## **62. MAYOR'S COMMUNICATIONS.**

- 62.1 The Mayor stated that on behalf of all councillors, he wished to thank officers for the magnificent achievement of enabling the Council to be regarded as a 4 star and improving authority in the recent assessment, which he felt, was a compliment to everyone associated with the council.
- 62.2 The Mayor stated that he was pleased to inform Members that the Council had been awarded Beacon Status for the Night-time Economy and had achieved the Investors in People Standard, both of which were a tribute to the hard work and dedication of the officers involved.
- 62.3 The Mayor then invited Councillor Mears to come forward and present the Beacon Award to the Assistant Director for Public Safety, Judith Macho.
- 62.4 The Mayor then invited Councillor Fallon-Khan to come forward and present the liP award to the Assistant Director of Improvement and Organisational Development, Janice Millman.
- 62.5 The Mayor then reminded council that tickets to the Variety Show on the evening of the 20<sup>th</sup> March in aid of his charities were still available and hoped Members would attend.

## **63. TO RECEIVE PETITIONS FROM MEMBERS.**

- 63.1 The Mayor invited the submission of petitions from councillors. He reminded the council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.
- 63.2 Councillor Kennedy presented a petition signed by 72 residents concerning libraries.
- 63.3 Councillor Hamilton presented a petition signed by 60 residents concerning local amenities.
- 63.4 Councillor Lepper presented a petition signed by 1,710 residents concerning park & ride facilities.
- 63.5 Councillor Elgood presented a petition signed by 9 residents concerning communal bins in Upper Market Street.



- 63.6 Councillor Mrs. Brown presented a petition signed by 57 residents concerning the proposed extension of hours for the Shoreham Waste Station.
- 63.7 Councillor Bennett presented a petition signed by 48 residents concerning a request for a speed camera in King George VI Avenue.

**64. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

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

- 64.2 Mr. Elkin asked the following question:

"Hove Town Hall Housing Benefit. To reopen the office will cost almost nothing. By opening it 3 days a week (Mon - Wed - Fri) from 10am to 4pm, and I am sure either using staff from King's House or Hove Town Hall to staff it. All it would cost is a few hours, a photocopy machine, and Brighton Town Hall will not be so busy. In Hove there a number of old people (80's & 90's) that find it difficult to get to East Street, nearly three miles away."

- 64.3 Councillor Fallon-Khan stated that "The decision to close the Benefits Enquiry counter at Hove Town Hall was a very difficult one. The closure was proposed because of a reduction in the grant the Benefits Service receives from Central Government. The council believes a comprehensive service is offered by the Revenues and Benefits Team at Priory House, adjacent to Brighton Town Hall. Services are fully accessible to all customers. Facilities are in place to welcome customers with disabilities, including wheelchair ramps and appropriate interview accommodation. Customers aged 60 or over are also entitled to free bus travel. The 11X bus service directly links Hove Town Hall and Priory House.

A telephone enquiry and advice service is available to customers throughout the week between 9.00am and 5.00pm. Additionally, a home visiting service is available to all customers who are not able to come into the office because of a disability or incapacity to travel. Appointments can be made by customers who contact the Benefits telephone enquiry team on Brighton 292000. The service at Priory House is currently experiencing an increase in customers wishing to access the service, which is to be expected in the current economic climate and the council recognises that this has made the office extremely busy. These are exceptional times. From our peaks in January we are now experiencing a gradual decline in demand.

The decision to close the service at Hove Town Hall was made by Councillors at a meeting of the full Council on 28 February 2008, having consideration of all of the above. It was made as part of the council's modernisation of services agenda, with the ultimate aim of achieving value for money across all services.

As a service recently rated at the maximum Four Stars by the Audit Commission in the recent CPA assessment the council has the highest assurance that the Benefit Service is performing well. There are currently no plans to open any further public service offices. However, I would like to assure you that the council will monitor the impact of

the changes to its provision of services and remains committed to providing access to all services in the most cost effective and efficient way.”

64.4 Mr. Elkin asked the following supplementary question:

“In the house that I live in there are six flats, all with elderly people including a 93 year old, an 86 year old and an 83 year old). The 86 year old has just had heart trouble and cannot travel. It is very, very difficult for people to do that. You say about home visits, you cannot get a home visit. We have just had a rent review that starts on 4 May. Now I can get to Brighton but because I am unemployed I walk, that’s two miles there and two miles back, I cannot afford bus fares all the time. With elderly people like that, with a pension and heart trouble and things like that it’s so difficult for them. All you need really is a photocopy machine in Hove Town Hall, where you can ask questions, so it could be photocopied and the photocopy then sent to Brighton.”

64.5 Councillor Fallon-Khan responded, “In terms of being able to get a home visit, we will look into that for you. If it’s alright with you Mr Elkin, I will have a quick chat with you after you leave the Chamber. Obviously, there are rules and procedures on part of the agenda and that is set very widely, so we will look into that for you. If you are a pensioner you can apply for a free bus pass but in terms of the home visits I’ll have a chat with you afterwards and we will see what we can do in the Benefits Team and if there are people that are on benefits that need a home visit we will make sure that they get one.”

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

64.7 Mr. Hawtree asked the following question:

"Could Councillor Smith please tell us when work will begin on providing the Jubilee Library with the much-needed, well-filled proper shelving for whose illumination more than two hundred electrical outlets were installed across the ground floor when the building was opened?"

64.8 Councillor Smith stated “I think Mr Hawtree you have been misinformed. There are not two hundred electrical outlets across the ground floor of the Jubilee Library. The floor boxes that people can see are part of the conduit grid that was installed to enable us to be more flexible with the location of the IT points in the building. Only those that are needed for the existing computers have any sockets in them, and the rest of the boxes will only be used if we need to move anything to a new location. The floor boxes have nothing to do with the shelving units that are freestanding across the whole building.”

64.9 Mr. Hawtree asked the following supplementary question:

“In light of this electrical sockets are adaptable and they would certainly suit the shelving which was intended for the building instead of the rather meagre provision which ended up and which needs to be improved.

In light of your apparent unwillingness to provide this shelving, I am wondering whether you are disassociating yourself from David Cameron, whose Culture Spokesman, Ed

Vasey, has recently said in a key library speech on World Books Day: 'It is in books that writers make and have made the most intimate communication, not just in information but in the subtleties and creation of life and experience. Libraries are about books: a library without books, lots of books is not a library.'

Councillor Smith could you reassure readers by offering your view of the emphasis Mr Vasey has made in his keynote speech and whether we can see this exemplified in due course in Brighton?"

64.10 Councillor Smith responded, "We have just had the Local Government Association Culture, Tourism and Sports Conference in the city. Chief Officers and Leaders of Councils all over the country have congratulated Brighton's Library Service on the ability we have to service the public here and if you remember, because you weren't here at the last Council meeting, unanimously this council supported the Library Plan for 2009 to 2012 and a lot of these things will be investigated in the next three years and I will tell you this now, our libraries are good and they are very good in this city."

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

64.12 Mr. Poole asked the following question:

"Last year, leaflets distributed to residents in East Brighton announced the coming of street bins in the summer of 2009. An illustration showed a bin with a pedal-operated lid, yet rumour suggests those installed will lack this facility and be of inferior design. Will Councillor Theobald state the prices of each design, and the overall saving envisaged by this apparent cutback?"

64.13 Councillor Theobald stated "Thank you for your question. There are no savings as the bins are exactly the same price. Some people had complained that the lids on the bins with a pedal had a tendency to catch in the wind, flap open and cause a banging noise. In Craven Vale and Donald Hall we tried a new design and have had no reported problems. That is why the new design has been introduced: it has nothing to do with the question of price, they are both exactly the same."

64.14 Mr. Poole asked the following supplementary question:

"Lids have been ripped off the new street bins and seagulls trapped inside. Will the council pause in its implementation of these bins until resources allow the purchase of a better design (I accept what you said Geoffrey that they may be the same price) featuring a pedal operated lid rather than squander money on items that are already failing?"

64.15 Councillor Theobald responded, "They are not failing. There are a considerable number of these bins right across the city and obviously we have had to choose what is the type which is going to be the most acceptable to most people and this was the type of bin that came out. As I have said it wasn't a question of price at all. We find the satisfaction rates with the bins themselves, how they work, are extremely high indeed.

In terms of your question the answer is 'no'."

64.16 The Mayor thanked Mr. Poole for his questions and invited Ms. Paynter to come forward and address the council.

64.17 Ms. Paynter asked the following question:

"Can the Administration confirm to me, please, that Corporate Objectives do not take precedence over any legal instruments such as Acts of Parliament, or over-ride adopted long-term policies such as The Local Plan or the emerging Local Development Framework as this would obviously compromise the integrity and effectiveness of professionally trained officers and their recommendations?"

64.18 Councillor Hyde stated that "Of course, I can confirm that. The Council's Corporate Priorities and other policies are subject to Acts of Parliament. They were drafted so as to comply with the law and any statutorily adopted plan such as the Local Plan."

64.19 Ms. Paynter asked the following supplementary question:

"Under the previous Administration differences of opinion over the King Alfred planning application led to three Senior Planning Officers being banned from the planning decision meeting of 23 March 2007 and their quick resignations and departures followed.

Can this Administration assure me that Planning Officers are able to determine planning applications entirely free of pressure from Corporate Objectives and financial incentives from Central Government to deliver affordable housing?"

64.20 Councillor Hyde responded, "As you know my Group were not in Administration at that time and I can assure you that this Administration do not at any time intend to compromise any officer whatsoever."

64.21 The Mayor thanked Ms. Paynter for her questions and invited Ms. Tompkins to come forward and address the council. The Mayor noted that Ms. Tomkins was not present at the meeting and therefore a written response would be given by Councillor Theobald.

## **65. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

65.1 The Mayor reported that one Deputation had been received and invited Mr. Chavasse, as the spokesperson for the deputation to come forward and address the council.

65.2 Mr. Chavasse thanked the Mayor and stated:

"Our city-wide deputation flowered from deep-rooted frustrations, although this is not the place to detail its growth. We have been and wish to be positive and we understand that it is now recognised that there are pavement obstruction problems which will benefit from scrutiny. It may not be for us but rather for you to question how an exercise of delegated authority has brought that about but it is central to our presence in your Chamber to emphasise that it is revisited with a consultative open mind. A better process and régime are urgent needs and there is much experience to draw on.

From our own scrutiny it is clear that there is a range of alternative approaches. Many authorities refuse to licence obstructions because that is what they are. Our contribution to your papers gives a glimpse into best regulatory practice: based on significant cross-authority research two salient factors have emerged.

Firstly, that the crucial element for practical and legal reasons is the required amount of genuine free passage space to ensure an object is not an obstruction. Thus a well considered norm for free space around an object seems to be a well defined two metres, which in general meets the special needs of vulnerable and disabled groups and free safe passage for all. Our research shows that two metres solves most of the problems across our city but if fait accompli the proposed tweak régime of an unsafe 1.3 metres will not. Problems at pavement edges and other danger points also require specific attention. With a well defined and more easily enforced two metres most objects now placed on our most dangerously congested pavements would no longer be highway obstructions because they would be located strictly within the private forecourts and not adjacent to a danger point.

Secondly perceptive authorities recognise that obstructions and even some objects, though historically championed, can actually divert local trade and blight visitor footfall. To be a favoured place to be and visit and to maximise the economic benefits of that over-arching policy, and the more so now, our streets must encourage trade for all. The strong opinion that many pavement obstructions deter trade, discourage visitors and reduce community viability is already evidenced as the disabled, elderly people, family groups and visitors avoid or are excluded from hostile, cluttered areas. Thoughtful businesses consider that their neighbours obstructions and sometimes their turf wars harm trade. As potential local customers we agree.

Moreover highway authorities that work alongside robust planning, city centre and destination management are those that combine real control of obstructions with sensitivity to street scenes, conservation and visitor attractions. They have the best methods of assessment and control. Some assess streets by area, by carriageway and obstruction categories, in order to develop a sound basis for controls and their legality which presents a significant challenge to our elementary system for similar street patterns. Some have also polarised attitudes to objects on private forecourts.

Leading authorities, and we would wish to be one, can demonstrate that they do not place uncertain commercial advantage over safe, free passage and do not adopt a low free space denominator that does so. It is evident that our city's tweaking of a one size fits all low denominator just does not measure up to best practice and might have illegal aspects. Hence we ask that new licences should be conditional upon the results of the democratic processes now in train which may also relieve pressures on our council of a legal nature.

We are here to help, Mr Mayor, not to hinder."

- 65.3 Councillor Mrs Theobald stated, "Thank you very much for this deputation which contains interesting information on control of placements on the highway. As you may be aware changes are currently being proposed to the licensing system which aims to increase accessibility and introduce additional controls over traders' placements on the

highway in line with the Disabled Discrimination Act requirements. These proposals will be placed before a Licensing Committee shortly and the council believes they are a necessary improvement. However, as a result of the consultation on these changes Members and officers are proposing a more lengthy review over the coming year which will look into greater depth at the opinions and options of this subject and will include representations from all interested parties. This review will result in recommendations for future changes to the licensing system.”

- 65.4 The Mayor thanked Mr. Chavasse for attending the meeting and speaking on behalf of the deputation. He explained that the concerns had been noted and the deputation would now be referred to the Licensing Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

**66. WRITTEN QUESTIONS FROM COUNCILLORS.**

- 66.1 The Mayor reminded the council that councillors’ 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:

- 66.2 (a) Councillor Kitcat asked:

“Can Councillor Theobald detail in what circumstances residents or their landlords are charged by Cityclean for the provision of receptacles for:

1. Waste collection,
2. Recycling collection?”

- 66.3 Councillor Theobald replied:

“They are not charged unless they are private landlords or managing agents operating businesses and they then pay for their refuse and recycling containers.”

- 66.4 Councillor Kitcat asked a supplementary question, “The charges that Councillor Theobald refers to in his written response, which are charged for waste receptacles, are charged to the agents and landlords but these are then passed on to residents, Mr Mayor, through their rent or their management fees.

My supplementary question is can Councillor Theobald explain why, while apparently trying to encourage recycling rates, the council is charging for recycling containers to be provided to residents when the 1990 Environmental Protection Act, Section 46, Part 3, clearly permits the council to provide these bins free of charge?”

- 66.5 Councillor Theobald replied, “The council does not get involved in charges that landlords or managing agents levy against their residents for a range of services in their building: electricity charges, if there’s a lift there, heating charges and such like. That is a matter for landlords and their managing agents and, indeed, leaseholders and tenants.”

66.6 (b) Councillor Kitcat asked:

“Can Councillor Theobald detail the total amount spent by his department on purchases of communal bins in the financial year 2008/9 and also provide the per unit cost paid by the council for each type of model of bin including those with and without foot pedals?”

66.7 Councillor Theobald replied:

“The overall figure is £398,096 to date and I can tell you that both types of bin cost the same, both types cost £819 each.”

66.8 Councillor Kitcat asked a supplementary question, “I am slightly concerned by the written response Councillor Theobald has provided claiming that both types of bins available on the street cost the same, because I have an email here from the Assistant Director for Cityclean of the 17 February saying that the new model bins are more expensive than the old model with the foot pedal. I am distressed that given the difficulty residents are experiencing with these new model bins and that they apparently are more expensive, what his explanation is for that?”

I would like to invite the Cabinet to come and demonstrate the ease of use of these new bins to the residents of Regency Ward. Will the Cabinet accept?”

66.9 Councillor Theobald replied, “Do you know, there are five questions that I have got tonight from Councillor Kitcat and that must have followed another five or ten or whatever it was at the last meeting. Now what I said last time, Councillor Kitcat, was we do have an Assistant Director for Cityclean and I invited you at the last meeting to pick up the telephone and go and meet with her and discuss all these questions with her. She would be delighted to see you.

Now I appreciate that there is a webcam here and I appreciate that my answers are sent round the world on U-Tube so perhaps that might be the reason why: there isn't a camera in Gillian Marston's office as far as I am aware. Could I not suggest that you meet with Gillian on a one to one, take all your questions with you and I am sure like every other Member of this Council, and I have got nods of heads all around this Chamber, when you want an answer, a professional, technical answer, you pick up the telephone and you ask Gillian and she will give it, rather than you coming here asking me.

I suspect, Councillor Kitcat, the reason why the charges are the same, and that is my information, is because the Assistant Director has negotiated a better deal.”

66.10 Councillor Elgood asked a further supplementary question, “Can I, through Councillor Theobald, place on record my thanks for the help of Cityclean officers who have been, you know in fairness, extremely helpful on issues such as locations. We have noticed though in our Ward that since they have been put in we have seen a little bit less activity from the officers and we still have a list of small issues over locations that we are not quite getting the attention we would like to see.

Would the Cabinet Member if I pass the list through to him please help us in alleviating these issues such as that raised within the petition from Upper/Lower Market Street?”

- 66.11 Councillor Theobald replied, “I am extremely fortunate because my Director is not too far away from me. Your list I will hand to her and I am sure tomorrow she will resolve this. I do want to thank you for your kind remarks because the job of dealing with all these changes is not an easy one. I get, as you can imagine, hundreds of emails, many good, some not so good, but it is always appreciated when a Member does thank the officer for responding to something and I thank you very much for that.

I can assure you that if you have got positive suggestions then we will always do our very best to try and meet those positive and helpful suggestions.”

- 66.12 (c) Councillor Steedman asked:

“The Valley Gardens, stretching from the Level to the Old Steine, are a much-loved leisure resource for residents and the gateway to the city for many visitors, yet they are in a poor state of repair, isolated and divided by heavy traffic flows, inaccessible to pedestrians and choked by air and noise pollution.

Fortunately, the Council’s Local Transport Plan outlines a programme of works to transform the Valley Gardens into a fantastic new public space. A revitalised Valley Gardens would reconnect the islands of green space to create a new, accessible public park flowing down to the sea, and prioritise coherent pedestrian and cycling routes, as well as bus transport. It could integrate playgrounds, informal recreation, wildlife gardens and urban food growing.

Can the Cabinet Member for the Environment reconfirm that they are committed to delivering this programme, with works beginning in this electoral term?”

- 66.13 Councillor Theobald replied:

“I entirely agree that the condition and quality of the buildings and public space in this area have been deteriorating over many years and are in great need of improvement. However, how this can be achieved, in terms of creating an acceptable and workable balance of all the demands for movement and access that there is, has yet to be defined and would also need to be rigorously tested to ensure that it would work.

This Administration is aware of the issues and will need to consider the Valley Gardens as part of the development of future programmes of investment for the whole of the city.”

- 66.14 Councillor Steedman asked a supplementary question, “I would like to thank Councillor Theobald for his response, which seems to be a very long-winded way of saying that his Administration is not at all committed to delivering the improvements to Valley Gardens identified in the Local Transport Plan and, in fact, intends to abandon them. Yet Members of the current Administration have, in the past at least, publicly expressed their support for these proposals, which I thought meant that there was cross-party agreement.



Could Councillor Theobald therefore tell me if this is yet another illustration of internal Tory splits and divisions or, alternatively, whether it is yet another example of a Tory u-turn?"

66.15 Councillor Theobald replied, "I think we are in exactly the same situation as the previous Administration. We have to look at the whole situation here in the Valley Gardens and to see exactly what effect that will have on other areas and that is currently what we are looking at."

66.16 Councillor Simson asked a further supplementary question, "Would the Cabinet Member agree with me that we need to have an up to date traffic model for the city as the traffic flows need to be determined before any major improvements take place?"

66.17 Councillor Theobald replied, "The short answer to that one is definitely, 'yes'. I think it is a pity that the previous Administration didn't keep up to date the traffic model. I looked at what is happening in London, I went up and made a particular point to see the testing and how you can test each road and each route and see if you do (a) what the effect is on (b) and (c) and I think that is to the disadvantage of us at the present time but we are working on trying to update the traffic model and this is certainly something which I regard and I am sure this Administration does as a priority."

66.18 (d) Councillor Davey asked:

"Would the Cabinet Member for Environment agree that it is vital that the local authority lead the way and make every effort to encourage its staff to travel by sustainable means such as walking, cycling and by public transport both to work and during the working day wherever possible?"

66.19 Councillor Theobald replied:

"We are very much committed to supporting and encouraging staff to travel sustainably, both for commuting and during the working day.

The Council's Staff Travel Plan offers many initiatives which are having a positive impact across all sections of the Council. These include:

- Interest free loans for bus and train season tickets;
- Discounted bus tickets;
- A corporate contract with City Car Club offering discounted rates;
- A tax-free bike scheme and interest-free bike loan scheme;
- Greatly improved facilities for cyclists (including additional cycle parking and showers) together with beginner, refresher and cycle maintenance training sessions;
- Real-time travel information display screens are soon to be installed at Hove Town Hall and King's House.

As well as working with Council staff, officers run the Travel Plan Partnership which is working with local employers to support them in implementing their own Travel Plans. Officers are already working with 32 of the largest employers in Brighton and Hove and hope to expand this initiative further over the coming months."

- 66.20 Councillor Davey asked a supplementary question, "These are all excellent initiatives and I applaud the officers for their efforts in bringing them forward. Could the Cabinet Member please tell us when the nine pool bikes, presumably bought for staff to use that have been sitting in the King's House bike cage unused since last summer, will be available for staff to actually cycle?"
- 66.21 Councillor Theobald replied, "If you had linked that up to your original first question then I could have answered it but unfortunately I can't but I will be delighted to send you a written response. Could I just make one other point, when you congratulate and say how good these things are, and they are good, it's interesting how it is always the officers and when things aren't quite so good it's the Councillors but I join myself and this Administration with the officers."
- 66.22 Councillor Mitchell asked a further supplementary question, "Given that Councillor Theobald in his answer has just expressed his support for sustainable travel, notably bike travel, could he explain why the proposed and funded cycle route and pedestrian route from the Downs Hotel, Woodingdean crossroads to Sussex University has been abandoned, or seemingly abandoned, after preliminary work had been undertaken?"
- 66.23 Councillor Theobald replied, "I really don't think that has got anything to do with staff travel in the original question."
- 66.24 (e) Councillor Davis asked:
- "Can the Cabinet Member for Culture, Recreation and Tourism outline what steps are being taken to address the gaps identified in the recent Brighton and Hove Sports Audit, namely that Swimming, Indoor Sports, i.e. Badminton, Basketball, Volleyball, Indoor Bowls, and public access fitness activities are all lagging behind when compared to other Local Authorities' provision."
- 66.25 Councillor Smith replied:
- "Thank you for your question on the Sports Facilities Audit. Completion of the audit should be seen as the first positive step to improving the sports facilities in the city. The audit did highlight that the distribution of the facilities is good across the city compared with other cities where facilities are concentrated in the city centre.
- The council has already given a commitment to keeping the King Alfred Leisure Centre open and work has already commenced to secure greater planning contributions for new facilities. The council will also develop partnerships with sports clubs, schools and other organisations to increase access to existing facilities as well as developing new facilities."
- 66.26 Councillor Davis asked a supplementary question, "Councillor Smith I hope you would agree with me that it is a co-ordinated approach that is needed with small sports projects and I wondered if you are able to name some of these smaller sports projects that are ready to apply for funds from Sport England?"
- 66.27 Councillor Smith replied, "I will give you a written answer. Seriously, I don't remember every single organisation in this sporting organisation in this city that has got funds elsewhere. We did give small funds ourself for people there. We gave 20 of them £500

each for individuals to help them to train for Olympics or specialised sport. We have already done that but must I say from this report we are in partnership with private enterprise in this city. Withdean have got probably the best indoor tennis complex obviously in this region. We have got lots of other ones, sports centres are good, elsewhere there are the private ones, David Lloyd's and that, so there is a lot of partnership.

I want more in this city and I am sure all of us still want more there but I must say that we are trying our best, you know funds are very tight for everyone now. We are keeping the King Alfred open which is a hell of a big expense there and you all know that and it is our target for that but obviously sport, as far as I am concerned, is my number one. I am sure most people in this city want to keep fit and want us to be a sporting city."

66.28 Councillor Fallon-Khan asked a further supplementary question, "When Labour controlled the council from 1986-1997 and Hove 1985-1997 what did they do for the city as regards sporting facilities?"

66.29 Councillor Smith replied, "Very little."

66.30 (f) Councillor Marsh asked:

"Would the Cabinet Member for Children & Young People agree with me that the identification of Government resources to be used in improving the fabric of our schools and helping the local economy is always welcome?"

66.31 Councillor Mrs. Brown replied:

"Resources for improving the fabric of our schools are always welcome and that is why we have developed a clear and strategic capital programme to enhance and improve our school provision. The development of the Academy is on schedule and we have submitted a revised Expression of Interest for Building Schools for the Future.

We are taking a planned and strategic position to ensure capital funds are spent sensibly within the timeframe given but allowing flexibility to support our ambitions for Building Schools for the Future and the Primary Capital Programme."

66.32 Councillor Marsh asked a supplementary question, "Thank you for the explanation Councillor Brown. However, could the Cabinet Member please tell me how I inform my fellow Governors at Bevendean Primary School (who are actually meeting as we speak and I am not able to be with them which is a real shame), that the urgent repairs to the roof and the long awaited refurbishment of the canteen, not to mention the jobs these projects would have created to help local people who need them now, will have to wait for another year for reasons that none of us can understand?"

66.33 Councillor Mrs. Brown replied, "I have always said that this Administration will welcome any monies that can be used for improving our schools and this we will always do but I do believe you are talking about the £9m that we will be discussing later with the Notice of Motion, so I think I'll wait and give a full explanation then."

66.34 Councillor Meadows asked a further supplementary question, "Could the Cabinet Member for Children & Young People tell us why she thinks it is that both of her Conservative counterparts in East and West Sussex were able to make benefit and use of the money that the Government has made available to schools now when the Brighton and Hove Conservatives were unable to do so?"

As a School Governor I know of various primary schools, like Coombe Road, who would love to have made great use of this money and I think they would also like to know."

66.35 Councillor Mrs. Brown replied, "I have said this, I have said it in the Argus and will be saying it again later. We have a planned three year Capital Programme and your Government is always telling us we should keep the money and put it with other funding streams to make best use of it to do major works in this city and that is what we are going to do.

We are a responsible Administration. We are not into quick fixes: we are going to use it to do the best things we can for the children in this city."

66.36 (g) Councillor Kitcat asked:

"Could Councillor Geoffrey Theobald clarify that in his response to my question on communal bin fire safety of 29 January 2009, he does indeed say that the Fire Authority has told the council through Cabinet Member Councillor Kemble that it has no concerns over the communal bins?"

66.37 Councillor Theobald replied:

"I said in response to your question at the January Council Meeting that Councillor Ted Kemble, as the Vice Chairman of the Authority, discussed the communal bin scheme with the Chief Fire Officer some time ago and they are satisfied that the communal bins do not pose an additional fire risk.

The specific locations of communal bins have been determined with Highways and Traffic Engineers who fully consider road safety issues as well as access for emergency services and delivery vehicles. We have not asked the ambulance service, the fire or police authorities to also view the location of each bin."

66.38 Councillor Kitcat asked a supplementary question, "Given Councillor Theobald's written answer, can Councillor Theobald explain why a response to a Freedom of Information request regarding fire safety and bins from the council stated, and I quote: 'We have not been informed by the Fire Authority that they do not have concerns about the bins'?"

66.39 Councillor Theobald replied, "I haven't been informed that they do have."

66.40 Councillor West asked a further supplementary question, "Does Councillor Theobald recognise how frustrated the residents of Central Brighton are about the chaos that he is presiding over with the introduction of these bins and the changes to the recycling and refuse collections?"

Councillor Kitcat is clearly entitled to ask as many questions as he likes. It is his constitutional right and as a Member of the Cabinet can I ask Councillor Theobald if he recognises that, as he is responsible for this service, it would be useful if he better briefed himself and remained calmer when answering questions at Council?"

- 66.41 Councillor Theobald replied, "I really think that if you want to challenge me politically on a direction, that's fine but when you come up and ask technical questions and my frustration: you know Councillor West, yes there is a frustration. I don't think it's just mine, I honestly think it goes right across the Council. It is because Councillor Kitcat could just pick the telephone up and ring Gillian Marston our Assistant Director and she would give him the answer, rather than just try and catch me out. That is my frustration and I invite any Member of this Council if they do have technical questions, then please copy me in by all means but contact the officer who will be delighted to speak to you.

Councillor West I do not share your view when you talk about chaos, it has settled in very well, it has been a difficult change and I am sure as every month goes by people will recognise the benefits."

- 66.42 (h) Councillor Kitcat asked:

"Can Councillor Geoffrey Theobald provide a list of the type and models of communal bins used by Cityclean in the city and any other local authorities which use those types and models?"

- 66.43 Councillor Theobald replied:

"We use model OMB 1800 litre and 3200 litre, and model Spider 1700 litre and 3200 litre."

- 66.44 Councillor Kitcat asked a supplementary question, "On 29 January Councillor Theobald responded to my question over who he consulted on these new model bins without foot pedals and he stated, and I quote: 'My answer to your point is that we have trialled these various bins, we have actually consulted residents and residents in the main prefer the ones that we are now putting out. We constantly consult with residents, we like to get what their views are and how easy they find them to use. We have trialled them and these are the ones that are preferred.'

This is what Councillor Theobald said and yet when I conducted a Freedom of Information request asking for documentation, photographs or, in fact, any consultation responses at all to this alleged consultation, the council was unable to provide anything at all, so does Councillor Theobald believe that he has acted responsibly in the residents' best interests by imposing these new model bins on them without consultation and will he apologise for the mess he has left them in?"

- 66.45 Councillor Theobald replied, "Yes and no."

- 66.46 Councillor Duncan asked a further supplementary question, "When you recommend that if we seek technical information about any of these service deliveries over which you as Cabinet Member preside, would you recommend that we use the 292929 number to get that information?"

66.47 Councillor Theobald replied, "I don't know whether you have email, but if you do have email, then I would suggest because I see all the emails going in and I see the quickness of the responses that come from them, so I would suggest email."

66.48 (i) Councillor Kitcat asked:

"Could Councillor Geoffrey Theobald detail how many streets or parts of streets have been switched from weekly to fortnightly recycling collections? Could details of how these and other waste collection and recycling changes were planned be detailed?"

66.49 Councillor Theobald replied:

"None. Regarding the details of how changes were planned for our 121,000 homes across 3,000 streets, I would recommend, once again, that you meet with the Assistant Director of Cityclean who will explain the planning process in detail to you."

66.50 Councillor Kitcat asked a supplementary question, "My question is whether Councillor Theobald is in control of his Department when three residents have been told by Cityclean operatives that their recycling collections have changed from weekly to fortnightly. Will Councillor Theobald apologise unreservedly for his oversight, failing to ensure proper planning and the disrepute brought on the council by the failures in this collection service."

66.51 Councillor Theobald replied, "Well, we don't agree with that. I understand that you have received a complaint from one person, a person that I think most of us actually know here, a person called Simon Williams and I do believe I think he was a Councillor on this Council and I do believe I think he was a Green Councillor on this Council. He complained that his boxes were not collected and that we must have introduced a fortnightly collection where there used to be weekly. This is not the case, there has been no administrative error.

I find it interesting, I think I am right in saying that the population of Brighton and Hove is 260,000 and how many people is this Councillor Kitcat, three. I rest my case."

66.52 Councillor Oxley asked a further supplementary question, "Would Councillor Theobald agree with me that if the Greens wish to discuss these matters under the political direction of the refuse policy they can easily bring a Notice of Motion to this Council and if they wish to discuss technical matters then they can also do that at a Cabinet Member Meeting and would he invite the Green Councillors to bring forward such a Motion so that we can thrash this out."

66.53 Councillor Theobald replied, "Well, interestingly enough at my CMMs I do have some interesting questions and I am looking across now at Councillor Davey who comes forward quite properly and asks me an interesting question. There are other Members sitting over there who come along, yes Councillor Hawkes, Councillor Mitchell, various esteemed Councillors, all of whom I have enormous respect for come along and ask really excellent questions and I am always delighted to discuss them at those CMMs and I am sure colleagues would nod. The one person who seems to not come along to my CMMs and ask me really interesting questions is Councillor Kitcat.

Councillor Oxley in response to you I would be delighted to see Councillor Kitcat at my CMMs."

66.54 (j) Councillor McCaffery asked:

"I am sure all Councillors appreciate the weekly information on English Gypsy, Irish Travellers and New Age Travellers in the city, but we lack information on progress on the establishment of 14 pitches, the number identified by SEERA and progress in East and West Sussex who already have 6 sites and 32 pitches and 10 sites and 106 pitches respectively. Both councils are required to add additional sites and pitches.

Would Councillor Mears please inform the council what consultation has taken place with Travellers and their support organisations on size and location of the pitches, what consultation has taken or will take place with residents and what information is being given to all Councillors and whether any additional information will be given to the Planning Committee?"

66.55 Councillor Mears replied:

"Thank you for your question and I am glad to note that the weekly update on current Traveller issues is appreciated. Part of your question relates to East and West Sussex and whilst Councillor McCaffery will be aware that Brighton & Hove worked with East Sussex as part of the regional exercise to determine Gypsy and Traveller accommodation need across the south east, I am sure she will appreciate that this council cannot answer any question relating to how they take this work forward on their behalf.

Regarding our work in Brighton and Hove - it is still early days for this stage of the establishment of a site and we have yet to finally confirm the details and arrangements for the consultations that will be undertaken. I can confirm, however, that consultations will include Travellers and their representative groups as well as local residents and all will be informed of the process and how any views can be included."

66.56 Councillor McCaffery asked a supplementary question, "Thank you Councillor Mears for answering my question: unfortunately it does, in fact, give us little information. I would also like to say I was not asking for information on East Sussex I was only asking for information on progress in our city.

In relation to progress and information, I would like to ask Councillor Mears when a visit can be arranged for Councillors to a well run, well managed site in West or East Sussex. I know that she herself has visited one and I think it would help all Councillors if they had the same benefit?"

66.57 Councillor Mears replied, "Yes, I am more than happy to arrange a visit: I think it really is appropriate. As I have discussed with Councillor McCaffery, I have made a visit to a neighbouring Travellers' site. I would also like to invite Councillor McCaffery, because I do respect her involvement with Gypsies and Travellers and I know of her commitment, to work with me on this issue. I think it is something that she would actually bring a lot

of detail and benefit to. The offer is there for Councillor McCaffery and I do hope she takes it up.”

66.58 Councillor Wakefield-Jarrett asked a further supplementary question, “Would the Leader of the Council please tell me what measures were taken to ensure the size of the site allocated was suitable and would she not agree that two smaller sites in different geographical locations may have been more appropriate?”

66.59 Councillor Mears replied, “The number of sites allocated or to be allocated was derived from an assessment from right across the region. As I said earlier in my response to Councillor McCaffery, and I do apologise for not pronouncing her name properly, I am prepared to, and I think it should happen, that we should have a site visit to neighbouring travellers’ sites and I would hope that the Councillor would take the opportunity to come as well.

If the Councillor would like a more technical response, I am more than happy to give a written reply.”

66.60 (k) Councillor Mitchell asked:

“Can the Cabinet Member set out the spending in the current financial year and for the financial years 2009/2010 and 2010/11 on the maintenance for sports changing rooms at council run and managed recreation grounds (i.e. Victoria Park, Portslade; Patcham Place, Horsdean, Old Boat Corner, East Brighton Park, Waterhall, Braypool) where both football and cricket are played?”

66.61 Councillor Smith replied:

“We can break down the costs of cleaning the changing rooms but I will need to ask officers to gather information about building maintenance costs. We have not planned an increase in expenditure on sports changing rooms for the coming budget year and as yet we have not drafted proposals for the 2010/11 budget year. We will, of course, keep the matter under review.”

66.62 Councillor Mitchell asked a supplementary question, “My question did not actually relate to the cleaning of changing rooms and it is unfortunate that no information has been given in response to my question. However, I was wondering if Councillor Smith could outline what measures he is actually taking to move away from this reactive maintenance approach to one of programmed improvements in sports changing rooms and facilities as outlined in the Council’s Asset Management Plan and Fund?”

66.63 Councillor Theobald replied, “All I can say is we work on our Asset Management Programme, presumably exactly the same as your Administration did before. There are obviously competing demands. We were left in a situation with a lot of catch-ups to try and achieve, so I can’t say any more than what it actually says here.

Obviously I would love to do lots and lots of different things but the situation is there is only a certain amount of money. There are other priorities and we have an Asset Management Programme where all these points are put in and I am sure you worked in exactly the same way.”



66.64 (l) Councillor Mitchell asked:

“Can the Cabinet Member set out the spending plans for the maintenance and improvement of cricket pitches at council run and managed facilities over the last financial year and the next two years and what plans have the Administration got to improve changing room facilities over the next two years?”

66.65 Councillor Smith replied:

“Thank you for the question. I will need to ask officers to do some work for you to get the information you require. By way of explanation, our in-house grounds maintenance teams work in areas across a range of sites such as cricket pitches, other sport pitches, parks and other green spaces – so it is difficult to break down the cost of maintaining just one type of site or a site and thus provide the figures you request.

We have not planned an increase in expenditure on cricket pitches or changing room facilities for the coming budget year and as yet we have not drafted proposals for the 2010/11 budget year. We will, of course, keep the matter under review.”

66.66 Councillor Mitchell asked a supplementary question, “It is disappointing that there is no planned increase in expenditure and it is obviously very important to maximize any additional funding. Therefore could Councillor Smith please tell me if the council is working with young people’s groups and getting ready to bid for funding in April 2009 to the Government’s Youth Opportunity Fund and the Youth Capital Fund that does provide improved sports facility funding for sports equipment, sports coaches and so on?”

66.67 Councillor Smith replied, “We had money in this council for sports pavilions and all other activities in the city. If people remember in the late eighties when the Brighton Marina was done, all the muck that was taken out and chalk was put at Waterhall and they gave us half a million pounds for improvements to sports facilities, that’s supposed to have been ring-fenced. It was taken out of that budget by the Labour-controlled Council at that time and put in the General Rate Fund.

That’s a start, just for information purposes about what’s happened in the past. We have been in control of this authority for under two years and what we are doing is, yes, we are working with every group in this city to help them get grants and get extra facilities. We have got a list of things we want doing in this city and we are going to do it. This Administration will do it.”

66.68 (m) Councillor Fryer asked:

“What percentage of eligible residents have taken up the Warm Front scheme and what percentage of the population of Brighton & Hove does this represent?”

66.69 Councillor Caulfield replied:

“Whilst a precise figure for the percentage of Brighton and Hove’s residents who are eligible for Warm Front is not readily available, it is possible to use data from various

sources to produce an estimate. However, before considering the numbers who have taken up Warm Front it is important to bear in mind the fact that changes in circumstances of individual households and changes to properties leads to ongoing changes in the pool of eligible households.

To date it is estimated that the number of households in Brighton and Hove who are eligible for one or more of the main Warm Front measures (loft/cavity wall insulation, central heating, boiler replacement and heating repair) is currently in the region of 4,000.

In addition to this a recent extension of this scheme to include families with children under 16 is expected to reach around another 3,500 families with the new Family Insulation Grant. The grant will initially be available to families living in two-bedroom homes, with a view to extending it to more households as the scheme progresses. The new scheme, operated in partnership with Climate Energy, is part of a local grants programme of more than £1 million a year."

- 66.70 Councillor Fryer asked a supplementary question, "Warm Front is a good start in tackling the problem of fuel poverty and climate change but I am really concerned that it appears that we are not actually monitoring its take-up, which is what my question was about. There are many people on low incomes who don't qualify for Warm Front Schemes and can't afford to insulate their homes and often there is no offer of incentives to do these new insulation schemes if it is privately rented.

In Conservative-led Kirklees Council they have a free insulation scheme where there have been over 30,000 free insulation measures to date, which is more than the entire population of London. As this involves engaging directly by knocking on people's doors, this has also led to over 10,000 people getting debt advice checks, over 15,000 people getting fire safety checks and over 67,000 people getting carbon monoxide detectors fitted. These schemes actually save lives. This was achieved with a rise in council tax which was higher than that proposed by the recent Green Group budget and was hugely popular with residents.

I understand that Councillor Caulfield has recently visited Kirklees, does she agree that we should follow in their low carbon footprint and implement a similar scheme here?"

- 66.71 Councillor Caulfield replied, "The Warm Front Scheme is actually just one of a number of schemes that we run in this council. We do have the Warm Front Scheme but we also have the Warm Homes Scheme. We also have our council housing Insulation Scheme as well, where we put in free insulation, new boilers, new front doors and actually we are going to be announcing next week for the first time solar panels on council housing, so we do have a number of initiatives to help with fuel poverty and insulation.

As you said I have been to Kirklees, only a couple of weeks ago, to see what they did. In regards to the fire checks, actually the Fire Service already provide that free service and do visit people's homes on a regular basis. I have actually been visited by them myself. There are a number of schemes to help people deal with fuel poverty and fuel insulation and if you do want to talk about your proposals for your 0.5% increase on everybody's council tax to insulate the homes of people in this city then that was, I do believe, a twenty year programme. What we are doing here is dealing with those in fuel

poverty right here, right now, not in twenty years time and we do not intend to do that by putting people's council tax up.

In addition, to fund that you also wanted to put a car permit tax on residents who had cars older than 2001, which meant an average of about £318 a year for people who are on a low income and can't afford to replace their cars, so your scheme does sound good but actually when you get into the detail is targeting those who can't afford to pay more council tax or to replace their cars. What we are doing is dealing with fuel poverty right here, right now and letting the Government fund some of our fuel incentive schemes."

66.72 Councillor Steedman asked a further supplementary question, "Well, I wish it were the case that we could actually know how many people are benefiting right here, right now, because Councillor Caulfield can't actually tell us. Could Councillor Caulfield tell us what steps are being taken to actually monitor uptake so that in a year's time she can actually tell us how many people have benefited from the initiatives that she so proudly champions?"

66.73 Councillor Caulfield replied, "I can actually tell you, you did just ask for the Warm Front numbers, but I can give you the Warm Homes update. We can also tell you that we have over 12,000 council houses that will be benefiting from the initiatives I have just discussed, so I can give you that information.

We are monitoring not just what we are doing but also the uptake and also increasing the uptake and we are working with our communication teams so that residents are aware of what's available and how to actually claim them."

66.74 (n) Councillor Hawked asked:

"Would the Cabinet Member for Children & Young People explain why on 4 March, when the Government published the list of Local Authorities that had received Myplace funding, Brighton and Hove was not listed. This is a grant which was earmarked as a 100% funded grant to improve the 67 Centre in Moulsecoomb. Did this Conservative led council miss out on much needed government funding for local youth services because the Administration deviated from the government guidelines when applying for the bid?"

66.75 Councillor Mrs. Brown replied:

"The Government announced funding in May 2008 for the Myplace Strategy which is to provide capital funding to build world class youth facilities. A detailed bid was developed in Brighton and Hove through a thorough needs analysis and extensive consultation with partners and young people. The bid fully met the government's guidelines for applications and was agreed at both the Youth and Connexions Board and the Children and Young People's Trust Board in September 2008.

We understand the bidding process was heavily over-subscribed and unfortunately the Brighton and Hove bid was not successful in this round. There is to be another tranche of funding available this year and it is the intention of the CYPT to make another application, having taken whatever feedback is available from the Big Lottery (that

organised the application and selection process) in order to make any necessary refinements to the bid.”

- 66.76 Councillor Hawkes asked a supplementary question, “Thank you for that answer. However, saying that our bid was not successful is a great shame. Would the Cabinet Member for Children & Young People agree that this is a worrying situation? Whilst the authorities in Hastings and Rye and over in Bognor Regis were successful in getting over £5m of money from the Government, this council has failed to bid successfully for better youth services in Brighton.

Could the Cabinet Member therefore confirm whether she will be seeking advice or help from her Conservative counterparts in Bognor and Hastings who were able to put a successful bid together?”

- 66.77 Councillor Mrs. Brown replied, “As I stated in my reply this application did meet the Government guidelines and it was agreed at the CYPT Board which both Councillor Hawkes and Councillor Marsh sit on. The bidding process was heavily over-subscribed: so there were a lot of authorities as well as ours that didn’t receive the money, although our actual record for successful bids is very good and we have done very well with our bids this year.

At the end of the day, Councillor Hawkes, it’s this Labour Government that turned us down, so perhaps the Labour Members would like to explain to their Government.”

- 66.78 Councillor Meadows asked a further supplementary question, “Can the Cabinet Member please confirm that the refurbishment of the 67 Centre in Moulsecoomb now hangs in the balance, because instead of bidding for a share of £110m the council will now be resubmitting a bid for a share of a much smaller pot of £30m?

What would the Cabinet Member for Children & Young People say to young people in Moulsecoomb who will now be concerned that the redevelopment of the 67 Centre has been put at risk by this council?”

- 66.79 Councillor Mrs. Brown replied, “It has not been put at risk by this council, there was this one bid that we did not actually manage to get. Shall I tell you some of the bids we have recently got. The first one is V-Talent and the CYPT was awarded £285,000 from December 2008 to March 2011 to enable us to offer 30 full-time volunteering opportunities to young people aged between 16 and 25.

Secondly, we bid for the Youth Crime Action Fund and have successfully got £700,000 over two years for positive activities for our young children and more detached work, partly in the Moulsecoomb area.

Thirdly, we are the only authority in this country to receive £500 worth of money for a research project funded by the DCSF and delivered by King’s College and the National Academy of Parenting. This is an intervention project called the Functional Family Therapy Programme and this works with young offenders and those at risk of offending.

This shows over the last year we have been highly successful at bidding for grant money but yes, of course, we will put in a bid again for the 67 Centre.”

66.80 (o) Councillor Wakefield-Jarrett asked:

“Could the Cabinet Member for Central Services tell me what proportion of suspected benefit fraud cases are pursued in ways other than through the courts and how this compares to national trends for action by local authorities where benefit fraud is suspected?”

66.81 Councillor Fallon-Khan replied:

“Potential fraud in the housing and Council Tax Benefit system.  
There are two aspects to dealing with fraud; Prevention and detection.

### **Prevention**

As a service recently rated at the maximum 4 out of 4 by the Audit Commission in the recent CPA assessment the Council can take assurance that all the correct measures are in place to deter and prevent fraud before it even occurs. This maybe reflected in national statistics. The Department of Work and Pensions operates sophisticated data matching exercises to identify potential fraud discrepancies within welfare benefits, tax and banking records. The ‘hits’ from these exercises are sent to the Council to investigate. While not all ‘hits’ result in the identification of fraud the ratio is a reasonable indicator of potential fraud activity and the effectiveness of fraud preventative work. In Brighton & Hove 2007/2008 the number of ‘hits’ was 36 per 1000 benefit cases, nationally the average was 50. From these figures it may be that Housing Benefit / Council Tax Benefit fraud activity is less than the national average. However, the service does not rest on this statistic and all efforts are made and will continue to be made to prevent fraud.

### **Detection**

The Audit Commission rating also gives assurance that the Benefit Service is conducting its fraud investigation to a high standard. The Service applies strict guidelines to make sure that sanction is only sought where it is fair and proportionate. Where high level fraud abuse is clear we do not hesitate to pursue court decisions that we can then publicise as a deterrent to others.

In comparison with the national average, the last figures we have are for 2007/2008: (Although two of the three statistics show the authority as being below the national average, this is to be expected given that Housing Benefit/Council Tax Benefit fraud activity is assumed to be 28% less than the national average).

We cautioned 61 customers, 2.07 customers per 1000 benefit cases (national average 2.53)

We issued 47 administrative penalties, 1.6 customers per 1000 benefit cases (national average 1.75)

We went to court for 47 cases, 1.6 customers per 1000 benefit cases (national average 1.55)”

66.82 Councillor Wakefield-Jarrett asked a supplementary question,

“I would like to thank the Cabinet Member for Central Services for the detailed response to my question.

Could he tell me what steps are taken to consider the impact on an individual’s life before releasing their details to the press when a benefit fraud is suspected or has occurred?”

66.83 Councillor Fallon-Khan replied, “They have committed a crime, so therefore it is in the public interest, is it not?”

66.84 Councillor Randall asked a further supplementary question, “We share Councillor Fallon-Khan’s desire to cut down on benefit fraud, none of us like people who free-load on the system. However, we believe the council should be sensitive and proportional in its response to these issues.

I wonder if he thinks pursuing a single mother for more than three months, a woman with two children who has gone through a long period of personal homelessness and trauma and was the subject of a three month investigation, which included three interviews under caution and it emerged that the over-payment was £24 over two years. Now this caused this woman and her family an enormous amount of stress and I have to say that the people in the department doing the investigation knew about her circumstances because I told them and I wasn’t happy with their response.

Can he tell me if he thinks this is value for money, if it’s proportional or an act that he and the Administration are proud of?”

66.85 Councillor Fallon-Khan replied, “We do have a strict code of proportionality and also in terms of value for money I think we should remember that the Benefits Team in this Council have just been awarded four stars out of four by the Audit Commission. If you are going to be picking up on individual cases, do you know I am quite happy to come and meet Councillor Randall and perhaps come and meet this lady, I am quite happy to do that.

If you are talking about value for money, the reason that we have taken some of the actions that we have and the reason that we want to have this as one of the priorities that we do is because there is a lot of money that gets wasted from council tax payers and from the council from people who commit benefit fraud or whatever. Now the results that we have got are excellent and I am going to defend this Administration for the last two years for the work that has been done by the officers and by this Administration.

If Councillor Randall wants to talk about a particular individual case I am quite happy to meet him afterwards and we will pursue it from there.”

66.86 (p) Councillor Morgan asked:

“Can the Cabinet Member for Environment confirm that staff employed in council-owned car parks are to be sacked and that in future the car parks will have no staff on duty to

deal with equipment breakdowns, problems with passes and the safety of car park users?”

66.87 Councillor Theobald replied:

“I would like to assure you that there was full consultation with staff and unions regarding the current improvements to The Lanes and London Road car parks. Staff have been supportive of these changes, which will create more local jobs and new opportunities through the introduction of an in-house dedicated Maintenance Team, in addition to the new Control Centre operation. There has been no decision to sack staff.

The new Traffic Control Centre will provide 24/7 customer service to all linked car parks. The Maintenance Team will be well equipped to respond and attend as required. The new access control, CCTV, improved lighting and general upgrading of The Lanes are specifically designed to make the car parks both safe and secure for all customers.”

66.88 Councillor Morgan asked a supplementary question, “I am grateful to Councillor Theobald for confirming that the Administration is removing on-site staff from the council’s car parks as what it describes as part of its improvements.

Does Councillor Theobald agree with Councillor Mears when she said that car parks at night can be scary, especially for lone women and is he aware of the Home Office studies which show that unstaffed car parks have much higher rates of crime?”

66.89 Councillor Theobald replied, “I think it is a shame, having read your letter in which you refer to Councillor Mears, that you didn’t wait for me to answer this question before you actually stated in the local paper: ‘Why is Councillor Mears sacking the car park attendants?’. That is not true.

Now, of course, in the old days when I first joined a local authority, if you had written a letter like that to the local paper the Editor would have telephoned me or Councillor Mears, Councillor Mears really because her name is in this, and said would you like to respond to this and it would have gone in at the same time but, of course, those days have long gone. That I think is unfortunate, I would like to see that situation again.

These car parks have been left to rot for the last twenty years, they were an absolute mess, dangerous and very few ladies, I suggest, would go into these car parks at night time. They were certainly unpleasant places but what is interesting is that only Monday night a senior female member of our staff, following the Culture Conference, went to the London Road car park at 11.30 at night and said how safe she felt following these improvements. Now, to me that is very much of a plus.

Within the car parks there are further opportunities for staff, building on an in-house dedicated Maintenance Team, the car parks will be a lot safer. I support everything that Councillor Mears has said. The car parks will be very, very much better, a hundred times better than what they are now with cameras, lighting and, you know, every other thing that you could possibly think of to bring these car parks up to the full standard of what one can see elsewhere.”

66.90 (q) Councillor Morgan asked:

“Can the Cabinet Member for Housing confirm that, despite her promise at Council on 4 December last year that two vacant council properties would be returned to use “early in the new financial year”, these family homes in the Manor Farm area of my ward remain empty and are still awaiting repair?”

66.91 Councillor Caulfield replied:

“Since my response to Councillor Morgan’s previous question on this matter, further detailed assessments of the works required on both of these properties have taken place. This includes structural surveys, and an independent survey to establish the possible levels of recharging that could be applied due to damage by previous tenants. Following these a full specification and an estimation of the cost of the works has been drawn up.

68 Manor Way is estimated to require £32,000 of works, of which £5,577 is estimated to be due to damage by tenants, and as such will be considered for recharge.

74 Manor Way is estimated to require £35,000 of works, of which £4,850 is estimated to be due to damage by tenants, and as such will be considered for recharge.

The specification of works on these properties has now been completed and it is planned to engage with contractors to progress these works in as timely a fashion as possible, whilst having regard for the lead-in time required for ordering materials and other preliminary works.

It is still expected that these properties will be brought back into use early in the new financial year.”

66.92 Councillor Morgan asked a supplementary question, “Can Councillor Caulfield confirm that these family homes, which the Conservative Council have left empty now for almost 18 months, are really going to have £35,000 of work done on them in time for the new financial year beginning in three weeks?”

66.93 Councillor Caulfield replied, “I think, Councillor Morgan, you must have misread my answer at the last Council meeting. I said they would be ready in the new financial year, not by the new financial year and, yes, I can confirm that work is planned on those two properties as detailed in my answer. I cannot stand here and listen that we have left those properties empty for 18 months when they were empty for nearly three years under the previous Labour Council.

Let me just say in addition to that: we have empty voids in sheltered housing schemes because they have shared facilities. For those of you that don’t know what shared facilities are, that is where you have to share a bathroom with your neighbours and many of our sheltered housing residents are having to share bathrooms with up to seven or eight neighbours.

We are announcing next week in our Capital Programme that we are going to spend £300,000 to remove shared facilities from Jasmine Court, Hazelholt and Laburnum



Grove, thus speeding up our void turn-around times and preventing voids from being in sheltered schemes in the first place. That is not all: we have found on my personal tour of the sheltered housing schemes seven empty scheme manager flats that have been empty for nearly four to five years. Many of these are two-bedroom flats which could be used in our under-occupancy scheme and will be relet in this financial year, this within 18 months of the Conservative Council.”

## **67. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

### **(a) Callover**

- 67.1 The Mayor noted that Members had indicated a wish to discuss the reports listed on the agenda and therefore stated that the following items on the agenda would be reserved for discussion:

Item 68 - Members Allowances

Item 69 - Annual Investment Strategy.

- 67.2 The Mayor also noted that Item 70 – Matters Exempt from Call-in was an information only report and therefore proposed that it be noted.

- 67.3 It was agreed to note the report.

### **(b) Receipt and/or Approval of Reports**

- 67.4 The Acting Chief Executive confirmed that Item No's. 68 and 69 had been reserved for discussion.

### **(c) Oral Questions from Members**

- 67.5 The Mayor noted that there were no oral questions.

## **68. MEMBERS ALLOWANCES**

- 68.1 Councillor Ann Norman formerly moved the report and the recommendations of the Governance Committee, which were detailed in the extract from the meeting, held on the 10<sup>th</sup> March and had been circulated as part of the addendum papers. She noted that the Independent Remuneration Panel was undertaking a full review of allowances and was due to report to the council in 2010. In the meantime the only change to allowances was the proposed increase to the Basic Allowance in line with the final salary inflation figure, which would be implemented from the day after Annual Council. She wished to acknowledge the important role of the Panel and to place on record her thanks to the members of the panel for their continued work.

- 68.2 Councillor Mitchell stated that she wished to add her thanks to the Panel for their work and welcomed what was in effect a freeze on the level of allowances, but hoped that any final decision as to whether or not to accept the increase to the basic allowance would be left to individual Members.

- 68.3 Councillor Mears stated that she wished to thank the Panel for their work and confirmed that the individual members of the Conservative Group had decided that in view of the current economic climate to decline to take any increase in their basic allowances.
- 68.4 Councillor Taylor referred to the extract from the minutes of the Governance Committee and stated that he felt the recommendations took account of the concerns raised. He noted that the level of allowances recommended by the Panel already incorporated a public service discount of 40% and that whilst the actual level of increase was small; there were some Members who would benefit from taking it because of their own financial circumstances.
- 68.5 Councillor Elgood stated that he had noted the recommendations of the Governance Committee and having consulted with his colleague, they would not be taking the increase in the basic allowance for this year in view of the economic situation faced by residents.
- 68.6 Councillor Bennett stated that she supported the comments of other Members and noted that the level of increase would be a lot of money to somebody who was currently unemployed.
- 68.7 Councillor Randall stated that he felt it was important for individual Members to be able to decide whether or not take the increase, as each person would have differing circumstances which they would need to take into account. He also noted that a number of other Members were also in receipt of a Special Responsibility Allowance and therefore may find it easier on this occasion not to accept the increase in the basic allowance.
- 68.8 Councillor Norman noted the comments and stated that the decision to accept the proposed increase had to be for each individual Member and therefore moved the recommendations of the Governance Committee.
- 68.9 The Mayor noted that the recommendations had been moved and sought confirmation from the council.

68.10 **RESOLVED –**

- (1) That the recommendations of the Independent Remuneration Panel, as set out in its report be noted;
- (2) That in accordance with the recommendations of the Independent Remuneration Panel as agreed by Council in April 2008, the level of Basic Allowance be increased by the assumed salary rate of inflation of 2.3% for the municipal year commencing 15 May 2009; subject to individual Members' rights to accept or decline the increase;
- (3) That the position be reviewed following the receipt of the Independent Remuneration Panel's report in 2010; and

- (4) That the allowance payable to each of the members of the Independent Remuneration Panel continue to be increased by the council's salary inflation assumption of 2.3% for 2009 with effect from 15 May 2009, in recognition of their time commitment and their important role.

### **Refreshment Break**

- 68.11 The Mayor stated that in view of the time and in wishing to give the opportunity for a full debate on the next item, he proposed to adjourn the meeting for a refreshment break.
- 68.12 The meeting was adjourned at 6.30pm.
- 68.13 The Mayor then reconvened the meeting at 7.00pm

## **69. ANNUAL INVESTMENT STRATEGY**

- 69.1 Councillor Young formerly moved the report, which sought approval to the Annual Investment Strategy 2009/10. She noted that the Cabinet had accepted the recommendations and agreed that they should be put to the council for approval.
- 69.2 Councillor Randall referred to the ethical statement and queried whether the matrix for assessing investments was still being applied.
- 69.3 Councillor Young confirmed that the matrix was still being used.
- 69.4 The Mayor noted that the recommendations of the report had been moved and sought confirmation from the council.
- 69.5 **RESOLVED** – That the Annual Investment Strategy 2009/10 as set out in Appendix 1 to the report be approved.

## **70. MATTERS EXEMPT FROM CALL-IN**

- 70.1 **RESOLVED** – That the report be noted.

## **71. NOTICES OF MOTION.**

### **(a) Automatic Rate Relief for Small Businesses**

- 71.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Fallon-Khan and seconded by Councillor Kemble.
- 71.2 Councillor Hamilton moved an amendment, seconded by Councillor Morgan which was put to the vote by the Mayor and lost.
- 71.3 The Mayor then put the following Notice of Motion to the vote:

“This Council notes that:

1. Business rates are the third largest cost to small firms, after salaries and rent. Yet, many small businesses are unaware of, or do not apply for, the rate relief to which they are entitled.
2. In England more than half of small businesses miss out on claiming back up to £1,200 off their business rates.
3. Every year, around £400 million – calculated and ear-marked by the Treasury for eligible businesses – goes unclaimed, even though this money poses no extra cost to the Government or tax payer.
4. Automatic rate relief is currently available to small firms in Wales but not in England.

In January 2009, it was estimated that there were over a 1,000 small businesses in Brighton & Hove that could be eligible for rate relief but were not claiming. This meant that local small firms could be losing up to one million pounds in revenue to the Government.

This Council welcomes the current Administration’s recognition of the low uptake of rate relief by local small firms and the action it has taken to promote awareness and increase uptake.

However, this Council considers that all qualifying small businesses should be entitled to **automatic** rate relief. This would provide them with much needed additional financial resources during the recession. Furthermore, it would save both small firms and local billing authorities’ time and money applying and operating the current complex application system.

Therefore this Council:

1. Supports the automatic rate relief campaign started by the Federation of Small Businesses.
2. Welcomes the ‘Small Business Rate Relief (Automatic Payment) Bill’ tabled by Peter Luff MP and hope to see it made law.

This Council instructs the Chief Executive to:

1. Write to Lord Mandelson, the Secretary of State for Business, Enterprise and Regulatory Reform requesting that he introduce automatic rate relief for small businesses.
2. Write to Brighton & Hove’s three MPs calling upon them to sign the current Early Day Motion supporting the Automatic Rate Relief campaign.
3. Make a letter of support for the Automatic Rate Relief campaign available to download on the Council’s website.

**71.4 The motion was carried.**

**(b) Fuel Poverty and Excess Winter Deaths**

71.5 The Notice of Motion as detailed in the agenda was proposed by Councillor Elgood and seconded by Councillor Watkins.

71.6 Councillor Caulfield moved an amendment, seconded by Councillor Ken Norman which was accepted by Councillor Elgood.

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

“This Council notes with regret that according to figures from the Office of National Statistics there were 110 excess winter deaths in the three Brighton and Hove Parliamentary constituency in 2006/7. Most of these deaths are caused by cold homes, or fuel poverty as it is known. Thousands more people suffer from living in poorly insulated homes that leak heat.

*This Council welcomes the extensive local grants programme offered by Brighton & Hove City Council to help tackle fuel poverty, which is worth more than £1 million per annum. This includes:*

- *the Warm Homes Initiative, which offers free insulation for residents receiving benefits and for those aged 70 and over*
- *the new Family Insulation Grant, which will provide funding for up to 3,500 families in the city to improve the energy efficiency of their homes.*

This Council also notes that David Heath MP (Liberal Democrat), supported by John Gummer MP (Conservative) and Alan Simpson MP (Labour), has tabled the Fuel Poverty Bill, which seeks to develop a strategy to tackle this problem.

The Bill is being promoted by the Fuel Poverty Coalition, a wide range of organisations concerned with the elderly, poverty and the environment – including ACE, Friends of the Earth, Help the Aged, Age Concern and others.

The Bill will reinstate the duty to end fuel poverty. It requires the homes of the fuel poor to be brought up to the minimum energy efficiency standards enjoyed by new homes. It also requires energy suppliers to offer social (i.e. reduced rate) tariffs to vulnerable householders in the short term. The Bill will help to lower energy bills and save carbon emissions.

This Council calls on the city's three MPs to do all they can to assist in the passage of this important legislation *by supporting it through all the relevant parliamentary stages of the Bill. During this process, they should make it clear that the financial burden of any additional energy efficiency work should not fall on local authorities.* Furthermore it requests that the *Acting* Chief Executive writes to the three MPs *who have tabled the Bill* to inform them of the strength of feeling of the Council.”

71.8 **The motion was carried.**

**(c) Re-open the Wealden Line**

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

71.10 Councillor Theobald moved an amendment, seconded by Councillor Smith which was put to the vote by the Mayor and lost.

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

“This council notes

1. The frequent severe disruption to train travel caused by engineering works on the line between London and Brighton particularly at weekends.
2. The inconvenience that this presents to travellers and the extra pressure it puts on the areas already congested roads.
3. The adverse effect that this disruption has on the city’s economy by discouraging visitors from coming here at those times and potentially on other occasions as well.
4. The general congestion on the London to Brighton line which acts as a serious bottleneck limiting the number of trains able to serve both Brighton and Hove particularly at peak times, leading to overcrowding.

In order to help address these problems this council would like the government to urgently begin work to reopen the Wealden railway line between Lewes and Uckfield.

In response to a recent No. 10 petition calling for the reopening of this line the government quoted Network Rails 2008 report that showed:

*“that there are no physical obstructions which would preclude the rebuilding of the railway between Lewes and Uckfield” and “The total capital cost for these works was estimated at £141.0 million including a 30% contingency allowance.”*

The government is currently offering to spend hundreds of millions of pounds to improve transport infrastructure in regions outside of London. This council believes that the priorities for the South East of England should be on public transport infrastructure including rail rather than on building more roads. Previous experience shows that building roads leads to more traffic and more congestion. This in turn raises levels of air pollution and increases carbon emissions. We need to be investing in rail for the future not repeating the mistakes of the past. At £141m this project represents excellent value for money compared to the costs of building more roads.

This council believes that reopening this rail link will.

1. Provide a general boost to the Sussex economy in particular that in Brighton & Hove
2. Relieve pressure on the London to Brighton bottleneck so providing opportunities to improve the train service into the city

3. Provide an invaluable alternative route into the city when engineering works are being carried out on the mainline.
4. Represent a significant shift away from increasing car dependency towards a future grounded in sustainable transport and a low carbon economy.

For these reasons this council calls on the government and particularly Lord Adonis the Minister of State responsible for the railways to begin work as soon as possible to re-open this vital missing link on the regions railway network.

The council therefore asks the Acting Chief Executive and the City's Three MP's to write to Lord Adonis in support of this proposal."

**71.12 The motion was lost.**

**(d) Millicent Fawcett and the Fawcett Charter**

71.13 The Mayor noted that the notice of motion as detailed in the agenda had been printed incorrectly and the paragraph beginning 'As one of ...' should include the reference to 'ask the Cabinet to consider to:' which was correctly shown in the proposed amendment detailed in the addendum papers.

71.14 The Notice of Motion as detailed in the agenda with the correction outlined by the Mayor was proposed by Councillor Kennedy and seconded by Councillor Wakefield-Jarrett.

71.15 Councillor Mears moved an amendment, seconded by Councillor Simson which was put to the vote by the Mayor and lost.

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

"This Council notes that:

1. The Fawcett Society is the UK's leading organisation promoting equality for women. It campaigns for women's representation in politics and public life; equal pay and pensions, and the fair treatment of women in the workplace.
2. Having begun as the National Union of Women's Suffrage Societies (NUWSS) in 1866, the Fawcett Society takes its name from Dame Millicent Garrett Fawcett, who made it her life's work to lead the peaceful campaign for women's votes.
3. Millicent Fawcett was married to Henry Fawcett, MP for Brighton from 1865 to 1874, and in 1897 she spoke to the NUWSS Conference in Brighton Town Hall.
4. Today the Fawcett Society continues to campaign for equality for women in all areas of life, and is currently calling for employers to sign up to the Fawcett Charter, which represents a coalition of firms and organisations committed to challenging the objectification of women at work. Signatories include BT, Barclays Wealth, Matrix Chambers, and Oxfam GB.

As one of Brighton & Hove's largest employers, with a stated commitment to equalities for all in the workplace, this Council therefore resolves to ask the Cabinet to consider:

1. Signing up to the Fawcett Charter, demonstrating:
  - Support for Fawcett's aim of challenging the objectification of women;
  - A commitment to audit employee expenses to ensure local authority money is not being spent in lap dancing clubs;
  - A commitment to review internal policies and procedures to ensure they adequately address potential occurrences of objectification.
2. Request that the Commemorative Plaques Panel considers erecting a blue plaque outside Brighton Town Hall to honour the memory of Millicent Fawcett.

71.17 **The motion was carried.**

**(e) Keep Royal Mail Public**

71.18 The Notice of Motion as detailed in the agenda was proposed by Councillor Mitchell and seconded by Councillor Lepper.

71.19 Councillor Oxley moved an amendment, seconded by Councillor Fallon-Khan which was accepted by Councillor Mitchell.

71.20 Councillor Fryer moved an amendment, seconded by Councillor Taylor which was accepted by Councillor Mitchell.

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

"This Council notes the Early Day Motion 428, as supported by the Brighton MPs, which backs a;

*"supported vision of a wholly publicly-owned, integrated Royal Mail Group; welcomes the conclusion of the Hooper Report that the current universal service obligation offered by Royal Mail, including six days a week delivery, must be protected and that the primary duty of a new regulator should be to maintain it; further welcomes the recommendations in the Report that the Government should take responsibility for the pensions deficit which followed an extended contributions holiday; endorses the call for a new relationship between management and postal unions and welcomes the commitment of the Communication Workers Union to negotiate an agreement which would support the modernisation of the industry; observes that in 2007 the Government agreed to a £1.2 billion loan facility on commercial terms to modernise Royal Mail operations; rejects the recommendation of the Hooper Report to sell a minority stake in Royal Mail which would risk fracturing one of Britain's greatest public services; further notes that the Government is currently advertising for a new Chair of Royal Mail; and urges the Secretary of State to appoint a Chair and management team who are committed to the principles of a modern public enterprise."*



Further, this council notes that the Postal Services Bill as introduced by Business Secretary Peter Mandelson

- represents the part privatisation of the postal services
- has been condemned by union leaders representing the Communication Workers Union, Unite, Unison and the GMB
- and that these same union leaders maintain that the Government's plans break a Labour Party pledge to keep the Royal Mail "wholly" publicly owned. "

This Council notes the cross party support that the EDM has received but acknowledges that it is contrary to Labour Government policy and the content of the Postal Services Bill. It further notes that taking no action to bring additional investment to Royal Mail would have repercussions for all of the City's residents and importantly, including its postal workers.

Asks that this Council seeks to assure postal workers in the City of its support for (i) maintaining the universal service obligation; (ii) ensuring Royal Mail is properly capitalised; (iii) maintaining deliveries six days per week; (iv) adequate funding of Royal Mail pensions.

Therefore, this Council requests that the Acting Chief Executive write to the Business Secretary and the Shadow Business Secretary stating the authority's position.

**71.22 The motion was carried.**

**(f) Accept £9 Million for Local Schools**

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

71.24 Councillor Mrs. Brown moved an amendment, seconded by Councillor Alford which was put to the vote by the Mayor and carried.

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

"This Council supports action to ensure that children will benefit from the £9 million of government funding for local investment in education for 2010/11 for better equipment and new building repairs and improvements.

This Council recognises and supports the boost to the local economy that this kind of work will bring to the City, increasing construction jobs and the amount of work available.

This Council notes that the agreed schools capital programme for Brighton & Hove has been based on drawing down the money over three years in line with the original Government proposals. The Council intends to deliver the projects as outlined in the capital programme as this is in the best interests of the children of Brighton & Hove and will allow the CYPT to spend the money most effectively.

Contrary to recent reports, this Council further notes that the £9 million will still be available to the CYPT in 2010/11, as the Government originally planned.

This Council asks the Cabinet Member for Children and Young People to continue with the current programme of investment in school building and refurbishment programmes which will boost jobs in the City and enhance the educational opportunities of all the city's children."

**71.26 The motion was carried.**

**(g) South Downs National Park**

71.27 The Notice of Motion as detailed in the agenda was proposed by Councillor West and seconded by Councillor Rufus.

71.28 Councillor Theobald moved an amendment, seconded by Councillor Caulfield which was put to the vote by the Mayor and lost.

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

"This council, a long-standing supporter of the South Downs National Park, recognises:

- The vital importance of the South Downs to our tourist economy
- The recreational benefits it offers to local people and visitors
- The additional economic benefits National Park status will bring to Brighton and Hove
- The physical and mental health benefits that access to a high quality landscape will bring to the City.
- The protection National Park status will offer to the fragile and pressured national environment of the South Downs.
- That Brighton and Hove is a natural major gateway to the proposed park.

It notes:

- The Government plans to announce its decision on the South Downs National Park in the 'early summer'
- The efforts of the South Downs Campaign to persuade Ministers to include the chalk hills, The Western Weald, Ditchling and Lewes in the confirmed National Park.
- The need for Brighton and Hove City Council to look beyond designation and plan for the benefits of the National Park on the city.

It therefore resolves to:

- Commend the South Downs Campaign for its tireless work,
- Ask the Cabinet to consider establishing a working group to develop a comprehensive strategy to reap the benefits for the city of a South Downs National Park.

- Ask the city's Chief Executive to write to Hilary Benn, Secretary of State for the Environment, Food and Rural Affairs, urging him to include the chalk hills, the Western Weald, Ditchling and Lewes in the confirmed national park.
- Call on the city's three MPs to write to Mr Benn urging him to include the chalk hills, the Western Weald, Ditchling and Lewes in the confirmed national park."

71.30 **The motion was carried.**

**(h) Housing and Homelessness Services for Young Lesbian, Gay, Bisexual and Trans People in Brighton and Hove**

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

71.32 Councillor Caulfield moved an amendment, seconded by Councillor Mears which was put to the vote by the Mayor and lost.

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

"This council:

1. Acknowledges the work of the city's housing services in helping young Lesbian, Gay, Bisexual and Trans (LGBT) homeless people in Brighton and Hove.
2. Notes the findings of the report, *Count me in too (LGBT lives in Brighton and Hove)*, which was published in 2008 by the University of Brighton and Spectrum.
3. In particular, it notes the section on homelessness, which reveals that 18 per cent of LGBT young people who have moved to Brighton and Hove in the past five years have been homeless in the city and that many of them have experienced abuse, harassment or violence at the hands of a family member or someone close to them.
4. Also notes that 57 per cent of those who have experienced homelessness in the city told University of Brighton/ Spectrum researchers they would like to see the introduction of specialist LGBT services for homeless people.
5. Notes the successes of the Albert Kennedy Trust, which works in Manchester and London with young people aged 16 to 25 from the LGBT community who are homeless or living in a hostile environment. It provides a programme of training, policy advice, and practical support, which includes supported lodgings schemes, mentoring and befriending services. It has also launched a Quality Assurance Mark, offering a model of best practice to mainstream housing and homelessness organisations.

The council therefore resolves to request the Cabinet member for Housing to consider the possibilities of:

1. Joint working with the Albert Kennedy Trust,
2. Ways in which ways the Trust's services could be used to help young LGBT homeless people in Brighton and Hove."

71.34 **The motion was carried.**

**72. PART TWO MINUTES - EXEMPT CATEGORIES 4 & 5**

- 72.1 The part 2 minutes of the Council meeting held on the 29 January 2009 were approved as a correct record of the proceedings.

**73. PART TWO ITEMS**

- 73.1 The Council considered whether or not the above item and the decision thereon should remain exempt from disclosure to the press and public.
- 73.2 **RESOLVED** – That the above item and the decision thereon remain exempt from disclosure to the press and public.

The meeting concluded at 10.10pm

Signed

Chairman

Dated this

day of

**WRITTEN QUESTIONS FROM COUNCILLORS****(a) Councillor Elgood**

“What action does the Cabinet Member for Environment intend to take in light of European Commissioner Loizos Loizou's findings that the process for the joint Brighton and Hove / East Sussex County Council contract for waste incineration was not undertaken correctly?”

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

**(b) Councillor Allen**

“Is the Administration committed to the continuation of the mobile library service?”

**Reply from Councillor Smith, Cabinet Member for Culture, Recreation & Tourism**

**(c) Councillor Allen**

“Can the Cabinet Member for Culture confirm that income from sales from the Jubilee Library shop covers all the costs (e.g. staffing, heating, maintenance) of running the Jubilee Street library shop? If not, what level of subsidy from the library budget is required?”

**Reply from Councillor Smith, Cabinet Member for Culture, Recreation & Tourism**

**(d) Councillor Duncan**

“Can the Cabinet Member for Children's Services tell us what steps were taken to ensure that the financial collapse of St Mary's Hall School in Eastern Road had no negative impact on the education of the city's children, both pupils at the school and those of other schools which they will attend from next year?”

**Reply from Councillor Mrs Brown, Cabinet Member for Children & Young People**

**(e) Councillor Duncan**

“Residents of Rochester Street have reported that an ambulance was unable to access their street last month to administer emergency healthcare to an elderly man who had collapsed following an aortic aneurism.

The man was reportedly told that the street was inaccessible to emergency vehicles because of the haphazard and unmanaged nature of parking in the Baker’s Bottom area: does the cabinet member for Environmental Services have any plans to speed up the proposed review of parking arrangements in the area?”

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

**(f) Councillor Duncan**

“Following the alleged assault of a Brighton woman at a vigil to mark the death of newspaper vendor Ian Tomlinson on April 2nd, does the Cabinet Member for Community Safety have any concerns about the way lawful protests attended by residents of Brighton and Hove are policed?”

**Reply from Councillor Simson, Cabinet Member for Community Affairs, Inclusion and Internal Relations**

**(g) Councillor Mitchell**

“Could the Cabinet Member for Central services please clarify whether it is the council’s policy for their partnering contractors, Mears and Keir, to repair back pathways as well as front?”

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

**(h) Councillor Turton**

“Could the Cabinet member for Central Services please tell us what levels of quality assurance are the Council’s contractors, Mears and Keir, measured against?”

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

**(i) Councillor Lepper**

“Could the Cabinet Member for adult social care and housing, please tell us how far planning with the PCT has got, with regards to the funding being made available by the government for additional breaks for carers, which is estimated at £821,000 over the next two years?”

**Reply from Councillor Ken Norman, Cabinet Member for Adult Social Care & Health**

**(j) Councillor Harmer-Strange**

“Could the Cabinet Member for Finance state the current level of Brighton & Hove City Council’s debt?”

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





30 April 2009

Brighton & Hove City Council

<b>Subject:</b>	<b>Code of Corporate Governance</b>		
<b>Date of Meeting:</b>	<b>30 April 2009</b>		
	Governance Committee 28 April 2009		
	Audit Committee 31 March 2009		
<b>Report of:</b>	<b>Director of Finance &amp; Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Ian Withers</b>	<b>Tel:</b> <b>29-1323</b>
	<b>E-mail:</b>	ian.withers@brighton-hove.gov.uk	
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT

- 1.1 This report presents the revised Local Code of Corporate Governance for the Governance Committee's consideration as part of the council's corporate governance framework.
- 1.2 This report was submitted to the Audit Committee on the 31<sup>st</sup> March and subsequently recommended for approval by the full council.

#### 2. RECOMMENDATIONS

- 2.1 That the Governance Committee notes the contents of the council's Code of Corporate Governance.

#### 3. BACKGROUND INFORMATION

- 3.1 Corporate governance is a phrase used to describe how organisations direct and control what they do. For local authorities this includes how they relate to communities that they serve.
- 3.2 The Code of corporate Governance is a public statement that sets out the way in which the council will demonstrate effective corporate governance. It is part of the council's Constitution.
- 3.3 Due to high profile failures in governance arrangements in other areas, the Chartered Institute of Public Finance & Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) produced a framework document in 2007, "Delivering Good Governance in Local Government."
- 3.4 Although there is no statutory requirement on local authorities to produce a Code of Corporate Governance it is considered to be best practice and an expectation by the Audit Commission.

- 3.5 The previous Code of Corporate Governance was agreed by full council in March 2008.

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

##### **Financial Implications:**

- 4.1 There are no direct financial considerations relating to the recommendations in this report.

Patrick Rice                      Head of Financial Services                      26 March 2009

##### **Legal Implications:**

- 4.2 There are no direct legal implications arising from this report.

Oliver Dixon                      Lawyer                      26 March 2009

##### **Equalities Implications:**

- 4.3 There are no direct equalities implications arising directly from this report

##### **Sustainability Implications:**

- 4.4 There are no direct sustainability implications arising from this report.

##### **Crime & Disorder Implications:**

- 4.5 There no direct implications for the prevention of crime and disorder arising from this report.

##### **Risk and Opportunity Management Implications:**

- 4.6 The Risk and Opportunity Management Process is a key part of the council's corporate governance arrangements.

##### **Corporate / Citywide Implications:**

- 4.7 Robust corporate governance arrangements are essential to the sound management of the City Council and the achievement of its objectives as set out in the Corporate Plan.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

Appendix 1 Revised Local Code of Corporate Governance

Appendix 2 Extract from the proceedings of the Audit Committee meeting held on the  
31 March 2009

### **Background Documents**

1. CIPFA/SOLACE “Delivering good governance” (2007)
2. The Good Governance Standard for the Public Sector 2006
3. Brighton & Hove City Council Constitution





## CODE OF CORPORATE GOVERNANCE

### Introduction

Corporate governance is about how the Council directs and controls what it does. Good corporate governance requires the Council to carry out its functions in a way that demonstrates accountability, transparency, effectiveness, integrity and inclusively. It also includes how the Council relates to the communities that it serves.

The council is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary corporate governance to excel in the public sector. The Code is a statement that sets out the way the council will meet that commitment.

The Corporate Governance framework consists of six core principles and the following sets out the actions taken by the council in relation to each core principle.

**Principle 1: The council will focus on its purpose, on outcomes for the community and creating and implementing a vision for the local area.**

The council will do this by:

- Exercising strategic leadership by developing and clearly communicating its purpose and vision and its intended outcomes for the City's citizens, partners and service users.
- Developing and promoting its purpose and vision.
- Reviewing on a regular basis its vision for the local area and its implications for governance arrangements.
- Ensuring service users receive a high quality of service whether directly, in partnership, or by commissioning.
- There is effective performance management and mechanisms for driving improvement.
- Making best use of its resources so that the taxpayers and service users receive excellent value for money.

- Considering the environmental impact of policies, plans and decisions.
- Reducing inequalities by increasing opportunities throughout the city.

**Principle 2: The council's members and officers will work together to achieve a common purpose with clearly defined functions and roles.**

The council will do this by:

- Ensuring effective leadership throughout and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.
- Ensuring that a constructive working relationship exists between its members and officers. The role and responsibilities of members and officers will be clearly set out and carried out to a high standard.
- Having clear relationships between the council, its partners and the public are clear so that each knows what to expect of the other.
- Ensuring its values are promoted and effective for Brighton & Hove stakeholders and partners.

**Principle 3: The council will promote its values and demonstrate the value of good governance through upholding high standards of conduct and behaviour.**

The council will do this by:

- Ensuring its members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance in order to create a climate of openness, support and respect.
- Ensuring its leadership sets a tone for the authority by creating a climate of opening, support and respect.

**Principle 4: The council will take informed and transparent decisions that promote value for money and are subject to effective scrutiny and managing risk.**

The council will do this by:

- Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny

- Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.
- Ensuring that an effective risk management system is in place, with members and officers at all levels recognising that risk management is part of their job.
- Using its legal powers to the full benefit of the citizens and communities in its area to meet specific legislative requirements and general responsibilities required by general law and are within the limits of lawful activity.

**Principle 5: The council will develop the capacity and capability of members and officers to be effective.**

The council will do this by:

- Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.
- Developing the capability of people with governance responsibilities and evaluate their performance, as individuals and as a group.
- Encouraging the local community to be active participants in the democratic process through the provision of information and accessible systems and procedures.

**Principle 6: The council will engage with local people and other stakeholders to ensure robust public accountability.**

The council will do this by:

- Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.
- Taking an active and planned approach to dialogues with and accountability to the public to ensure effective and appropriate service delivery whether directly, in partnership or by commissioning.
- Making best use of human resources by taking an active and planned approach to meet responsibilities to its staff

## Code of Corporate Governance – Evidence

<b>CORPORATE GOVERNANCE FRAMEWORK</b> <b>Corpora rate Governance comprises the systems and processes, cultures and values, by which the council is directed and controlled and through which it accounts to, engages with and where appropriate, lead the community</b>		
1. The council will focus on its purpose, on outcomes for the community and creating and implementing a vision for the local area.	2. The council's members and officers will work together to achieve a common purpose with clearly defined functions and roles.	3. The council will promote its values and demonstrate the value of good governance through upholding high standards of conduct and behaviour.
4. The council will take informed and transparent decisions that promote value for money and are subject to effective scrutiny and managing risk.	5. The council will develop the capacity and capability of members and officers to be effective.	6. The council will engage with local people and other stakeholders to ensure robust public accountability.

<b>(A) Key Documents: Regular/Annual Review or Production</b>	<b>(B) Key Documents: Ad hoc Review or Production</b>
<ul style="list-style-type: none"> <li>Community Strategy</li> <li>Medium Term Financial Strategy</li> <li>Directorate Plans</li> <li>Service Business Plans</li> <li>Corporate Risk Register</li> <li>External Audit Annual Governance Report</li> <li>TBM Budget Monitoring Reports</li> <li>Annual Internal Audit Report</li> <li>Statement of Accounts</li> <li>Local Area Agreement</li> </ul>	<ul style="list-style-type: none"> <li>Constitution including Standing Orders</li> <li>Communications Strategy</li> <li>Financial Procedures</li> <li>Workforce Strategy</li> <li>Freedom of Information Publication Scheme</li> <li>Health and Safety Policy</li> <li>ICT Strategy</li> <li>Risk and Opportunity Management Strategy</li> <li>Members Code of Conduct</li> <li>Officers Code of Conduct</li> <li>Partnership Working Guidelines</li> <li>Published Agendas, Reports and Minutes of Committees</li> </ul>

<b>(C) Contributory Processes / Regulatory Monitoring</b>	
<ul style="list-style-type: none"> <li>Audit Committees</li> <li>Standards Committees</li> <li>Overview and Scrutiny Committees</li> <li>Independent Remuneration Panel for Members Allowances</li> <li>Officers Governance Board</li> <li>Risk Management Steering Group</li> <li>Section 151 Officer</li> <li>Head of Paid Service</li> <li>Customer complaints process</li> <li>The Management Team</li> <li>Value for Money Steering Group</li> </ul>	<ul style="list-style-type: none"> <li>Job Evaluation Process</li> <li>Employee Induction</li> <li>Employee Surveys</li> <li>PDPS Scheme</li> <li>Health &amp; Safety</li> <li>Internal Audit</li> <li>External Audit</li> <li>Gifts &amp; Hospitality Registers</li> <li>Annual Review of Internal Audit</li> <li>Business Continuity</li> <li>Investors in People</li> </ul>



	<ul style="list-style-type: none"><li>▪ Codes of Conducts</li><li>▪ Whistleblowing Policy</li><li>▪ Counter Fraud Strategy</li><li>▪ Equality &amp; Diversity Policy</li></ul>
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<ul style="list-style-type: none"><li>▪ Budget consultation</li><li>▪ Job Descriptions and Person Specifications</li></ul>	
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## **Review of Corporate Governance Arrangements**

The council will conduct an annual review of its corporate governance arrangements, in particular against the six core principles. The purpose of the annual review will be to provide assurance from a number of sources that corporate governance arrangements are adequate and operating effectively. Where appropriate, actions will be agreed for improvements.

The outcome of the annual review of corporate governance arrangement will be published in the Annual Governance Statement.

# COUNCIL

30 April 2009

## Agenda Item 82

Brighton & Hove City Council

### EXTRACT FROM THE PROCEEDINGS OF THE AUDIT COMMITTEE HELD ON THE 31 MARCH 2009

<b>Subject:</b>	<b>Code of Corporate Governance</b>
<b>Date of Meeting:</b>	<b>30 April 2009</b> Governance Committee 28 April 2009 Audit Committee 31 March 2009
<b>Report of:</b>	<b>Director of Strategy and Governance</b>
<b>Key Decision:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Name: Jane Clarke</b> <b>Tel: 29-1064</b> <b>E-mail: jane.clarke@brighton-hove.gov.uk</b>
<b>Wards Affected:</b>	<b>All</b>

FOR GENERAL RELEASE

#### BRIGHTON & HOVE CITY COUNCIL

**AUDIT COMMITTEE**  
**4.00pm 31 MARCH 2009**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

#### MINUTES

**Present:** Councillors Hamilton (Chairman), Alford, Kitcat, Oxley, Pidgeon, Randall, Simpson, Smith, Watkins (Deputy Chairman) and Wells

#### PART ONE

#### 96. CODE OF CORPORATE GOVERNANCE

- 96.1 The Head of Audit and Business Risk presented a report on the Code of Corporate Governance and stated that this formed part of the Council's constitution, which was a best practise procedure adopted by local authorities (for copy see minute book). The Code states six key principles that form a

statement of intent for the Council, with following points for each principle to ensure their full achievement by the Council.

- 96.2 Councillor Kitcat asked why the Committee was receiving the report when there were no financial or other implications given, and the Head of Audit and Business Risk stated that the Committee was being asked to recommend the adoption of the Code by Full Council and it was part of good governance procedures to bring the draft Code to the Audit Committee.
- 96.3 Mr Brown from the Audit Commission added that the Code would underpin much of the audit assessment work being done for the Comprehensive Area Assessment and it was implicitly required to achieve a good CAA rating.
- 96.4 Councillor Randall asked what the key revisions of the Code were and the Head of Audit and Business Risk stated that it had been simplified to encourage understanding, but no major changes had been made.
- 96.5 **RESOLVED TO RECOMMEND** - That the revised Code of Corporate Governance be adopted.

# COUNCIL

30 April 2009

## Agenda Item 83

Brighton & Hove City Council

<b>Subject:</b>	<b>Health &amp; Safety Annual Service Plan 2009/2010</b>		
<b>Date of Meeting:</b>	<b>30 April 2009 Council</b> 23 March 2009 Overview and Scrutiny Commission 26 March 2009 Environment Cabinet Member Meeting 23 April 2009 Cabinet Meeting		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Roy Pickard</b>	<b>Tel:</b> 29-2145
	<b>E-mail:</b>	roy.pickard@brighton-hove.gov.uk	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No. ENV6353</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Health & Safety Annual Service Plan required under the Health & Safety at Work Act etc 1974 Section 18 standard is part of the Council's Policy Framework on which Environment Cabinet Members and stakeholders are normally consulted before final proposals are formulated.

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Environment notes the Health and Safety Annual Service Plan 2009/10 and recommends that it be approved by the Full Council.

#### 3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

- 3.1 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), Section 18 Standard. The Annual Service Plan for this year reviews 2009-10 and details the aims and objectives for the enforcement of health & safety as a function of the Health & Safety Team.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) sets out the arrangements for enforcement under Section 18 of Health & Safety at Work etc Act 1974 (HSWA). The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.

- 3.4 In accordance with the Standard the Health & Safety Service should provide a range of risk-based interventions would include planned general inspections, planned enforcement initiatives, investigation of accidents, investigation of complaints, advice, training and advisory activity, visits to new premises, revisits to check and enforcement, Safety and Health Awareness Days etc;
- 3.5 In addition, partnership working, the night time economy, supporting small and medium sized enterprises and working with Brighton & Hove's diverse communities are identified as areas we wish to focus on this year ensuring we reflect local and regional priorities.

#### **4. CONSULTATION**

- 4.1 The service plan has been part of a consultation process involving members of the public, employers, employees, internal and external stakeholders and other agencies. No comments were received. It must be a published document and is also available on the Council's website.

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

##### Financial Implications

- 5.1 The annual Health and Safety Service Plan sets out the approach that the Council will use to fulfil its statutory duties. The 2009/10 net budget for the Health and Safety service within Environmental Health is £139,500, and this include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support.

*Finance Officer consulted: Karen Brookshaw Date: 27/02/09*

##### Legal Implications

- 5.2 The Section 18 Standard applies to all Local Authorities in relation to its enforcement activities. The S18 Standard sets out the requirements with which the Local Authority will eventually be obliged to comply with in making 'adequate arrangements for enforcement'. It has been given legal effect as Health & Safety Commission guidance to Local Authorities under section 18(4)(b) of HSWA (section 18 guidance). HSWA requires Local Authorities to perform their duties as enforcing authorities in accordance with Section 18 guidance. However, although the Standard will have effect from 1st April 2008, it does not require immediate full compliance with its requirements. Instead, both LAs and FOD are required:
- from 1 April 2008, to work towards compliance with the requirements of the Standard, and
  - from 31 March 2011, to comply fully with all the requirements of the Standard.

- 5.3 The Council's Commercial Enforcement Policy (currently being amended) gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under Health & Safety laws. The Council's Constitution requires the adoption of the Health & Safety Annual Service Plan be reserved to full Council.

*Lawyer consulted:*

*Liz Culbert*

*Date: 11/02/09*

Equalities Implications:

- 5.4 An Equalities Impact Assessment will be completed as part of the consultation process. The section on communities in the service plan recognises little is known about the needs of the LGBT business community and BME business community in terms of health & safety. These communities will be targeted as part of the teams work programme in 2009/10 to understand there needs better.

Sustainability Implications:

- 5.5 None

Crime & Disorder Implications:

- 5.6 None

Risk and Opportunity Management Implications:

- 5.7 None

Corporate / Citywide Implications:

- 5.8 None

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

- 6.1 There is no legal alternative to the statutory service plan.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 In order to comply with Health & Safety Executive section 18 guidance.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. Appendix 1 Health & Safety Annual Service Plan 2009/2010

### **Documents In Members' Room**

None

### **Background Documents**

None



## Brighton & Hove City Council – Service Plan - Health and Safety at Work – 2009/10

Overall **Aim** of the Service:

“To enforce the law fairly with better use of public money, protecting the environment while growing the economy.”

“To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.”

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses reducing the flows on incapacity benefits from employment
- Investigating major injury incidents and fatalities.
- Responding to enquiries
- Promoting sensible risk management
- Work with business to achieve compliance with the law without increasing financial burdens

Local Priorities:

- Reduce health & safety concerns in the night time economy sector.
- Supporting small & medium sized enterprises
- Helping communities
- Partnership working
- Healthy Work places

Key National Indicators:

N1 173 Flows on to incapacity benefits from employment – indirect

N1 182 Satisfaction of business with local authority regulatory services - direct

Delivery of Fit3 Program.

- Asbestos Duty to Manage (DTM)  
The objective is to reduce exposure of workers in high risk groups, including maintenance workers (and associated trainee/apprentices) and licensed workers.
- Violence at Work  
The objective is to increase awareness and improved management of work related violence in retail and hospitality businesses and other high street premises.
- Vulnerable Workers.  
The objective is to reduce and minimise the level of risk, injury and ill health experienced by migrant workers.

- Stress at work  
The objectives are a reduction in the incidence of ill health due to work related stress through preventative management action, as well as other health & safety risks
- Slips and trips  
Reducing slips and trips in the food/drink manufacture, food, retail, hotels/catering. Care homes. The objective is to reduce the incidence of slips and trips major injuries by 5%.
- Noise in the music and entertainment industry:  
Promotion of 'sound advice' (industry led guidance) with a range of duty holders (e.g. nightclubs, pubs etc). The objective is to increase awareness of risks associated with noise in specific premises; implementation of effective controls and recognition of the importance of worker involvement.
- Construction engagement  
The objective is to increase awareness of CDM duties among construction clients subject to LA enforcement. To improve standards of compliance with the workplace regulations in newly constructed or refurbished workplaces subject to LA enforcement.
- Musculoskeletal Disorders  
The objective is to continue to target areas with high risk of handling injuries and consequent ill health. To raise awareness of ULDs and promote use of the tool for assessing repetitive injuries and a reduction in manual handling injuries in health & social care, try handling etc.

### **Our Achievements: 2008/09 – 'Selling our story' –Review of the 2008/09 Service plan**

The team's achievements in 2008/09 were:

- Completion of 145 high risk planned general inspections.100% of programme.
- Responded to 600 service requests.
- Reviewed 300 accident notifications and investigated as necessary.
- Scrutinised 100 new and varied licence applications & planning applications.
- Participated in the Sussex Liaison Health & Safety Group Asbestos project that included letter drop to 100 businesses in Brighton & Hove and inspection of those businesses over 2 days
- Business enterprise exhibition – 70 business contacts made and information and advice given.
- Ensured that the City's outdoor events ran safely and included advice and assistance given to Big Beach Boutique 4, Loop, TBA, Burning of the Clocks, Pride, Chinese State Circus and the Brighton Festival

- Noise in the entertainment industry – project involving a record breaking DJ and 10 Venues.
- Talk and advice given to your students at a music college regard noise in the entertainment industry.
- Participating in the Sussex flexible warranting scheme.
- Research carried out by the Health & Safety laboratory and Brighton & Hove City Council on identifying the health & safety needs of accommodation & entertainment providers in Brighton & Hove

## **Ensuring Quality**

To ensure that the service we offer to residents and businesses is of high quality we will ensure that:

- All officers carrying out enforcement work are appropriately authorized, according to there ability, qualifications, expertise and experience.
- That officer's competence is continually assessed and that we support officers to develop their skills.
- That we will ask for feedback from business and residents on the quality of the service we provide and strive to continually improve
- That our work is audited externally by the British Standards Institute to ensure compliance with ISO9000 Quality Assurance.
- We will continue to participate in local peer reviews with neighbouring local authorities.
- To continually update our data base to provide accurate details of business to help us communicate health & safety messages effectively.

## Work plan and resources

Staff resources – 4.5 FTE Health & Safety Team – 2.25 FTE Occupational Health Team

Item	Resources	Timesclaes	How	Outcome
<b>The Night Time Economy</b>				
To complete visits of 150 night time economy premises on a themed topic basis	0.5 FTE	Throughout 2009/10	Visits to 150 premises (takeaways, hotels guest houses, off licences, leisure centres, nightclubs. Advice given on violence at work, stress at work, Slips trips and falls, asbestos duty to manage, noise in the entertainment industry, vulnerable workers.	<b>Performance Indicator</b> Number of visits undertaken. <b>Outcome</b> Increased standards of employee and public health and safety in night time economy premises. Increased awareness of specific and general H&S issues pertinent to night time economy businesses.
<b>Supporting Small &amp; Medium Sized Enterprises</b>				
To create an email data base of businesses and send monthly health & safety messages promoting sensible risk management.	0.2 FTE	First message to business April 2009.	Press release new service, collect email addresses from visits & self assessment risk rating questionnaires. Use BHCC email system to deliver messages.	<b>Performance indicator</b> Number of messages sent to business <b>Outcome</b> Increased standards of employee and public health and safety business contacted. Sensible risk management

				promoted
<b>Helping Communities</b>				
Research the needs of the LGBT & BME business communities &	0.05FTE	Throughout 2009/10	Consultation with these groups	<b>Performance indicator</b> Consultation completed <b>Outcome</b> To better understand the health & safety needs of those businesses.
Support vulnerable workers	0.05 FTE	Throughout 2009/10	Deliver a briefing to the refugee forum on the role of the health & safety team and health & safety issues affecting migrant workers.	<b>Performance indicator</b> Briefing session delivered <b>Outcome</b> Increased awareness of the council health & safety service amongst migrant workers. Increased reporting of poor employment conditions by migrant workers to enforcement agencies.
Support the following community events <ul style="list-style-type: none"> <li>• Ladyboys of Bangkok</li> <li>• Fringe City</li> <li>• Childrens Parade</li> <li>• Brighton Festival Performance</li> <li>• Chinese State Circus</li> <li>• Fringe City</li> <li>• Springwatch</li> <li>• Hanover day</li> <li>• Loop</li> </ul>	0.4FTE	Throughout 2009/10	Attend meetings, give advice, review event management plans and risk assessments. Attend events where necessary to enforce and give advice. Monitor and enforce occupation noise exposure limits.	<b>Performance indicator</b> Number of events involved with. <b>Outcome</b> Increased safety at public community events. Forming links with communities

<ul style="list-style-type: none"> <li>• Pride</li> <li>• Zippo Circus</li> <li>• Big beach Boutique</li> <li>• White Air</li> <li>• Fiery food</li> <li>• Burning of the clocks</li> </ul>				
<b>Partnership Working</b>				
Participate in the Sussex Liaison Group (SHSLG) pan Sussex health & safety project	0.1 FTE	Throughout the year  January-March 2010	Chair the SHSLG  Represent BHCC at SHSLG  Participate in Sussex wide Health & Safety initiative	<b>Performance indicator</b> Number of meetings attended Project completed. <b>Outcome</b> Joined up approach to regional health & safety initiatives.
Implementation of peer review	0.1 FTE	April – June 2009	Work towards improving S18 compliance as set out in peer review action plan	<b>Performance Indicator</b> Implementation of Peer Review Action Plan. <b>Outcome</b> Raise standards of compliance with 'mandatory practice' S18 guidance.
To review new and varied license applications & planning applications and make representations where appropriate.	0.2FTE	Throughout 2009/10	Scrutinise and comment on applications where appropriate. Visits to premises as necessary.	<b>Performance indicator</b> Numbers of licence & planning applications reviewed. <b>Outcome</b>

				Proactive development of consistent and high standards of health and safety in proposed new commercial operations and licensed premises.
<b>Programme work</b>				
To carry out approximately 150 High risk planned general inspection targeting the highest risk (A, B1 & B2) including Cooling Towers	0.5 FTE	Throughout 2009/10	To carry out 150 planned general inspections to high risk business due to be inspected in 2009/10. To advise and carry out enforcement as necessary.	<b>Performance Indicator</b> Number of inspections undertaken. <b>Outcome</b> To maintain or where necessary improve standards of employee and public health and safety in local businesses.
To respond to 600 requests for service	2FTE	Throughout 2009/10	Respond to 95% of Service Requests within deadlines.	<b>Performance Indicators.</b> Percentage of Service Requests responded to within departmental deadlines. <b>Outcome</b> Maintain standards of customer service at a high level.
To review all accident notifications and to investigate 20% of all accident notifications approximately 60 investigations	0.2 FTE	Throughout 2009/10	To review 300 accident notifications and investigate accidents where they meet BHCC criteria for investigation	<b>Performance Indicator</b> Number of accidents investigated. <b>Outcome</b> Reduce the level of work place accidents in local businesses
<b>Quality</b>				

To update the data base using food safety registration details and business rates details.	0.2FTE	Throughout 2009/10	Premises data from food safety registration forms and businesses rates to be placed on the health & safety premises data base. All new businesses to be sent risk rating questionnaire.	<b>Performance Indicator</b> Number of business placed on data base <b>Outcome</b> Better targeting of resources to the highest risk premises.
<b>Healthy Work Places</b>				
Provide occupational health support for small to medium sized businesses to reduce prevalence and severity of obesity, smoking, alcohol misuse, diabetes, high blood pressure and heart disease and improve equity in access to health care.	2.25FTE	Throughout 2009/10	1.5 x FT nurse to carry out health checks and provide healthy lifestyle advice in workplaces and community settings. The health checks will be targeting men over 40 years old, at risk of obesity and cardiovascular disease  Offer external employers, managers and team leaders free stress management training to raise awareness about stress in the workplaces.  Offer tools, such as the HSE stress risk assessment tools to develop action plans to reduce stress in the	<b>Performance indicator</b> Number of health checks carried out



			<p>workplace.</p> <p>Offer Individual stress management courses are also offered to council employees in partnership with MIND, to help reduce stress within the council and for the council to act as an exemplar employer.</p> <p>Promote NHS smoking cessation sessions in the workplace; information about smoke free legislation.</p> <p>Sponsor the Brighton &amp; Hove Healthiest Workplace Award as part of the annual B&amp;H Business Awards (BAHBAs) for the third year running to raise awareness of wellbeing in the work place and to reward good practice.</p>	
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# COUNCIL

30 April 2009

## Agenda Item 83

Brighton & Hove City Council

### EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT CABINET MEMBER MEETING HELD ON THE 26 MARCH 2009

<b>Subject:</b>	<b>Health &amp; Safety Annual Service Plan 2009-10</b>		
<b>Date of Meeting:</b>	<b>30 April 2009</b> 23 April 2009 Cabinet		
<b>Report of:</b>	<b>Acting Director of Strategy &amp; Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tanya Massey</b>	<b>Tel:</b> 29-1227
	<b>E-mail:</b>	<b>tanya.massey@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

FOR GENERAL RELEASE

#### ENVIRONMENT CABINET MEMBER MEETING

4.00PM 26 MARCH 2009

COUNCIL CHAMBER  
HOVE TOWN HALL

#### MINUTES

Present: Councillor G Theobald (Cabinet Member)

Also present: Councillors Mitchell (Opposition Spokesperson, Labour) and Davey (Opposition Spokesperson, Green)

#### 130 HEALTH & SAFETY ANNUAL SERVICE PLAN 2009-10

130.1 The Cabinet Member considered a report from the Director of Environment concerning the Health and Safety Annual Service Plan (for copy see minute book).

130.2 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the Health and Safety Annual Service Plan 2009/10 be noted and recommended for approval by the Full Council.



# COUNCIL

30 April 2009

## Agenda Item 83

Brighton & Hove City Council

### EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE HELD ON THE 23 MARCH 2009

<b>Subject:</b>	<b>Health &amp; Safety Annual Service Plan 2009-10</b>		
<b>Date of Meeting:</b>	<b>30 April 2009</b> 23 April 2009 Cabinet		
<b>Report of:</b>	<b>Acting Director of Strategy &amp; Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Kath Vlcek</b>	<b>Tel:</b> 29-0450
	<b>E-mail:</b>	<b>kath.vlcek@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

#### FOR GENERAL RELEASE

#### ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

**4.00PM 23 MARCH 2009**

**COUNCIL CHAMBER  
HOVE TOWN HALL**

#### MINUTES

Present: Councillor Morgan (Chairman); Councillor Janio (Deputy Chairman),  
Councillors Davey, Davies, Drake, Kennedy, Older and Smart.

#### \*61. HEALTH & SAFETY ANNUAL SERVICE PLAN 2009-10

- 61.1 The Head of Environmental Health and Licensing introduced the report and addressed members' queries and comments.
- 61.2 Members asked who dealt with the health and safety for manufacturing; they heard that this tended to be dealt with by the Health and Safety Executive, although the demarcation was blurred.
- 61.3 Members heard about an innovative piece of joint work that was taking place between the local authority, neighbouring authorities and the Health and Safety Executive, taking part in cross-enforcement work.
- 61.4 Members asked for clarification about which industries were

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considered 'high risk' locally. They heard that these included catering, with a high proportion of trips and slips; financial industries, with high incidents of work related stress; and workers in the night-time economy, who experienced a greater fear of violence.

61.5 The Chairman commended the report and thanked the Head of Environmental Health and Licensing for his presentations.

61.6 **RESOLVED** – that the recommendations be agreed.

# COUNCIL

30 April 2009

## Agenda Item 84

Brighton & Hove City Council

<b>Subject:</b>	<b>Official Feed and Food Controls Service Plan 2009/10</b>		
<b>Date of Meeting:</b>	<b>30 April Council</b>		
	23 March 2009 Overview and Scrutiny Commission		
	26 March Environment Cabinet Member Meeting		
	23 April Cabinet Meeting		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Nick Wilmot</b>	<b>Tel:</b> 292157
	<b>E-mail:</b>	nick.wilmot@brighton-hove.gov.uk	
<b>Key Decision</b>	<b>Yes</b>	<b>Forward Plan No. ENV6355</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

#### 2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment notes Official Feed and Food Controls Service Plan 2009/2010 and recommends that it be approved by the Full Council.

#### 3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of the food service within Environmental Health & Licensing and Trading Standards. Both service come within the Public Safety Division. As a result of this close relationship a joint service plan is submitted. This reduces duplication, improves the effectiveness of service delivery and meets the monitoring requirements of the Food Standards Agency.

- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service should be a mix of enforcement, intelligence based work, investigation and education. It is planned that a performance targets of the completion of 98% of programmed food safety interventions of risk category A to D premises, the employment of an alternative enforcement strategy in respect of low risk premises (category E and F) and 90% of complaints responded to within 5 days are met.
- 3.5 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of work aims to provide a balanced mix of services, which is most likely to benefit both the business sector, consumers and other stakeholders. In line with the amendment to the Food Safety Code of Practice in June 2008 the service will continue to focus enforcement action on the poorer performing businesses.

#### 4. CONSULTATION

- 4.1 This integrated report covers Food Safety and Food Standards, has been produced after close consultation and joint working between the relevant officers of Environmental Health & Licensing and Trading Standards.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications

- 5.1 **Food Safety** - The projected budget for 2009/2010 providing the food safety service within Environmental Health is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health & Licensing and administrative support:-

	Food Safety	Infectious Disease
Staffing	616,770	52,550
Transport	13,260	1,090
Supplies and Services	<u>11,030</u>	<u>1,440</u>
Total	<u>641,060</u>	<u>55,080</u>

- 5.2 **Food Standards** - It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. It is estimated that the resources are allocated as follows:

##### **Inspection, complaints and advice**

###### *Staffing*

Management	£ 2950
Food Team	£ 27450
Total	£ 30400

###### **Sampling**

Purchases	£ 1000
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Supplies	£12000
Total	£13000
<b>Total</b>	<b>£43400</b>

*Finance Officer consulted: Karen Brookshaw Date: 02/02/09*

#### Legal Implications

- 5.3 The Food Standards Agency under The Framework Agreement on Local Authority Food Law Enforcement that incorporates the latest guidance, places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Council's Commercial Enforcement Policy (currently being amended) gives due regard to the Human Rights Act 1998 in respect of the Council's enforcement powers under food safety laws. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Council's Service Plan 2009/2010 identifies the planned number of interventions for that period. The Council's Constitution requires the adoption of the Official Feed and Food Controls Service Plan be reserved to full Council.

*Lawyer consulted: Liz Culbert Date: 11/02/09*

#### Equalities Implications:

- 5.4 See 2.4 of appendix 1 for profile of food premises registering with the food service during the year 2007/2008. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

#### Sustainability Implications:

- 5.5 Liaison with relevant agencies in connection with local food initiatives, including the Brighton & Hove Food Partnership

#### Crime & Disorder Implications:

- 5.6 None

#### Risk and Opportunity Management Implications:

- 5.7 SMART target for the food safety service is (98% of due interventions achieved x 0.3 + 90 % of broadly compliant premises x 0.7)

#### Corporate / Citywide Implications:

- 5.8 None

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

6.1 There is no legal alternative to the statutory service plan.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 In order to comply with the Food Standard Agency Code of Practice.

**SUPPORTING DOCUMENTATION**

**Appendices**

1. Official Feed and Food Controls Service Plan 2009/2010

**Documents In Members' Rooms**

None

**Background Documents**

None

# **Brighton & Hove City Council**

## **Official Feed and Food Controls Service Plan 2009/2010**

### **1. Service Aims and Objectives**

#### **1.1 Aims and Objectives**

Within Brighton & Hove City Council the food service function is enforced by Environmental Health & Licensing and Trading Standards. Both sections come within the Public Safety Division of the Environment Directorate.

The Environmental Health & Licensing service is primarily concerned with protecting and improving public health and the environment across the City. Within this service, the Food Safety Team works to ensure the safety of food prepared and sold. This is achieved by carrying out a programme of interventions at food businesses, sampling and investigating complaints. In addition, the Team aims to respond promptly to requests for advice from both businesses and members of the public. Wherever practicable, links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.

The overall objective of the service is to provide a comprehensive food safety service to consumers and the business community, with a considered balance between enforcement, investigation, advice and education.

The purpose of the Trading Standards service is to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its aim is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers, by means of advice, information, education and enforcement.

In respect of food standards the aims are to: -

- Accurate and informative labelling of food
- That compositional standards of food are maintained

The objectives being: -

- To carry out risk based and intelligence led activities
- To undertake screen testing and food sampling to reflect identified areas of concern.
- To respond appropriately to food complaints and initiate proportionate action.
- Respond to trader requests in a timely manner
- To educate the public on compositional and labelling issues to improve eating habits

#### **1.2 Links to Corporate Objectives and Plans**

The City Council's core priorities published in the summer of 2008 have five priorities:

- *protect the environment while growing the economy;*
- *better use of public money;*
- *reduce inequality by increasing opportunity;*
- *fair enforcement of the law;*
- *open and effective leadership.*

The feed and food service has strong links in with these priorities. In particular the service objective to provide advice, education and enforce relevant standards in the food industry is key to protecting the environment while growing the local economy. The service recognises the impact of current economic conditions on all businesses. Wherever practical, assistance and guidance is offered to ensure feed and food businesses comply with legal requirements and do not pose an undue risk to public health or the environment.

The service reduces inequality by funding training and coaching to small and medium businesses that may otherwise struggle to comply with legal requirements. Where English is not the first language, interpretation and translation services are provided.

The Official Feed and Food Control Service Plan is part of the corporate annual planning and development process.

In line with the core priorities and central Government's better regulation agenda, the Environmental Health service is currently consulting on a revised Enforcement Policy. This revised policy will provide the cornerstone for fair and open enforcement.

The service reports on two key national indicators:

**NI 182 – Satisfaction of businesses with local authority regulation services.**

This indicator measures whether businesses think they have been treated fairly and helpfully by local authority regulators. The aim is to inspire local authorities to recognise the important contribution regulatory services make to local and national priorities, and encourage regulatory services to recognise their own role in supporting local business.

**NI 184 – Food establishments in the area which are broadly compliant with food hygiene law.**

This indicator monitors the level of compliance of local businesses using information collected by the Food Standards Agency (FSA). The indicator uses information on business compliance standards for structure, operational hygiene and management controls, and brings the data together within an overall 'broad compliance' measure.

Measurement and performance against NI 184 is detailed in 6.1 of this plan.

The food service also has links with other National Indicators:

**NI 53 Prevalence of breastfeeding at 6 – 8 weeks from birth**

See under 3.8

**NI 55 Obesity among primary school age children in Reception Year**

See under 3.8 & 3.9

**NI 56 Obesity among primary school age children in Year 6**

See under 3.8 & 3.9

**NI 120 All-age all cause mortality rate** – The whole service.

**NI 122 Mortality from all cancers at ages under 75** – See under 3.8 & 3.9

## **2. Background**

### **2.1 Profile of the Local Authority**

Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the North, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

Key Statistics from the 2001 Census:

Resident Population	247,817
Number of households	114,479
Average household size	2.09
Area (hectares)	8,267
<i>Density (residents/hectare)</i>	<i>30 per ha</i>

#### **Ethnicity**

White	94.2%
Mixed	1.9%
Asian or Asian British	1.8%
Black or Black British	0.76%
Chinese	0.53%
Other	0.65%
Total non-white	5.8%

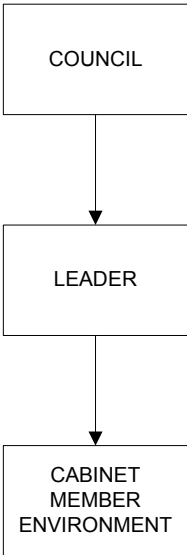
Figures from the Economic Impact Assessment Study for 2005 showed that eight million people visit Brighton & Hove each year. The value of tourism to the economy is estimated at £388 million per annum, supporting 13,000 jobs. The city boasts 4293 bedrooms, offering a bed stock of approximately 10,000. There are a large variety of hotels, many food retailers, and over 400 restaurants serving cuisine from around the world. The VisitBrighton Visitor Survey 2007 identified that 70% of visitors put going to a restaurant or place to eat as one of the most popular activities to do in Brighton & Hove.

### **2.2 Organisational Structure**

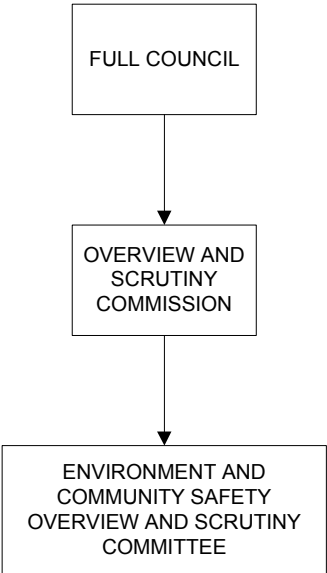
The Environmental Health & Licensing and Trading Standards sections come within the Public Safety Division of the Environment Directorate. Brighton & Hove City

Council has a cabinet style structure with the Public Safety Division under the responsibilities of the cabinet member for Environment. The service reports to the Environment and Community Safety Overview Scrutiny Committee. Relevant structures are detailed below.

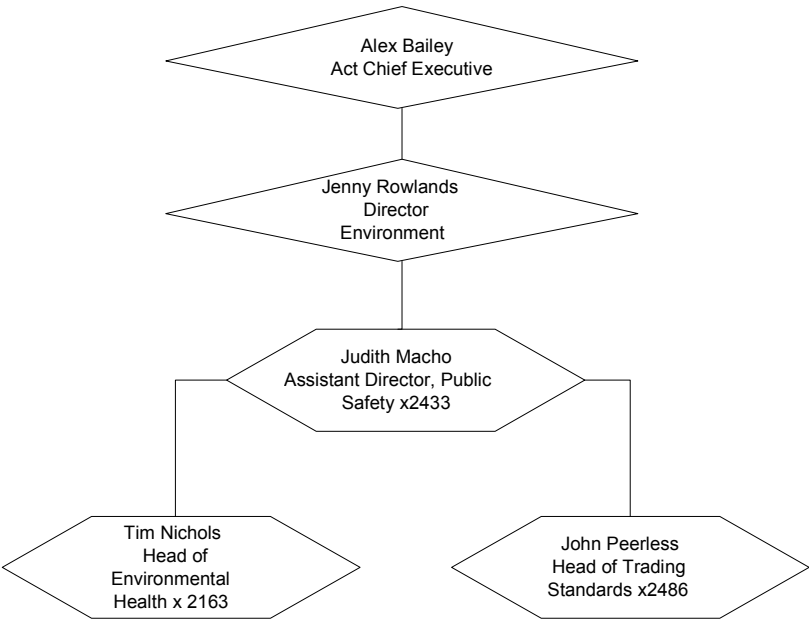
CABINET STRUCTURE



COMMITTEE STRUCTURE



PUBLIC SAFETY DIVISON



The Head of Trading Standards is responsible for the food standards function. In conjunction with the food officers an inspection and sampling programme is established to ensure that specific targets are met or areas of concern are identified and/or addressed.

A formal arrangement is in place with the Health Protection Agency's Food Water & Environment laboratory based at the Ashford, Kent for the analysis of samples that require microbiological examination.

The Public Analyst contract is currently out to tender. This process is being led by West Sussex County Council and includes East Sussex CC. The aim is to reduce duplication and costs and improve service delivery. It is intended that one Public Analyst will be appointed by May 2009. £12000 is currently allocated for Sample Analysis. The focus of the contract remains composition and labelling plus some chemical contamination.

The entomologist from a local natural history museum assists with insect identification.

### **2.3 Scope of the Feed and Food Service**

A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes the following:-

- Inspecting food premises;
- The investigation of food safety complaints;
- Food poisoning investigations when linked to a premises;
- Investigating infectious disease notifications;
- Microbiological food sampling;
- Food safety training;
- Responding to requests for advice;
- Initiatives relating to working with the community and businesses;
- Taking appropriate steps to publicise and act upon national food alerts;
- Publicising the food hygiene standards of local businesses.

The food standards function is carried out by Trading Standards Officers in the Business Support Team. The work of the team includes the following: -

- Risk based enforcement activity
- Complaint investigation
- Food Analysis and investigation
- Service Requests from businesses
- Education programmes
- Reacting to Food Alerts

Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way a comprehensive visit is undertaken so as to minimise any inconvenience caused to the general day-to-day running of the business.

Trading Standards are responsible for enforcing relevant legislation in respect of imported feedstuff, whilst Environmental Health & Licensing enforce relevant legislation controlling imported food of non-animal origin and products of animal origin.

## **2.4 Demands on the Feed and Food Service**

### **Food Safety**

As at February 2009 there were 3053 food businesses registered with the Council. These premises are broken down into the following profile:-

4	Primary Producer
30	Manufacturer/Processor
1	Importer/Exporter
37	Distributors/Transporters
635	Retailers
2283	Restaurants and other Caterers
63	Manufacturers mainly selling by retail
3053	TOTAL

Three food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

The nature of the City causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays so the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, markets such as French markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

### **Food Standards**

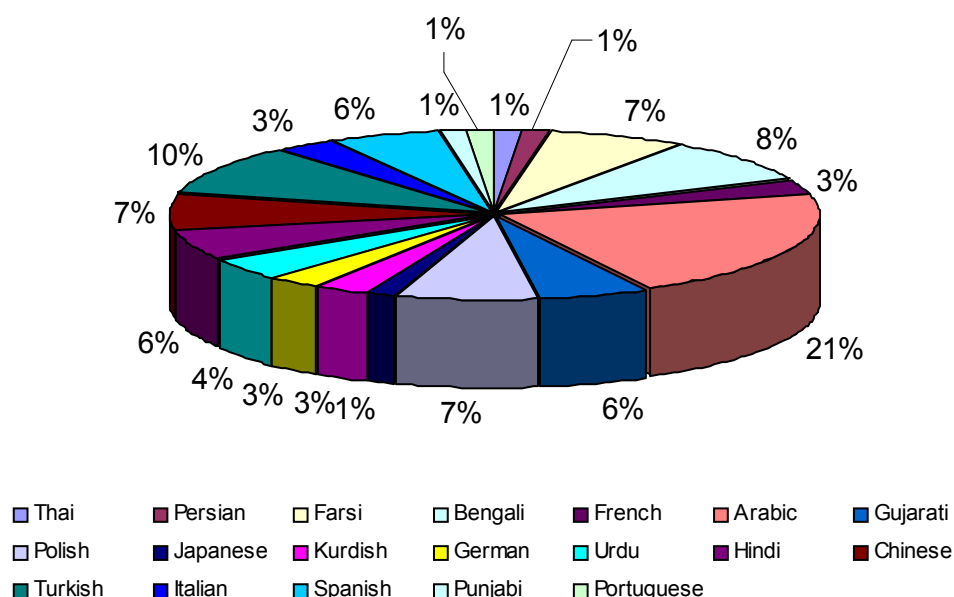
Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LACORS scheme the individual premises have a different inspection frequency for Food Standards. As of the 1<sup>st</sup> January 2007 2230 premises were considered to have an inspectable risk for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

### **Access to services**

When businesses apply to register as a food business they are asked if they would like information in another language in addition to English. Of the 462 businesses who register in the year 2007/2008, 71 (15.4%) said they would like information in other languages. See below for a breakdown of the languages requested.



### Request for Information in Languages Other Than English 2007 / 2008



In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Food safety training courses have been staged in languages other than English including Bengali, Cantonese, Thai and Turkish which have proven to be successful and popular with traders. Where necessary, interpreters accompany officers on planned interventions. Where necessary, officers can access *thebigword* On-Call Language Service translation service by telephone when carrying out visits.

Service users are able to access the service by visiting either of the two City Direct Advice Centres situated in central Brighton, open between 9am and 4:30pm Monday to Friday and central Hove, opening hours 8:45am to 4:30pm on weekdays. Remote access to council services is facilitated through 'self-help' in 25 locations across the city including all the main council offices, libraries, leisure centres and some schools. General telephone calls are fielded via a Call Contact Centre on (01273) 292161. Advice can also be accessed via the council's web site, [brighton-hove.gov.uk](http://brighton-hove.gov.uk), or by email to [ehl.food@brighton-hove.gov.uk](mailto:ehl.food@brighton-hove.gov.uk).

Food Standards complaints are initially received by Consumer Direct South East. There is a referral protocol with them regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.

The Food Safety Team operate a Food Safety Hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent Environmental Health staff provide cover for an out of hours service to respond to food safety emergencies and incidents.

New food businesses registering with the service are provided with a detailed information pack and offered a one to one advice meeting to assist with compliance with food safety legislation.

## **2.5 Regulation Policy**

In 2008, Brighton & Hove City Council adopted a new corporate Enforcement Policy in line with the national Compliance Code for Enforcers. This provides an overarching policy for all regulatory services provided by Brighton & Hove City Council. To bring the Environmental Health services in line with this corporate policy, a draft service Enforcement Policy is being consulted on at the time of preparation of this plan. The draft policy has been developed in line with the national Compliance Code, Statutory Codes of Practice and relevant guidelines issued by Central Government departments and co-ordinating bodies. A final draft is due to be considered by the cabinet member for Environment in March 2009. As with previous policies, the finalised Environmental Health Enforcement Policy will be posted on the council's website.

Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

## **3 Service Delivery**

### **3.1 Interventions at Food and Feedingstuffs Establishments**

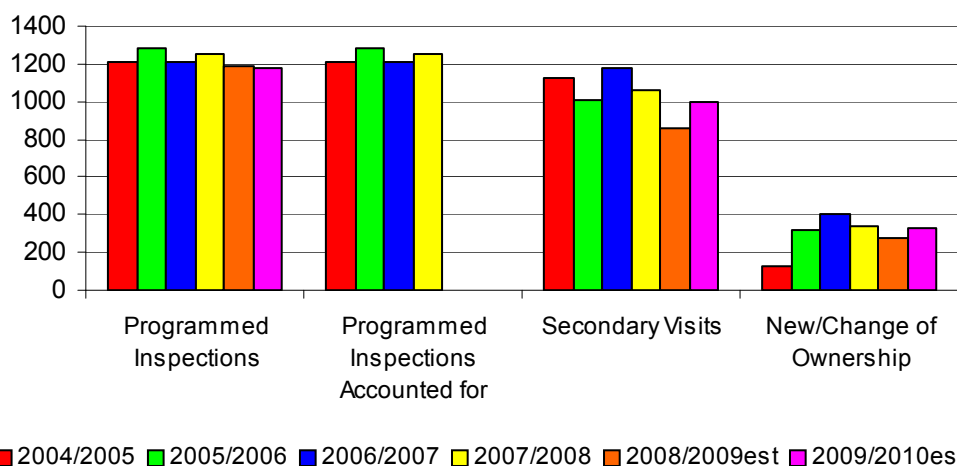
#### **Food Safety**

Each food and feed enforcement service must document, maintain and implement a food hygiene intervention programme that covers all relevant premises in the area. This section details the programme for 2009/2010.

The level of achievement in food safety intervention-based activity over the past four years is shown in the chart below along with estimates for completion of the current year 2008/2009 and 2009/2010.

The revised Food Safety Code of Practice published in June 2008 gave local authorities flexibility to introduce a mixture of interventions. Implementation of an intervention-based programme enables services to reduce the level of burden on compliant businesses and focus more resources on those with poorer standards. See detailed in 3.1.4 below the approach to be adopted by the food safety service for the year 2009/2010.

**Chart of Intervention-Based Activity 2004-2010**



See tables 3.1.1 and 3.1.3 for further details.

The service follows a risk-based approach when implementing the local food safety intervention programme. It aims to deal with a minimum of 98% of businesses due for intervention in the year 2009/2010 in accordance with the Food Safety Code of Practice as detailed in 3.1.4 below. Table 3.3.1 gives details of performance against target since 2004 and estimates the number of planned interventions for the years 2008/2009 and 2009/2010. The target is set at 98 % to take account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal or home caterers.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
Programmed Interventions	1209	1283	1208	1255	1193	1173
Accounted for	1205	1282	1208	1248		
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	99.7 A-D	99.9 A-D	100 A-D	99.4 A-D		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2004-10.

The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if open high risk-food is handled, prepared or cooked; size of the business; any high-risk operations are undertaken; number of customers; vulnerability of the customers to illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest. As category E premises tend to present a minimal risk due to the limited types of food they deal with and/or they cater for a limited number of people, they are monitored differently.

In line with the Food Safety Code of Practice, an alternative enforcement strategy was introduced for maintaining surveillance of the low-risk, category E premises in 2004. Introduction of this strategy enabled the service to provide greater focus on higher risk category A to D premises.

The alternative surveillance of low-risk businesses follows a structured documented procedure. The strategy employs postal questionnaires, sample inspections to

check the validity of the information gained and follow up inspections where either the information returned leads to the conclusion that an intervention is necessary or no information is returned. Table 3.1.2 below shows the number of premises dealt with by this alternative method since 2004.

Table 3.1.2 shows a more than doubling of the numbers of businesses for the year 2007/2008 on the previous year. The increase came about as a result of guidance from the FSA that childminders who provide food as part of their service should be requested to register as a food businesses. Childminders that provide limited food, such as biscuits and drinks, or are responsible for a limited number of children, have been included in the alternative surveillance strategy. The influence of this has carried on in to 2008/2009. The number due in 2009/2010 represents those already risk rated and does not include the influence of new childminder registrations.

Year	04/05	05/06	06/07	07/08	08/09 est	09/10 est
Number of premises	119	107	131	285	243	188

Table 3.1.2. Number of Premises dealt with under alternative strategy.

The planned food safety interventions programme for the year 2009/2010 as at February 2009 is:-

Risk Category of Premises	Number of Interventions Due
A	8
B	123
C	804
D	238
Total	1173
Low-risk premises to be dealt with Under alternative strategy	188

It is the intention of the service to carry out interventions at a minimum of 98% of the 1173 high-risk (A –D) premises due during the year as above. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

The Food Safety Code of Practice published in June 2008 encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. From the year 2008/2009, local authority performance will be monitored by the FSA through the Local Authority Enforcement Monitoring System (LAEMS). The new key performance indicator will be:-

% of due interventions achieved x 0.3 + % broadly compliant premises x 0.7

In addition to achieving 98% of the intervention due the service will aim to achieve a target of 90% of premises broadly compliant. The overall target will therefore be:-

$$(98\% \times 0.3) + (90\% \times 0.7) = 92.4 \%$$

As at January 2009 the level of 'broadly compliant' businesses stands at 92% of all food businesses. This measure has been greatly influenced by the 'Scores on the Doors' scheme which has driven up food safety standards. It is envisaged that this improvement will be sustained.

### **3.1.1 Secondary Interventions**

The main purpose of secondary interventions is to monitor food business that fail to comply with significant statutory food hygiene requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;
- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a hygiene emergency prohibition notice or order.

When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

Secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

### **3.1.2 Interventions at New Businesses/Change of Ownership**

Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and evaluate risk rating score. Based on the last five years data, it is predicted that there will be 333 new businesses or changes of ownership in 2009/2010. It is unclear how the current economic conditions will affect the number of new businesses or changes of ownership.

### 3.1.3 Monitoring of Vacant Premises

Where food premises fall vacant, arrangements are made to monitor activity at the premises. When new businesses open, it is important that support and guidance on food safety issues are given at an early stage.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
Secondary inspections	1127	1013	1180	1060	855	1000
New Premises or Change in Ownership	131	317	399	336	300	333

Table 3.1.3 Estimate of secondary inspections & new businesses inspections for 2009/2010 based on data since 2004.

The estimation of the number of staff required to carry out the programme of inspections plus other visits as estimated above is 8 full time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

### 3.1.4 Intervention Plan 2009/2010

The Food Safety Code of Practice suggests a sliding scale of interventions, with the better performing businesses requiring a lesser level of intervention.

The practical use of interventions in the Brighton & Hove area is heavily influenced by the local 'Scores on the Doors' scheme. All high-risk food businesses operators scoring less than the maximum five stars must be given the opportunity to improve their score. Establishments may only be rescored if the intervention used is an audit, inspection or part audit/inspection. The service therefore plans to:-

- inspect all high-risk food premises scoring less than five stars;
- carry out inspections or another official control ie audit, monitoring, surveillance, verification or sampling as appropriate of all other high-risk establishments;
- carry out an either an official control or other control ie education, advice and coaching or information and intelligence gathering including sampling where the analysis is not carried out by an official laboratory at category D establishments;
- Continue with Alternative Enforcement Strategy for category E establishments.

All official controls must include a visit to the food premises, have appropriate accompanying documentation and a measurable outcome. The risk rating score of the business may be revised in the case of the first two interventions only.

### **Food Standards**

The LACORS system requires high-risk premises to be visited each year, medium risk every two years and low risk every five years. This means that 24 high risk, 284 medium risk and 324 low risk premises should be visited each year.

If the revised Code of Practice is not in place by April the target for 2008-9 will be to visit

100% High    40% of those medium    risk premises liable to inspection

There is no commitment to visit low risk premises but an alternative enforcement strategy is to be devised.

Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.

Three officers make up the food team. They are all part time basis and their time is equivalent to 1.37 FTE. About 50% of their time is spent on the food function. The following intervention programme will be implemented.

### **New Businesses**

All new businesses will be inspected within 56 days of being identified. The initial visit will be to establish the scope of the businesses activity, identify its compliance with food standards legislation and to determine the level of support required. An intervention programme will be designed to reflect the businesses needs and reviewed after one year..

### **High Risk Premises**

All premises will be assessed to determine the most appropriate intervention method for them. Premises with good management control, no history of contraventions or complaints will be advised that they will be the subject of a 'light touch' approach and will only be inspected if they change their product range or complaints are received.

### **Poorer performing High Risk Premises**

These premises will be inspected every year but may be the subject of additional interventions depending on their compliance.

### **Medium Risk premises**

These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.

### **Low risk premises**

A programme of interventions will be based on the intelligence received about the individual premises.

## 3.2 Feed and Food Complaints

### Food Safety

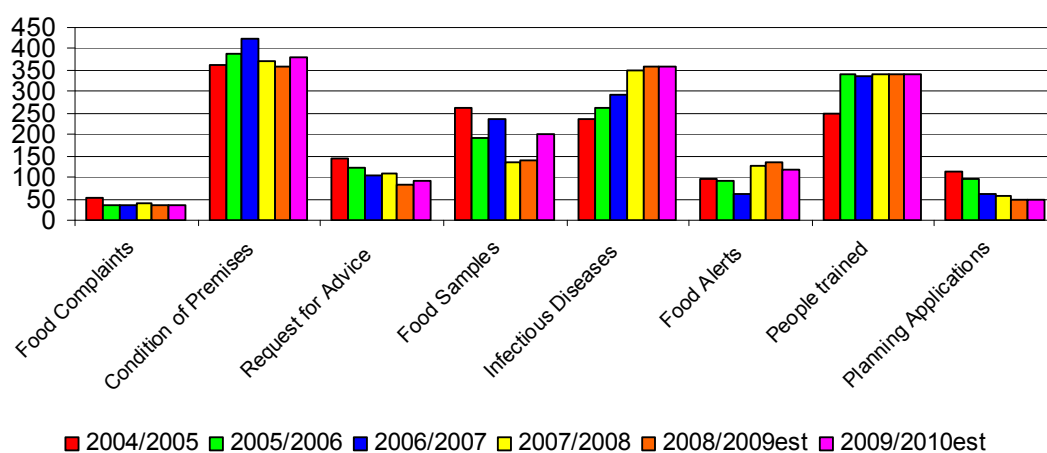
It is the policy of this Authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 days, and all other demand driven work within 5 days.

Year	04/05	05/06	06/07	07/08	08/09 est	09/10 est
Within target %	95.4	97	96.6	97	96	

Table 3.2 Percentage of Demand Driven Work within Target

All food complaints received are investigated in accordance with the council's Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2004 and estimates for the years 2008/2009 and 2009/2010. The source figures for this chart are contained in tables within the relevant part of the plan.

**Chart of Demand Driven Work 2004-2010**



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

Year	04/05	05/06	06/07	07/08	08/09est	09/10 est
Food Complaints	51	35	37	41	35	35
Condition of Premises	361	391	422	370	360	380

Table 3.2.1 Estimate of Number of complaints 2008/2009 and 2009/2010 based on data from 2004 onwards.

It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of complaints.

### Food Standards

It is the policy of this Authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints' procedure.



Level of Complaints:					
2003	2004	2005	2006	2007	2008
79	64	170	183	253	295

### 3.3 Home Authority Principle and Primary Authority Principle

Brighton & Hove Council fully supports the LACORS Home Authority principle, and has entered into six formal and 18 informal arrangements with businesses whose operational activity extends outside of the city.

### 3.4 Advice to Businesses

#### Food Safety

The service follows a policy of graduated enforcement in assisting businesses to comply with legal requirements. The key first step of this approach is to provide advice and information to businesses. Contact is made with new or potential businesses through the provision of new business information packs and via the development control planning process.

In addition to this, advice is given by an officer when carrying out interventions, making an officer available for one to one advice sessions and having a duty hotline service covering office opening hours.

Advice and information is also available through the council's website.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
No of Requests	153	121	105	108	85	90
Planning Applications	120	98	59	55	50	50

Table3.4.1 Showing number of requests received since 2004 and estimates for 2008/2009 and 2009/2010

It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

The Authority is committed to good liaison arrangements with proprietors of food businesses, to encourage effective two-way communication and to provide information and training on legislation and good practice.

Part of the consultation for the revised Environmental Health Enforcement Policy was facilitated by the Brighton & Hove Businesses Forum.

During the process of preparing to launch the 'Scores on the Doors' scheme in October 2007, a series of open fora were arranged with food businesses. These took the form of a short presentation at food businesses by team members to invited traders, followed by a question and answer session.

A Food & Safety newsletter is produced twice a year, which informs proprietors of new legislation, advice on good practice, and general items of interest. This is widely distributed throughout the city and sent out with intervention reports.

## **Food Standards**

Requests by businesses for advice are recorded as Service Requests. There has been a significant increase in the number of requests for advice in 2007.

Level of Service Requests

2003	2004	2005	2006	2007	2008
24	30	28	32	150	192

### **3.5 Feed and Food Sampling**

#### **Food Safety**

The service participates in national sampling initiatives organised by LACORS, countywide programmes co-ordinated by the Chartered Institute of Environmental Health (CIEH) Sussex Food Liaison Group, local Health Protection Agency (HPA) and those instigated by the FSA. The sampling programme includes food or food-contact surfaces at approved premises, food manufacturers, and manufacturers selling mainly by retail as well as caterers and retailers. Samples of food and swabs of food-contact surfaces are also taken as part of routine work and when investigating specific issues at food premises.

During 2008/2009, the service took part in national food sampling programmes:-

1. Speciality meats from markets and delicatessens from April 2008 to March 2009;
2. Egg mix and environmental samples from restaurants and takeaways, six month study May to October 2008;
3. Ready-to-eat shelled nuts from retail premises, six month study October 2008 to March 2009.

In addition to these nationally agreed programmes, the service took part in local Sussex wide sampling programmes.

1. Egg mix and environmental sampling to include extra swabs of food- or hand-contact surfaces in conjunction with 2 above (e.g. fridge handles, reusable food containers etc).
2. Imported ready-to-eat foods from outside the EU (e.g. dried fish, frozen prawns etc).
3. Environmental swabs, cleaning cloths, cooked meats and ready-to-eat foods from butchers'.

Results were analysed as part of each of the programme. No unsatisfactory results were obtained.

The national topics set for 2009/2010 by LACORS/HPA had yet to be set at the time of preparing this plan.

The CIEH Sussex Food Liaison Group has yet to finalise countywide studies but are considering a shopping basket of foods, possible subjects being roast meats, cooked rice, takeaway foods including salads and sandwiches, ice for drinks, food

contact surface swabs, spicy sauces, dips and pick & mix sweets. It is envisaged that at least one of the studies will include an element of imported food.

An Environmental Health Officer within the Food Safety Team is responsible for organising and co-ordinating food safety sampling: it is estimated 0.25 Full Time Equivalent officer will be required for this service.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
No. of samples	264	194	237	137	140	200

Table 3.4.3 Number of Food Safety Samples Submitted for Analysis 2004-2008 & estimate for 2008/2009 and 2009/2010.

Arrangements are in place with the local Health Protection Agency laboratory for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2008/2009 was £11,238.

As at the beginning of February 2009, the allocation for the year 2009/2010 had not been confirmed.

### **Food standards**

Food Standards work is performed during a comprehensive inspection of the premises and generally linked to the metrology function. One part time Fair Trading Officer and two part time retired Trading Standards Officers undertake the food standards programme and deal with enquiries from consumers and businesses. The percentage of Officer time devoted to these functions has already been described earlier in this document. The food standards function equates to approximately 0.625 FTE.

There is a budget of £12,000 to facilitate a contract with the appointed Public Analyst for the purposes of food analysis. Sampling will be initiated to reflect perceived or identified problem areas but it is intended that we will be involved in at least one FSA led initiative, two regional projects, and two local projects. Sampling is undertaken in accordance with documented procedures and in accordance with the Codes of Conduct produced under the provisions of the Food Safety Act. A further £1000 is allocated for sample purchases.

### **Food Sampling Plan 2008/2009**

<u>MONTH</u>	<u>PROJECT</u>
April to June	FSA Imported Food Activity
TBC	Intel led Regional activity
TBC	Intel led Regional activity
TBC	Value Brand Nutritional properties
TBC	GM Foods
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling

The national initiative is fully funded and takes account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as, complaints and reacting to food hazard warnings.

### **Control and Investigation of Outbreaks and Food-related Infectious Disease**

Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2004 to 2008 and an estimate of the numbers expected for the current year and 2009/2010. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
No. of reports	234	264	294	348	360	360

Table 3.5.1 Estimate of Number of notifications for 2008/2009 & 2009/2010 based on data from 2004 onwards.

The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis. Table 3.5.2 below shows the number of Campylobacter and Salmonella cases notified from 2004 onwards. The number of Campylobacter confirmed notifications have increased in recent years, whilst the number of Salmonella cases reported are predicted to fall for the year 2008/2009. Due to the number of variables involved, it is unsure if these patterns will continue. The FSA has the reduction in incidents of these two food poisoning bacteria as a national core aim.

Year	04/05	05/06	06/07	07/08	08/09est	09/10est
Campylobacter	136	124	174	220	220	220
Salmonella	68	61	71	70	40	60

Table 3.5.2 Estimate of Number of specific notifications for 2008/2009 & 2009/2010

### **3.7 Feed/Food Safety Incidents**

An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

Information regarding national food safety alerts, such as product recalls from the FSA, are received during office hours via the national alert system.

The Environmental Health Manager (Food Safety) and senior staff within the food safety team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	04/05	05/06	06/07	07/08	08/09est	09/10
Food Alerts	94	92	60	127	135	120

Table 3.6 Estimate of Food Alerts for 2008/2009 & 2009/2010 based on data from 2004 onwards.

The large increase of alerts for 2009/2010 is due to increased notifications about product recalls for food allergy reasons. It is expected that this elevated level will be sustained. During the year 2008/2009, there was an additional increase due to alerts linked to Melamine contamination of milk products from China. It is anticipated that this level of service can be absorbed as part of the reactive work staffing estimate.

### **3.8 Liaison with Other Organisations**

#### **Food Safety**

There are a number of arrangements in place with other professions and local authorities to promote consistency: -

- The Environmental Health Manager (Food Safety) attends the Sussex Food Liaison Group, where common approaches to food safety legislation, promotion of best practice and training needs across the whole county are discussed and agreed.
- A Senior Environmental Health Officer in the Food Safety team represents the service at the Chartered Institute of Environmental Health Sussex Food Study Group. This group discusses common food safety delivery problems and develops joint procedures and practices for food safety issues.
- The Food Safety Team has regular liaison meetings and agreed working arrangements with Educational Services and catering contract supervisors to ensure consistent enforcement within schools.
- The service joint funds a Senior Health Development Adviser post with Brighton & Hove City PCT to promote healthy options in local food businesses and take forward initiatives such as increasing breastfeeding in restaurants.
- In 2008, the service launched the Healthy Choice Award to promote healthy menu options in eateries.
- Officers have liaised with the Corporate Health & Safety Division to develop a Food Safety Management System for the council.
- An officer from Environmental Health & Licensing attends the District Control of Infection Committee co-ordinated by the Community Consultant in Disease Control that reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local business and community groups, community workers and members of the Sustainability Commission. The partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to come into the department and gain work experience.
- This authority participates in a variety of Best Value benchmarking exercises in conjunction with other councils, and the Sussex Chief Officers' group including the Sussex Inter Authority Agency Audit.

- Administrative arrangements are in place whereby the Food Safety Team is advised of all Planning Applications and Building Control applications relating to food premises in the city.

This work is accounted for in the reactive work estimate of resources required.

### **Food Standards**

We work closely with 19 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, coordinated activities, sampling and advice projects and sharing of information via the TSSE intranet.

Trading Standards attends the Sussex Food Liaison Group, and will be involved in joint food standards and food safety activity across the whole County.

Trading Standards Liaise closely with Food Safety regarding healthy eating issues and support the Food Partnership activity wherever possible.

### **Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions**

The service organises a number of food hygiene training courses per year. The Food Safety Training Activity January 2008 to December 2008 and total numbers of people trained are given below.

Type of Course	Number of Delegates
CIEH Level1 Award in Food Safety in Catering Awareness	86
CIEH Level 2 Award in Food Safety in Catering	219
TOTAL	305

Year	2004/05	2005/06	2006/07	2007/08	2008/09est	2009/2010est
No. Trained	250	341	337	340	340	340

**Table3.8 Total Training Undertaken Since 2004**

12 CIEH Level 2 Awards in Food Safety in Catering and 3 CIEH Level 1 Awards in Food Safety in Catering have already been scheduled for 2009/10.

The service is now in a position to offer the new qualification CIEH Level 3 Award in Implementing Food Safety Management Procedures designed specifically to assist food businesses to comply with requirements introduced in 2006.

In addition to this training, the service has allocated funds to arrange free training for the poorer performing businesses to help them comply with the legal requirement to introduce a documented system of food safety control measures. This builds on the work carried out from October 2005 to March 2007 training businesses on the 'Safer Food Better Businesses' system. 60 businesses attended

workshops and associated 1-2-1 training sessions mounted during 2007/2008 and 55 attended similar training during 2008/2009.

Staff from the Food Safety Team work closely with the Brighton & Hove Primary Care Trust to encourage the promotion of healthy eating options by food businesses. The authority has been involved in raising awareness of food safety in schools by promoting and organising a food safety school poster competition as part of National Food Safety Week.

Officers of the Food Safety Team have given hygiene training sessions at a number of schools, and taken part in the week long 'Safety in Action' promotion event. The Team has also taken part in multi agency training workshops for small guesthouses.

Two Food and Safety newsletters are produced per year. The newsletters carry articles and information for businesses and members of the public. A copy is posted on the web site and sent out with correspondence.

For the past four years the Food Safety Team has been invited to have an information stand at the Chinese New Year celebration event at Hove Town Hall.

#### **4. Resources**

##### **4.1 Financial Allocation**

###### **Food Safety**

The 2009/2010 projected budget for the food safety service within Environmental Health & Licensing is detailed below. The staffing figures include a figure to cover the appropriate proportion of the Head of Environmental Health and administrative support and management time: -

	Food Safety	Infectious Disease
Staffing	£ 616,770	£ 52,550
Transport	13,260	1,090
Supplies and Services	<u>11,030</u>	<u>1,440</u>
Total	£ <u>641,060</u>	£ <u>55,080</u>

These figures are provisional as at the time of preparing this plan the 2009/10 budget had not been set.

###### **Food Standards**

It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. It is estimated that the resources are allocated as follows:

Inspection, complaints and advice	
Staffing	
Management	£ 2950
Food Team	<u>£27450</u>
Total	<u>£ 30400</u>
Sampling	
Purchases	£ 1000
Supplies	<u>£12000</u>
Total	<u>£13000</u>
Total	<u>£43400</u>

## **4.2 Staffing Allocation**

### **Food Safety**

Establishment of the Food Safety Team for the year 2009/2010 is 11.8 full time equivalent field officers plus two full time equivalent administrative Technical Support Officers and management, broken down as follows:-

1 x Environmental Health Manager  
 2 x Senior Environmental Health Officers  
 5.8 x Environmental Health Officers  
 2 x Senior Technical Officers  
 1 x Technical Officer

Officers and external contractors have to comply with strict guidelines governing qualifications and competencies before they are permitted to undertake food safety duties. The Senior Technical Officers hold Higher Certificates in Food Premises Inspection and are able to inspect all risk categories of food businesses. All Environmental Health Officers are qualified to undertake inspections of all risk categories of food businesses.

Five officers within the other Environmental Health & Licensing teams retain competencies to undertake food safety inspections. All food competent officers must undergo a minimum of 10 hours food safety training per year to retain their authorisation to undertake food safety inspections. In addition to the competencies and qualifications required by the Food Safety Code of Practice, officers engaged in food safety inspections must have undergone additional 'Scores on the Doors' consistency training.

The establishment has increased by one on the 2007/2008. Resources were transferred in January 2009 to the Food Safety Team to service the investigation and control of infectious diseases.



## **Food Standards**

The Inspection and Sampling team is responsible for Food Standards Inspection. The proportion of time allocated to this function is estimated as follows

Support	0.05
Management	0.05
Food Staff	0.625
<b>Total</b>	<b>0.635 FTE</b>

### **4.3 Staff Development Plan**

The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year. Brighton & Hove City Council was awarded accreditation to Investors in People in early 2009.

The Food Safety Team also has team meetings every six weeks. Any training needs of the service as a whole are identified and discussed at these meetings.

Through this system, the service ensures that all food competent officers receive sufficient good quality focused food safety training to comply with relevant codes of practice and professional membership schemes.

## **5.0 Quality Assessment**

### **5.1 Quality Assessment and Internal Monitoring**

#### **Food Safety**

The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute.

The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. In 2007/2008, 210 businesses returned the questionnaires. The key findings of these returns were:-

- 98% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
- 100% of respondents understood the purpose of the visit to their premises.
- 98% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous four years.

In the future, this post-inspection survey will be incorporated in Brighton & Hove City Council's return in respect of national performance indicator NI 182 'Satisfaction of Businesses with Local Authority Regulatory Services'.

The Environmental Health & Licensing department has volunteered to take part in the national Regulatory Services Peer Challenge. During 2009, a team of staff will carry out a self-assessment of the department. The review findings will be assessed by an external Peer Challenge team who will identify areas of best practice and those where improvement may be necessary. The associated action plan will be acted on by the management team.

## **Food Standards**

We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

## **6. Review**

### **6.1 Review Against the Service Plan.**

## **Food Safety**

In addition to the quality checks detailed in 5.1, performance is reviewed against the service plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year, and any problem areas promptly identified and resolved through management reviews, team meetings and monthly one to one's between field staff and their line manager.

Official Food and Food Controls Service Plans are produced and reviewed on an annual basis by management review, consideration by the Environment and Community Safety Overview and Scrutiny Committee and Full Council.

In the year 2007/2008, 99.4% of the programmed food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. In addition, 336 interventions were undertaken of new businesses or premises that had changed ownership. Last year's service plan predicted that a total of 1193 food safety interventions would take place in 2008/2009. To the end of January 2009, 209 inspections of new businesses were undertaken and the service is on target to achieve the goal of carrying out interventions in at least 98% of the businesses due.

The level of enforcement has been maintained in 2008/2009 with four successful prosecutions and three simple cautions being completed by the end of February 2009. The prosecutions attracted total fines of £ 12,550 and costs of £ 16,753.

It is estimated that 1070 primary food safety interventions will be undertaken, this will include at least 98% of the food safety intervention programme, and 300 inspections of new premises or premises where the ownership has changed.

Charts in section 3 give a detailed break down of service activity to from April 2004 to March 2008 and an estimation of the activity for the remainder of the current and coming year.

As at the end of December 2008, 92.4% of the food establishments in the city were graded 'broadly compliant' or better with food hygiene law, see 1.2 of this plan for further guidance on this outcome measure, NI 184.

### **Food Standards**

Service reviews are carried out on a quarterly basis to check that our inspection programme is on target and to ensure that projects are being completed in the agreed timescale.

The Service Reviews indicate that we are on target to achieve our interventions programme. We undertook an additional Screening project on GM Foods in the Autumn.

During staff 1:1's, each officer's performance is monitored, to identify good performance and any areas of improvement.

Complaints are responded to within the stated timescales. Since 2005 there has been a 73% increase in food complaints. We believe that is due to the transfer of calls to Consumer Direct South East.

The number of requests from businesses has increased 500% since 2006. Increasing voluntary contacts is a key area for improvement and this statistic seems to show that our focus on business support is working.

## **6.2 Identification of Any Variation from the Service Plan**

### **Food Safety**

The service intended to use the flexible intervention approach introduced in the draft Food Safety Code of Practice issued in early 2008. The intervention programme published in the 2008/2009 service plan stated that the service would:-

- Inspect poorer performing establishments ie those less than 'broadly complaint;
- Inspect category A & B establishments;
- Inspect the 50% poorer performing category C & D establishments;
- Carry out interventions where due at the 50% better performing category C & D establishments that were broadly compliant;
- Alternative enforcement strategy for category E establishments.

However, the final Code of Practice published in June 2008 stated that in order to re-rate a food establishment, an inspection or audit should take place. The service is mindful to give all food establishments not graded with five stars under its 'Scores on the Doors' system the opportunity to obtain the maximum score. During 2008/2009, the service therefore carried out inspections of all category A-C premises not scoring five stars. Interventions were used for those scoring five stars or category D. As at the time of preparing this plan this activity was underway and no management information was available.

### **Food Standards**

There was no significant variation from the plan except that one project was not completed.

## **6.3 Areas of Improvement**

### **Food Safety**

The food safety service is provided by a specialist Food Safety Team as opposed to a generic Environmental Health & Licensing team providing other functions. This approach has continued to provide a high quality service and give opportunities to officers to develop areas of expertise linked to project work for service improvements. Examples of planned and ongoing improvements include: -

- The draft departmental Enforcement Policy to comply with the national compliance code is currently being consulted on. It is hoped that a revised policy can be agreed in March 2009.
- The Food Safety service along with the other services under the Head of Environmental Health & Licensing is planning to carry out a self-assessment under the national Regulatory Services Peer Challenge. This review will take place during 2009 and identify areas for improvement. Any relevant areas for improvement will be acted on as appropriate.

Additional project areas and associated staff training and development requirements are identified through team meetings and the appraisal scheme.

### **Food Standards**

Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and cooperation where coordinated sampling programmes and officer training feature highly. However there are still areas for improvement. They are as follows:

- Improved use of the Environmental Health newsletter to provide businesses with information.
- Increasing the number of voluntary contacts by businesses
- Developing the access to on line business advice.
- Better publicity for the healthy eating education message.
- Developing links with the schools

- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflect in local activity.



# COUNCIL

30 April 2009

## Agenda Item 84

Brighton & Hove City Council

### EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT CABINET MEMBER MEETING HELD ON THE 26 MARCH 2009

<b>Subject:</b>	<b>Official Feed and Food Controls Service Plan 2009-10</b>		
<b>Date of Meeting:</b>	<b>30 April 2009</b> 23 April 2009 Cabinet		
<b>Report of:</b>	<b>Acting Director of Strategy &amp; Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tanya Massey</b>	<b>Tel:</b> 29-1227
	<b>E-mail:</b>	<b>tanya.massey@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

FOR GENERAL RELEASE

#### ENVIRONMENT CABINET MEMBER MEETING

4.00PM 26 MARCH 2009

COUNCIL CHAMBER  
HOVE TOWN HALL

#### MINUTES

Present: Councillor G Theobald (Cabinet Member)

Also present: Councillors Mitchell (Opposition Spokesperson, Labour) and Davey (Opposition Spokesperson, Green)

#### 131 OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2009-10

131.1 The Cabinet Member considered a report from the Director of Environment concerning the Official Feed and Food Controls Service Plan (for copy see minute book).

131.2 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the Official Feed and Food Controls Service Plan 2009/2010 be noted and recommended for approval by the Full Council.





**EXTRACT FROM THE PROCEEDINGS OF THE ENVIRONMENT & COMMUNITY  
SAFETY OVERVIEW & SCRUTINY COMMITTEE HELD ON THE 23 MARCH 2009**

<b>Subject:</b>	<b>Official Feed and Food Controls Service Plan 2009-10</b>		
<b>Date of Meeting:</b>	<b>30 April 2009</b> 23 April 2009 Cabinet		
<b>Report of:</b>	<b>Acting Director of Strategy &amp; Governance</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Kath Vlcek</b>	<b>Tel:</b> 29-0450
	<b>E-mail:</b>	<b>kath.vlcek@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY  
COMMITTEE****4.00PM 23 MARCH 2009****COUNCIL CHAMBER  
HOVE TOWN HALL****MINUTES**

**Present:** Councillor Morgan (Chairman); Councillor Janio (Deputy Chairman),  
Councillors Davey, Davies, Drake, Kennedy, Older and Smart.

**\*60. HEALTH & SAFETY ANNUAL SERVICE PLAN 2009-10**

- 60.1 The Head of Environmental Health and Licensing introduced the report and addressed members' queries and comments.
- 60.2 The Chairman said he felt that it was a very important report, particularly given the nature of our local service economy; confidence in food safety standards was paramount.
- 60.3 A member asked about the regulations that covered food production. The Head of Environmental Health and Licensing explained that these were generally covered by a number of other inspectorates; however, Brighton and Hove City Council proactively worked with and advised local partnerships including the Local Food Partnership.

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60.4 Members complimented the team on their 92% rating in businesses that were broadly compliant with food hygiene standards, and asked about the 8% of food businesses that were not complying with the food hygiene standards. The Head of Environmental Health and Licensing explained that there had been a significant increase in food hygiene standards since the introduction of the Scores on the Doors scheme, and the department would focus its efforts on non-compliant businesses, carrying out spot checks, unannounced visits etc. Some of the businesses would close themselves, others might be closed, whilst others might be prosecuted.

60.5 **RESOLVED** – that the Committee commend and support the Scores on the Doors work, and that resources should continue to be provided to support the service and the materials that it produces.

**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE  
HELD ON THE 10 MARCH 2009**

<b>Subject:</b>	<b>Six Month review of the Constitution</b>		
<b>Date of Meeting:</b>	<b>30 April 2009</b> Cabinet 23 April 2009		
<b>Report of:</b>	<b>Director of Strategy and Governance</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Contact Officer:</b>	<b>Name: Mark Wall</b>	<b>Tel: 29-1006</b>	
	<b>E-mail: mark.wall@brighton-hove.gov.uk</b>		
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****GOVERNANCE COMMITTEE****4.00pm 10 MARCH 2009****COMMITTEE ROOM 1  
HOVE TOWN HALL****MINUTES**

**Present:** Councillor Ann Norman (Chairman); Councillor Simpson (Deputy Chairman), Councillors Mrs Brown, Kennedy, Mears, Morgan, Oxley, Simson, Taylor and Watkins.

**\*80. SIX MONTH REVIEW OF THE CONSTITUTION**

- 80.1** The Committee considered a report of the Director of Strategy & Governance, which detailed the outcome of the six month review of the Council's Constitution and put forward a number of amendments for consideration resulting from the review (for copy see minute book).
- 80.2** The Head of Law introduced the report and explained the process for the review and outlined the feedback from the various consultees and the proposed amendments to the constitution that resulted from the review. He stated that should the committee be minded to accept the proposed changes, a report would be submitted to the council in April

with a view to the changes being implemented with effect from the date of Annual Council in May.

- 80.3 Councillor Kennedy expressed concern over the figure of £1m which was proposed as the level to which the Cabinet Member for Central Services could approve the acquisition or disposal of properties held centrally or by service areas.
- 80.4 Councillor Morgan referred to paragraph 4.3.2 and suggested that any report should be considered by the Overview & Scrutiny Commission in the first instance with its views/recommendations then put to the Cabinet.
- 80.5 The Head of Law stated that the level of delegation to Cabinet Members was within the Leader's power to determine as the matter was an executive function. The proposed changes to portfolio of the Cabinet Member for Central Services were being reported to the Governance Committee in accordance with the Constitution, and the committee could put forward its views to the Leader/Cabinet for consideration. He noted that the figure of £1m was a maximum and that it was likely any matter of significance or with corporate implications would be referred to the Cabinet for determination rather than being decided by the Cabinet Member. This had proved to be the case with other Cabinet Member portfolios. He also noted that in order for any authority to be given both conditions outlined in the delegations would have to be met.
- 80.6 The Director of Strategy & Governance stated that the intention was for a report to be made to the Overview & Scrutiny Commission and to then report its views to the Cabinet.
- 80.7 Councillor Watkins referred to the City Inclusion Partnership and expressed concern over the proposed move away from the council in terms of its reporting lines, as he felt that the partnership was too large a body to enable communities of interest to feel a part of the process. He believed that the previous Equalities Forum had worked well and a similar body was required to fill the gap that had been created with the establishment of the partnership.
- 80.8 Councillor Simson noted the comments and stated that she believed the Equalities Coalition would be able to fulfil the role and enable those interest groups to be a part of the consultative process and feed into the work of the partnership. She suggested that there was a need to give the new arrangements time to bed in and see how things progressed.
- 80.9 Councillor Oxley stated that there was a need to keep in mind why the City Inclusion Partnership had been established and to enable it to develop and build working relations. A review could then be undertaken and the need for an internal forum considered in due course.

80.10 The Director of Strategy & Governance stated that the role of partnerships came under the remit of the Local Strategic Partnership (LSP), hence the need to make the change. However, the situation could be included in the 12-month review of the constitution if there were any on-going concerns.

80.11 **RESOLVED –**

- (1) That the responses received to the invitation for feedback on the sixth month review of the Constitution be noted;
- (2) That the proposals set out at paragraph 4 of the report, save those reserved to Full Council for decision at (3) below, be recommended to the Cabinet for adoption;
- (3) That the proposals for amendments to the Constitution as set out in paragraphs 4.2, 4.3, 4.4.4, 4.4.6, 4.4.7 and 4.4.9 of the report be recommended to the 30 April Council meeting for approval;
- (4) That the Head of Law be authorised to make the necessary amendments to the Constitution to reflect the above proposals as approved by the relevant body and for those amendments to come into effect from the date of Annual Council, (14 May 2009).



**30 April 2009**

Brighton &amp; Hove City Council

**Subject: Six Month Review of the Constitution****Date of Meeting: 30 April 2009**  
Governance Committee 10 March 2009**Report of: Director of Strategy & Governance****Contact Officer: Name: Elizabeth Culbert Tel: 291515****FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 On 18<sup>th</sup> November 2008 Governance Committee approved the methodology for a six month review of the Council's Constitution. This report presents the outcome of the review and seeks views on initial proposals for amendments to the Constitution.

**2. RECOMMENDATIONS**

- 2.1 That the Committee notes the responses received to the invitation for feedback on the six month review of the Constitution;
- 2.2 That the Committee agrees to recommend to Cabinet the proposals set out at paragraph 4 of the report save those reserved to Full Council for decision at 2.3 below;
- 2.3 That the Committee agrees to recommend to Full Council the proposals for amendments to the Constitution set out at 4.2, 4.3, 4.4.4, 4.4.6, 4.4.7, 4.4.9.
- 2.4 That the Committee authorises the Head of Law to make the necessary amendments to the Constitution to reflect the above proposals once approved by the relevant body.

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

- 3.1 The Council's new Constitution was approved by Full Council in May 2008 and at that time Members agreed to review how it was working after six months and in more depth after the first year.

- 3.2 The Governance Committee has overseen the methodology for the six month review and on 18<sup>th</sup> November 2008 approved the wording for an article in City News and for questionnaires to the public, partner organisations, Members and Officers.
- 3.3 The City News article appeared on 12<sup>th</sup> December 2008, inviting responses to Legal Services. Questionnaire packs were placed in libraries and other public buildings and the material was also placed on the Council's website.
- 3.4 On 5<sup>th</sup> and 7<sup>th</sup> January 2009 questionnaires were sent to Officers (all first, second and third tier Managers) and Members. On 5<sup>th</sup> January a letter was sent to partner organisations, seeking their views on what has worked well and the challenges presented by the new constitution. The closing date for all responses was 19<sup>th</sup> January 2009.

### **Responses from the Public**

- 3.5 There were twenty six responses from members of the public who completed the questionnaire. There were a further two responses by way of one email and one letter. An analysis of the public responses is attached at Appendix 1, including the full text of the responses to the open questions.
- 3.6 Whilst a range of views are expressed, it is possible to draw some themes that arise from the public responses. The perception of a number of those who responded was that the new constitutional arrangements are less democratic and that the public are more distant from the decision making process. A difficulty in accessing and influencing decisions was reported. 73.9% felt that they were not able to have an input into decisions taken by the Council under the Leader and Cabinet system and of those that tried to have an input 88.9% felt that their input was not listened to and considered.
- 3.7 In the response to the open questions, the issue of consultation was raised by four respondents, requesting an improved public consultation process. A proposal to establish area committees or neighbourhood forums was also raised by four respondents.

### **Responses from Partners and other Organisations**

- 3.8 The following Partners and Organisations were contacted directly to seek their views on the new Constitution:-
- LSP (each LSP member received an individual letter)
  - Brighton and Hove Chamber of Commerce
  - Brighton and Hove Federation of Disabled People
  - Black Minority Ethnic and Community Partnership
  - Spectrum



- Interfaith Contact Group
  - Older People's Council
  - Youth Forum
- 3.9 Responses were received from the PCT, the Older People's Council and the Federation of Disabled People. Brighton & Hove Arts Commission and Eco-Logically also provided comments. The full text of the responses received are attached at Appendix 2.
- 3.10 Each organisation that responded had its own specific issues to raise and suggestions for improvement. What is clear from the responses is that the organisations wish to work with the Council and would welcome the opportunity to discuss further their opportunities for involvement within the current structures.

### **Responses from Officers**

- 3.11 Feedback from Officers has been collated on an ongoing basis since the Constitution was approved last year. In addition, specific questionnaires were sent out to Managers in January 2009. A summary of the issues raised is attached at Appendix 3.
- 3.12 A number of officers have suggested a review of the meetings cycle. In particular, the number of Cabinet Member meetings, Sustainability Committee meetings and Licensing Committee meetings was raised and it was suggested that these should be reduced.
- 3.13 There was also feedback on technical issues and proposals to amend/clarify aspects of the constitution where, for example, legislation has changed and delegations need to be updated or where the wording has led to confusions and needs reworking. All of these issues are picked up in the list of proposed technical amendments, set out in the recommendations below.

### **Responses from Members**

- 3.14 On 7<sup>th</sup> January 2009, Members were sent individual questionnaires, in the form previously agreed by the Governance Committee. 13 responses were received and a summary of these responses is included at Appendix 4. In addition to the individual responses, Groups were offered a session at one of their Group Meetings, to express their views on the Constitution. Officers attended the Labour Group meeting on 13<sup>th</sup> January and Conservative Group meeting on 19<sup>th</sup> January and met Paul Elgood on 29<sup>th</sup> January 2009.
- 3.15 A number of common themes arose from the Member responses:-
- Cabinet/Cabinet Member meetings – from the responses received there was a common view that there should be more debate at Cabinet/Cabinet Member meetings and that this would be assisted

by all parties having a seat at the table and the right to speak, rather than relying on the exercise of discretion.

- The agendas for some CMMs were perceived to be thin and a review of the number of meetings was suggested.
- Council – the procedure for Notices of Motion was requested to be clarified.
- Overview and Scrutiny – there was a consensus among those responses received and collated at Group meetings that the role of Overview and Scrutiny still needs to be embedded and that further development for Members and Officers in this area would be beneficial, including looking at models from elsewhere which are working well.

3.16 Other issues that were raised by Members include:

- A concern that the Community Affairs and Inclusion portfolio has no obvious place for dialogue;
- A desire for clarification of the rules governing Special Meetings;
- The lack of public questions at CMM and Cabinet Meetings and the fact that most of these appear to be coming to Full Council.
- Concern that the way in which scrutiny issues are identified for investigation has lead to duplication and a high workload without adequate filtering.
- The view that the Forward Plan is not giving enough information early enough to allow the pre decision scrutiny that was envisaged.
- A suggestion to remove Cabinet Member Meetings and for Executive decisions to be made by Cabinet or the Executive Member and then reported to Cabinet.

#### **4. Recommendations**

Based on the views reported above, the Committee is asked to recommend the following proposals for approval by Full Council and Cabinet (where appropriate).

##### **4.1 Cabinet/Cabinet Member Meetings and Portfolios**

- 4.1.1 To extend speaking rights and a seat at the table at Cabinet and Cabinet Member Meetings to the Leader/Convenor (or their nominated spokesperson) of all opposition parties;

- 4.1.2 Opposition parties to have access to an Officer briefing for Cabinet (one briefing per Group);
- 4.1.3 Clarify the procedure for Special Meetings by:
- extending the procedure that applies to Committee and Sub-Committees regarding calling special meetings under Council Procedure Rule 19.2 to the Cabinet, a Committee of the Cabinet and Cabinet Member Meeting and include the same in the Cabinet Procedure Rules
  - extending the procedure for deputations, petitions, Member and Public questions to special meetings of the Cabinet, a Committee of the Cabinet or Cabinet Member Meeting providing the subject matter of the deputation, petition or questions is on the agenda for the special meeting.
- 4.1.4 Add Community Affairs and Inclusion as an item on the Cabinet agenda at least every six months and invite community representatives to those meetings;
- 4.1.5 Officers to consider the format of the Forward Plan and look at examples from a range of authorities to ensure it is as effective as possible.
- 4.1.6 That the proposed changes to the Delegations to the Cabinet Member for Central Services and to Officers shown in Appendix 5 be approved. These propose substantive decision making powers in the area of property, contracts and ICT for the Cabinet Member for Central Services and some changes to Officer delegations regarding property.

## **4.2 Council Meetings**

- 4.2.1 The Monitoring Officer to issue guidance clarifying the Notice of Motion procedure to address:-
- relevance and timing of amendments;
  - the ability to request Cabinet to consider proposals;
  - limiting issues to those that directly affect the well-being of inhabitants of Brighton & Hove;
  - the prohibition on Notices of Motion relating to live planning or licensing applications.
- 4.2.2 Seek co-operation from all Parties to limit the number of Member questions;
- 4.2.3 Members Services to issue clear guidance to the public explaining the time limit for public questions, the restrictions on supplementaries and that those questions not taken will be referred to the relevant Cabinet/CMM meeting;

- 4.2.4 Provide all Members with an email link to the decisions list in addition to the Forward Plan.

### **4.3 Overview and Scrutiny**

- 4.3.1 Amend the Overview and Scrutiny procedures to relax the rule regarding conflicts so that it is clear that only those Members who have led or taken a prominent role in a campaign or pressure group are excluded from scrutinising that issue;
- 4.3.2 Officers to identify models of best practice for Overview and Scrutiny and report back to Cabinet and OSC.

### **4.4 Technical amendments**

- 4.4.1 Update Officer delegations to incorporate changes to legislation and structure as follows:-
- Transfer of the Risk Management function from the Director of Strategy and Governance to the Director of Finance & Resources;
  - Transfer the Council's functions regarding Communities (Voluntary Sector & External Unit) from the delegations to the Director of Cultural Services to the Director of Strategy & Governance (Policy Team). This will allow for the city council's services to the sector including neighbourhood management and community engagement to be co-located in one service area;
  - Include in the Director of Environment delegations powers and duties under the Consumer Protection from Unfair Trading Regulations 2008;
  - Include in the Director of Environment delegations functions which came in force in April 2008 regarding the management of traffic and carrying out street works under the Traffic Management Act 2004.
- 4.4.2 The Council's sustainability team to develop a Sustainability Impact Assessment Checklist and new guidance for report writers on sustainability implications;
- 4.4.3 Clarify where responsibility for risk management lies within the structure by adding approval of the Risk Management Strategy to the list of Cabinet functions.
- 4.4.4 Amend the delegations to the Director of Environment to include unopposed licensing applications;
- 4.4.5 Retain the rights of the Leader to attend all Cabinet Committee meetings but remove the requirement for the Leader or Deputy Leader to be present for a Cabinet **Committee** to be quorate providing the Leader or Deputy Leader agrees the meeting can proceed in their absence. This change will prevent difficulties arising in holding a Cabinet Committee meeting should either the Leader or Deputy Leader be unavailable;

- 4.4.6 Disapply Council Procedure Rule 18.13 in relation to the Standards Committee so that no substitutes are allowed at Standards Committee. This reflects the wishes of the Standards Committee;
- 4.4.7 Disapply procedure rule 24.1 of Council Procedure Rules in relation to Assessment Panel meetings. This will mean that the Panels will not be required to report up to Standards Committee and will accordingly assist in maintaining confidentiality;
- 4.4.8 The Monitoring Officer to issue guidance on how to treat exempt information in the Forward Plan. The guidance will explain the need to include the particulars of a matter –the title and date of the proposed decision - even if the content of the report is exempt itself;
- 4.4.9 Amend the Officer Employment Procedure Rules to provide for consultation with the Executive in respect of senior officer appointments in accordance with the requirements of Local Government (Standing Orders)(England) Regulations 2001.

#### **4.5 Partnerships/Joint Committees**

- 4.5.1 Remove City Inclusion Partnership from the Constitution to reflect its status as one of the LSP partnerships, formally constituted and adopted by the LSP. The activities of the CIP will continue to be reported, in particular through Cabinet.
- 4.5.2 Dissolve the Joint Waste Committee – (a separate report will set out the proposed changes in detail);
- 4.5.3 Propose a meeting between the Leader and each of the Partner organisations that responded to discuss the specific issues they have raised and to discuss how to best to ensure lines of communication remain open.

#### **4.6 Consultation/public involvement**

- 4.6.1 In response to the concerns raised by members if the public about accessibility and the ability to influence decisions, the Council has recently approved the new Community Engagement Framework . This sets robust standards for carrying out community engagement including consultation, as well as a range of actions for including activity to improve the co-ordination of consultation.
- 4.6.2 It is proposed that the Council takes every opportunity to emphasise and highlight the possibility to ask questions at Cabinet and Cabinet Members Meetings, as well as Full Council to ensure that there is awareness of the ability to raise issues at all of these meetings.
- 4.6.3 As the six month review was intended to be a “light touch” review, it is proposed that the responses in relation to area committees and

neighbourhood forums should be reviewed when the Council looks more in depth at the Constitution at the 12 month stage.

## **5. CONSULTATION**

- 5.1 As set out in the body of the report there has been wide consultation with the public, partner organisations Members and officers in relation to the review of the Constitution. The recommendations of the report have also been the subject of consultation with the Leaders Group.

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

### Financial Implications:

- 6.1 There are no direct financial implications arising from the proposed amendments to the Constitution outlined in the report.

Finance Officer Consulted: Patrick Rice

Date: 25.02.09

### Legal Implications:

- 6.2 Under the Local Authorities (Functions and Responsibilities) England Regulations 2000 (as amended), there are certain functions that are reserved to Full Council for decision and others that are Executive functions. For this reason those recommendations in the report that relate to Council functions are required to be approved by Full Council and those that relate to Cabinet functions are required to be approved by Cabinet.

Lawyer Consulted: Elizabeth Culbert

Date: 16<sup>th</sup> January 2009

### Equalities Implications:

- 6.3 The recommendations in the report aim to ensure that Community Affairs and Inclusion Issues are regularly addressed at Cabinet meetings.

### Sustainability Implications:

- 6.4 None

### Crime & Disorder Implications:

- 6.5 There are no Crime and Disorder implications arising from this report.

### Risk and Opportunity Management Implications:

- 6.6 None

Corporate / Citywide Implications:

- 6.7 The amendments to the Constitution are designed to ensure the continuous improvement of the governance arrangements.

**SUPPORTING DOCUMENTATION**

**Appendices:**

- Appendix 1 Public responses
- Appendix 2 Interested parties responses
- Appendix 3 Officer responses
- Appendix 4 Member responses
- Appendix 5 Proposed changes to the Cabinet Member for Central Services Portfolio

**Background Documents:**



None







## How Effective Do You Think Brighton and Hove City Council's New Constitution Is?



Are you aware of the new Cabinet system which came into effect at Brighton and Hove City Council in May 2008?

Answer Options	Response Count	
Yes	22	
No	4	
<i>answered question</i>		26
<i>skipped question</i>		0



Do you feel you are able to have an input into decisions taken by the Council under the Leader and Cabinet system?

Answer Options	Response Count	
Yes	0	
No	17	
Don't know	6	
<i>answered question</i>		23
<i>skipped question</i>		3



Have you tried to have an input into decisions taken by the Council under the Leader and Cabinet system?

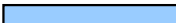

Answer Options	Response Count	
Yes	9	
No	15	
<i>answered question</i>		24
<i>skipped question</i>		2

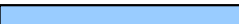
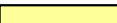
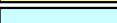
Were you satisfied that your input was listened to and considered?



Answer Options	Response Count	
Yes	1	
No	8	
<i>answered question</i>		9
<i>skipped question (only those who have tried to have an input were asked the question)</i>		17



Have you heard of the Forward Plan?




Answer Options	Response Count	
Yes	5	
No	19	
<i>answered question</i>		24
<i>skipped question</i>		2

Have you looked at the Forward Plan?		
Answer Options	Response Count	
Yes	2	
No	3	
<i>answered question</i>		5
<i>skipped question (only those who have heard of the forward plan were asked the question)</i>		21

If you have looked at the Forward Plan did you use it to:		
Answer Options	Response Count	
Find out information about the major decisions likely to	2	
To plan attendance at Council meetings	0	
To get information on agendas and reports	1	
Other	1	
<i>answered question</i>		2
<i>skipped question (only those who have looked at the forward plan were asked the question)</i>		24

Did you know that some Council meetings are being webcast?		
Answer Options	Response Count	
Yes	14	
No	10	
<i>answered question</i>		24
<i>skipped question</i>		2

Have you seen any of the Council meeting webcasts?		
Answer Options	Response Count	
Yes	2	
No	12	
<i>answered question</i>		14
<i>skipped question (only those who knew Council meetings are being webcast were asked the question)</i>		12

Are you likely to watch the Council meeting webcasts in the future?		
Answer Options	Response Count	
Yes	14	
No	3	
Don't know	4	
<i>answered question</i>		21
<i>skipped question</i>		5

**DRAFT (19/01/09): Constitution Review - Verbatims**

<b>Are there any changes you would like to see to the Council's Constitution/decision-making process?</b>	<b>Do you have any suggestions to improve the public interest and involvement in the decision-making process?</b>
The old system was far more democratic and I would welcome a return to it.	
Yes. The councillors and councillor Cabinet post holders should be paid. The system relies upon dogged scrutiny by non post holders and these are "part time" and that is a handicap. Councillors now have more responsibility and they should be recognised as such. I do not want my ward Cllr to be scrambling to balance a job and represent my interests.	Yes. Cabinet holders should be placed under a code of conduct where they are not allowed to directly pressure non political executive officers with party political considerations. This is important because with increased power and influence Cabinet post holders must be made aware that executive officers have a duty to the whole council and should not feel under pressure from a particular Member who wields increased power.
There seems to be an obvious way that minority parties or community groups can influence the decision making process. It is a closed book to most of us.	Some decisions should be taken at neighbourhood level.
Return to the previous committee system	
The Council is more distant and unresponsive since the cabinet system came in. We should reconsider having a City Mayor in view of this.	I don't think many people realise that a very small number of votes can significantly affect the make-up of their local council and that their vote is really worth while especially in local elections.
I would like to feel that when members of the public are consulted it was more than just a box being ticked by the Council in a process that has already been decided. There are a lot of people in Brighton with a far more detailed knowledge of the city than some members of the planning department have, and they have something useful to contribute, given a chance.	
I prefer the old committee system. I think that the present system distances the public from the decision making process, as a result even fewer people may vote in local elections.	Officers must first learn the difference between giving members of the public information and true consultation. It is only true consultation when plans may be changed as a result of the views submitted by members of the public. In the majority of cases minds have been made up, shown to the public, and described as consultation, whereas they are merely informing the public of decisions which have already been made. This makes members of the public fed up and they are put off getting involved again as they regard it as a waste of time.

<b>Are there any changes you would like to see to the Council's Constitution/decision-making process?</b>	<b>Do you have any suggestions to improve the public interest and involvement in the decision-making process?</b>
I think there are problems inherent in the "pyramid" structure of the council. The only people who truly know what is going on are those at the top. In the lower ranks there is a sense of being "in the dark", confusion and even paranoia.	Yes. I think the council needs to discard its perception of being an "Authority" and see itself as "Public Servant". Public interest and involvement increases with positive results to involvement. The council should be there to administer decisions taken by the public.
I do not believe that investing executive power into the hands of the leader of the council and cabinet is as democratic or accountable as the standard/previous constitution.	Revert the constitution to the previous, more democratic system as the current constitution concentrates power into one individual and then a small minority.
Regular Area committees attended by local councillors should be held (monthly?) to discuss local issues and councillors should report concerns and decisions to full Council. The Cabinet set-up inevitably means that there is little cross-party discussion and all decisions are made simply by a few senior members of the ruling party. Even their own back-benchers are sidelined.	More time for questions from the public should be allowed at full Council meetings -- - and at the start of the proceedings.
Neighbourhood forums	More accessible council meeting times - not during the working day, so all people can attend.
I do not feel the current 'cabinet' structure is very democratic. I felt that no notice at all was taken of the questions asked at the Environment Cabinet Member meeting I attended - minds had already been made up - very poor.	Improve the public consultation process. BHCC regularly fails to give proper prior notice of consultations and inadequate time for responses. And in the recent North Street MPR consultation regarding Ship Street, BHCC disregarded the most popular option and opted for a scheme which was not in the questionnaire. No wonder the public loses faith in decision making processes!!!
Greater openness	Consultation standards need to be far higher and adhered to.

<b>Are there any changes you would like to see to the Council's Constitution/decision-making process?</b>	<b>Do you have any suggestions to improve the public interest and involvement in the decision-making process?</b>
<p>I strongly support greater devolution to the constituent parts of the city. Probably, the most practical way to do this would be by the establishment of committees consisting of all the councillors from a particular group of wards. This might help resolve such of the concerns felt by Hove residents opposed to the merger of the two towns, and might be easier to implement than establishing Parish Councils. This change could also be applied to other areas of Brighton, Patcham and the North of the city, East Brighton, Portslade, Central Brighton etc. If felt appropriate, the community committees could have a small budget and input into local decisions, or similar functions to a Parish Council. It was my understanding that both the campaigns for the directly elected executive Mayor system and the Committee system, prior to the last constitutional referendum, included community committees as part of their proposals.</p>	
	<p>Decisions that affect the public - like allowing Fatboyslim's beach party to go ahead at unacceptable volumes for locals and with unexpected restrictions to public spaces should be given public consideration before gaining approval.</p>
	<p>Make it known more.</p>
<p>Make it more democratic.</p>	<p>Return to committees.</p>
<p>Yes... can't think...er...mmm</p>	<p>Oh yes...absolutely...er mmm... New Year resolution - to be more aware of opportunities for involvement in "the forward plan" and the "decision making process/constitution". Sorry to come a cross "clueless" but I think you may find me typical of many housing tenants. Keep trying we are far from a lost cause - OK?</p>
<p>Would like to see an elected mayor.</p>	



## **Comments from the PCT**

Thank you for asking us to comment on the Council's new democratic arrangements.

The PCT is involved with the Council in number of areas specifically:

- Local Strategic Partnership groups including the Healthy City Partnership and the City Inclusion Partnership.
- Joint Commissioning Board
- Children and Young Peoples Trust Board
- Overview and Scrutiny Committees

We broadly welcome the new arrangements as they give a focus to discussions about services that impact on both of our organisations. Particularly an increased emphasis on the 2020 Community Partnership and the Community Plan. Ensuring that all partners are able to contribute to the priorities of the City is a welcome step forward.

Executive function:

- The role taken by the Cabinet member for Community Affairs, Inclusion and Internal Relations has been a welcome improvement, and we have been able to see clear benefits from having both a key leadership role in this area and a strong officer team.
- Progress has been made in making the CYPT and Joint Commissioning Board more effective, by improving governance arrangements. The PCT does however need to ensure that the Councils Forward Planning arrangements are fully integrated into our own planning and governance structures.

Overview and Scrutiny

- The Health Overview and Scrutiny Committee role continues to be a key scrutiny function supported by a very able scrutiny team. We had hoped that the new governance structures would enable the Council to provide increased support for officers to enable Councillors more fully engage in the scrutiny role.
- Further discussion is required about how the PCT can be effective in contributing to the Children and Young People scrutiny process.

Given the changed nature of other Councillors' roles we had anticipated that there would be an increased emphasis on the role of 'Community Councillors'. We believe this could strengthen links with local communities

the NHS. It is hoped that as the system continues to develop, there will be an increased link to how the PCT engages with neighbourhoods and Councillors.

### **Brighton and Hove Federation for the Disabled**

Thank you for giving us the opportunity to take part in your 6 monthly review. I have consulted Trustees and Staff of the Federation as to how the constitutional changes have impacted upon us as an organisation.

The consensus seem to be that it is really early days and at the moment, most people have not really felt that the changes have impacted on how they work with the authority. However during this time of change, we are pleased to report, that we have been consulted and have been able to influence some of the structures and processes that have been put in place to support the new constitution, for example the new City Inclusion Partnership and the Community Engagement Framework.

The Federation is a partner organisation and benefits from a collaborative way of working with Council Members and Officers. We look forward to strengthening this relationship and to work with the authority to ensure that the voices of Disabled People are heard and are able influence how services are improved and delivered in the future.

### **Arts Commission**

I consulted with the executive committee of the Arts Commission about the review. The members gave overall support to the cabinet system but were unclear about policy direction. Under the committee system the Arts Commission was able to give ongoing reports to committee. That contact appears to have been lost. The executive would welcome an opportunity to continue a line of communication.

### **Eco-Logically**

We understand that you are seeking views on the new constitution adopted in 2008 (source: 'City News', December 2008). In particular the 'Cabinet System' that replaced the former Committee Structure' on 15 May. We are primarily interested in effective management of the natural environment across the whole city jurisdiction and in increasing awareness and appreciation of this irreplaceable resource by residents and visitors. Close involvement with the council's Wildlife Advisory Group (WAG) has provided one mechanism for progressing this interest.

The WAG previously reported to the then 'Sustainability Commission' and **Eco-Logically** regularly attended the quarterly meetings.



However, under the new Cabinet System it has been difficult to engage effectively with the nominated members and appropriate officers. This is of particular concern as one intention was to achieve better representation for local people, to seek agreement on proposals to local government which improve the sustainability of local communities (Sustainable Communities Act, 2007). So far the Cabinet System has significantly failed in this respect. For example, the Sustainability Cabinet Meeting (8 October 2008) was very poorly publicized with a handful of councillors attending and only three local residents present! There were no formal opportunities to raise questions in advance, and it was only through the Chair's extremely helpful direction to address this glaring shortfall that comments were sought after AOB. Similarly at the 12 January 2009 City Sustainability Partnership meeting there was no allocated opportunity for residents to raise issues. In fact people who were not sitting at the main table initially had to stand as there was no seating provided, even up to five minutes before the meeting started!

Finally, the Partnership meetings are held between 5.00 and 7.30pm. Previous Sustainability Commission meetings were held at a similar time and refreshments were provided for those attending. This greatly helped to foster a relaxed and effective meeting where all those attending could concentrate and focus on contributing most usefully. Regretfully refreshments were not provided at the last Sustainability Partnership meeting apart from a pitifully small quantity of tea and coffee. Whilst this last detail is clearly not as critical as the first three issues raised, it is perhaps indicative of the way implementation of the new council constitution is treating those elected members and specialists who are providing their time and expertise wishing to improve the quality of life across Brighton & Hove.

We hope these comments will be considered in detail. If you wish to discuss any aspects further please contact **Eco-Logically** at the above address.



### Summary of consultation responses - Officers – January 2009

1. What has worked well under the new constitution?	2. What has improved as a result of operating a Leader & Cabinet system?
Decision making appears easier and quicker	Clearer about public info being available (published) and access to meetings
Scrutiny has potential/is improving	Clearer leadership on issues
Licensing Panels	Created an advisory committee to the executive to assist licensing councillors
Focus on Sustainability in new Sustainability Cabinet Committee	Cabinet Support Team is strong and good to work with.
Webcasting	New Audit Committee working well
3. What major changes have you noted and how have these impacted on your work?	4. What has not worked so well?
The lead in time is longer than before in many cases and this feels like the system is less flexible	Cabinet Member meetings lack debate, do not appear inclusive or accessible. Are they a good use of resources?
Too much duplication of systems and processes – adding further workload	Scrutiny has not developed a transparent way to deal with issues members want to challenge
Difficulty in identifying key decisions	Some meeting have thin agendas (Central Services CMM/ Licensing Committee/Finance CMM). Need to review meetings timetable
The Sustainability Commission has been replaced by a Committee internally and a Partnership externally, doubling the workload.	Scrutiny appear to be weak with many items going to Council rather than scrutiny
More meetings and a lot of uncertainty about what decisions should be taken where.	Report template need improving
5. What have been the challenges?	6. What changes do you think should be made to the constitution to improve its operation and to help you do your job more effectively?
The Forward Plan could be more accessible and user friendly	More time is needed for this to bed in and for us to get more experience
Helping Members to understand the distinction in roles between Scrutiny and the Audit Committee	Review CMM portfolios and operation of CMM meetings
Defining what a key decision is	Develop Area Panels to involve and include a wider base of community interest

## Appendix Three

Workload; learning and understanding new ways of working; more oppositional and less consensual decision-making, arguably.	Less frequent meetings – Licensing/Contral Services/Finance
Understanding the executive and council functions and where to take issues for decision.	Encourage more debate/public questions at Cabinet Meetings.
<b>7. Are there any aspects of the constitution you need clarified? If so, please give details</b>	<b>8. Are there any further issues you would like to raise?</b>
Difference between cabinet member and cabinet meetings	
More clarity around key decisions – what are they – how do you decide	
Learning through exposure and attendance would probably deal with this, though workload makes it difficult to attend many meetings regularly.	

## Summary of consultation responses - Members – January 2009

<b>What has gone well?</b>	<p>Housing Management and Planning Committees working well</p> <p>More open and transparent</p> <p>Quicker decision making</p> <p>Closer liason with Officers</p> <p>More informed</p> <p>The transition to the new Constitution went smoothly</p> <p>The openness of Cabinet Member Meetings</p> <p>Audit and Licensing and some other Regulatory Committees, including Standards, operating well and inclusively</p> <p>Decisions made more quickly</p> <p>Introduction of political assistants</p> <p>Introduction of webcasting (but technical problems remain)</p> <p>The principle of the Forward Plan (but not been able to get the reports)</p>
<b>Cabinet Meetings and Cabinet Member Meetings</b>	<p>Would like more debate at Cabinet and Cabinet Member Meetings</p> <p>Difficult for Members to raise issues/speak at these meetings.</p> <p>Physical layout not welcoming or inclusive – a more inclusive approach would be welcomed</p> <p>Redesign the seating arrangements in meetings which are perceived to be hostile and unwelcoming</p> <p>Access to information and opportunity for debate greatly reduced</p> <p>Would like to be able to speak at these meetings as of right</p> <p>Grant speaking rights at all public and private Cabinet Member meetings</p>

	<p>A disproportionate amount of responsibility allotted to the principal opposition group</p> <p>Should allow cross party involvement at these meetings – ie a seat at the table for Greens and Lib Dems</p> <p>Opposition Parties need access to Officer briefing on Cabinet papers</p> <p>Involve main spokespeople of all parties in Chair's briefings</p> <p>Cabinet meetings too confrontational</p>
<b>Decisions /agendas at Cabinet and Cabinet Member meetings</b>	<p>Not enough business on some CMM agendas</p> <p>Agendas for some meetings very thin</p> <p>Difficult to justify resources spent on CMMs.</p> <p>Decisions should either be taken at Cabinet or by the Member and reported to Cabinet</p> <p>Lack of seat at the table at these meetings means do not attend</p> <p>Decisions driven further from (non Cabinet) Members and the public gaze</p> <p>Revisit the officers' delegated powers to see how they have been affected by the introduction of the Cabinet system</p>
<b>Community Affairs and Inclusion</b>	<p>Lack of CMM for this portfolio means there is no place for a dialogue on these issues</p>
<b>Special Cabinet Meetings</b>	<p>Need clarity on when these can be called and how</p>
<b>Council – Notices of Motion</b>	<p>Clarify what NOMs can cover</p> <p>Too many hoops to get through – Members should be able to ask the Administration to consider action</p>
<b>Council</b>	<p>Council is the only forum for genuine debate</p>

	<p>Council is being used instead of Cabinet/CMM to debate issues</p> <p>There should be more Full Council meetings</p> <p>Report substantive decisions to Council for review</p> <p>NOMS/questions and supplementaries escalating</p> <p>Opportunities to debate major issues are limited to five general council meetings a year – should increase number to 11 per year</p> <p>Urgency Committee of Council should be politically proportionate</p>
<b>Scrutiny</b>	<p>Clarify limits on number of panels to ensure not overloaded</p> <p>Look at other models eg Birmingham to improve understanding and best use of scrutiny</p> <p>The Scrutiny Commission needs to operate more as a filter for the work of Panels and ensure that work is not duplicated with work already underway</p> <p>The OSC has not undertaken work requested of them</p> <p>Clarify the role of OSC</p> <p>Reduce the number of reports for noting where no action from scrutiny requested.</p> <p>Policy development role is not embedded.</p> <p>Too many reports to note.</p> <p>Forward Plan timing not effective to assist with work programme.</p> <p>Need training for Officers and Members and look at other models that are working well</p> <p>A disproportionate allocation to the principal opposition group re Chairs/Deputy Chairs</p> <p>Not on top of how scrutiny works</p> <p>Pre decision policy development role not working</p>

	<p>Comments made by Scrutiny Panels not taken to Cabinet</p> <p>In practice scrutiny has very little direct power or influence</p> <p>Ensure urgent decisions cannot be made exempt from call-in</p> <p>Separate Scrutiny Committees for ASC and Housing</p> <p>Separate Scrutiny Committees for Environment &amp; Community Safety</p>
<b>Regulatory Committees</b>	Change the size of Regulatory Committees to odd numbers



The Proposed amendments are show in bold italics.

### **K. Cabinet Member for Central Services**

#### **Explanatory Note**

*The Cabinet Member for Central Services will have responsibility for the quality, efficiency and cost effectiveness of Central Services, namely the support services listed in paragraph 1 below.*

#### **Delegated Functions**

To exercise the functions of the Council as follows:

1. All functions regarding the delivery and performance of the Council's support services, in particular:
  - Finance
  - Property
  - ICT
  - Customer Services
  - Corporate Procurement
  - Legal Services
  - Democratic Services
  - Policy
  - Communications
  - Human Resources
  - Improvement & Organisational Development
2. To discharge all functions regarding the establishment of joint working with other authorities, including the establishment of any shared services arrangements.
3. To receive reports on resourcing, structuring and capacity building in support services and take action as appropriate.
4. ***The Council's functions regarding ICT providing that this shall not include approval of the ICT Strategy.***
5. ***To approve the Council's Planned Property Maintenance Programme.***
6. ***The acquisition or disposal of properties held centrally or by service areas relating to 2 or more Cabinet Members or Directorates, up to the value of £1 million providing that the Leader is notified in advance and has no objection.***
7. ***The award of contracts relating to Central Services or those that are Corporate (i.e. not specific to individual services such as corporate stationary, cleaning etc contracts).***

***[NB. The delegations under 6 or 7 will not preclude contracts of major significance being referred to Cabinet in accordance with the normal rules.]***

**PART 7.2****PART A.****GENERAL DELEGATIONS**

Save where indicated otherwise and subject to paragraph 16 of the Introduction, the following general powers are delegated to all Chief Officers in relation to the services for which they are responsible.

**1. Administrative**

To administer the services for which they are responsible, including taking and implementing decisions which facilitate the operation or effectiveness of those services, and which fall within the policy decisions taken by the Council or the Executive. This power shall include the continuing review of the departments for which they are responsible to maximise resources and implement best value.

**2. Financial**

To exercise all the functions delegated to officers under the Council's Financial Regulations.

**3. Land Management**

In the paragraphs below: -

- (1) The disposal or acquisition of any interest in property or the creation, extension or variation of any interest therein shall be in such form as shall receive the approval of the Monitoring Officer.
- (2) The term "land" includes buildings or parts of buildings and any estate or interest in land.
- (3) The term "Valuer" means the valuer appointed or approved by the Director of Finance & Resources.

In respect of land held or used for the purposes of a service administered by the officer:

- (a) To approve the detailed terms of any disposal or acquisition authorised in principle by the Council, the Executive or a Cabinet Member where the terms are certified by the Valuer to be the best consideration reasonably obtainable;
- (b) After consultation with the Monitoring Officer and the Valuer to dispose of any land or any interest in land where the person acquiring the land or the interest has a legal right to acquire the same granted by an Act of Parliament or any rule of law;

- (c) To acquire or dispose of the freehold or leasehold of land for a consideration of £25,000 or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and after consulting the Chairman of the relevant Committee or Sub-Committee or relevant Cabinet Member as appropriate;
- (d) To acquire or dispose of land on a lease for 25 years or less provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable;
- (e) In relation to the Director of Finance & Resources only:
  - After consulting the Cabinet Member for Central Services to acquire or dispose of land for a consideration of up to £250,000 provided that the terms are certified by the Valuer to be the best consideration reasonably obtainable and relates to property held for the purposes of the functions of the Director or is declared by the relevant Director to be surplus to requirement. under (k) below;
- (f) To approve rent reviews where the Valuer certifies the terms to be the best consideration reasonably obtainable;
- (g) After consultation with the Valuer for all land in relation to item (i) below, and for all land except council housing in relation to item (ii) below –
  - (i) to approve the change of use of land let by the Council, and
  - (ii) to give consent for improvements or alterations to such land (except where any compensation payable by the Council is likely to exceed £10,000);
- (h) After consultation with the Monitoring Officer to take action on all matters concerned with the enforcement by or against the Council of the terms or provisions of any lease or disposal, including the service of appropriate notices under any statutory provision whether or not including the forfeiture or other termination of such lease or other provision;
- (i) After consultation with the Valuer and the Monitoring Officer, to grant easements, licences and wayleaves;
- (j) Subject to the limitations expressed above, to undertake the general management of land, including the making of any necessary planning applications and applications for building regulation consent;
- (k) After taking appropriate professional advice in accordance with guidelines from time to time laid down by the Council to authorise land to be declared surplus to the requirements of the officer's area of service. Management and future use of the land will be transferred to the Director of Finance & Resources to be held corporately pending appropriation or disposal;

- (l) After consultation with the Monitoring Officer and subject to the advice of the Valuer to accept the surrender of leases.

#### **4. Human Resources**

- (1) Subject to the policies, practices and procedures of the Council, to manage staff within the officer's department.

# COUNCIL

30 April 2009

## Agenda Item 86

Brighton & Hove City Council

**Subject:** Statutory Crime & Disorder Committee  
**Date of Meeting:** 30 April 2009  
Governance Committee 28 April 2009  
**Report of:** Acting Director of Strategy & Governance  
**Contact Officer:** Name: Oliver Dixon Tel: 291512  
E-mail: oliver.dixon@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Following consultation over the 2008 Policing Green Paper (*'From the Neighbourhood to the National: Policing our Communities Together'*), the Home Office announced last November its intention to further strengthen the delivery of crime reduction through partnership working and to ensure a clear route of joint accountability for Crime & Disorder Reduction Partnership activity.
- 1.2 The Government aims to achieve this by commencing legislation on 30 April 2009, providing for Crime and Disorder Committees and Councillor Call for Action.
- 1.3 The issue for the Council is how best to accommodate the new legislation alongside the good practice that already exists in Brighton & Hove for holding to account those bodies tasked with reducing crime and disorder.
- 1.4 This report:
  - details the key elements of the new legislation
  - sets out the Council's implementation options and recommends one of these
  - recommends a protocol to ensure effective co-operation and co-ordination between the Community Safety Forum and the new Crime and Disorder Committee

#### 2. RECOMMENDATIONS:

It is recommended that the Committee –

- 2.1 Recommends to Full Council that the Environment & Community Safety Overview and Scrutiny Committee ('ECSOSC') be designated the Council's statutory Crime and Disorder Committee.

- 2.2 Agrees to recommend to Full Council the protocol at Appendix 1, governing the interface between the Community Safety Forum ('the Forum') and ECSOSC.
- 2.3 Agrees to recommend that the Chair of ECSOSC (being the Chair also of the Crime and Disorder Committee) become a member of the Forum.
- 2.4 Authorises the Head of Law to put these arrangements into effect, following Full Council approval, including any necessary amendments to the Council's constitution
- 2.5 Instructs the Head of Law to monitor the effectiveness of the arrangements implemented under 2.1 and 2.2 above and, if appropriate, to submit a report to the Governance Committee, as part of the Council's 12-month review of the Constitution, on any changes considered necessary.

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

- 3.1 The Government intends to bring sections 19-21 of the Police and Justice Act 2006 ('the Act') into force on 30 April 2009.
- 3.2 Section 19 will require the Council:
  - (i) to establish a crime and disorder committee ('CDC') with power –
    - (a) to review or scrutinise decisions and actions taken by responsible authorities (the chief officer of police, the police authority, primary care trust, fire and rescue authority, and local authority, for the area concerned) in connection with their crime and disorder functions; and
    - (b) to make reports or recommendations to the Executive with respect to the discharge of those functions;
  - (ii) to make arrangements which enable any member who is not a member of the CDC to refer any local crime and disorder matter to the committee, under the process known as Councillor Call for Action. This will allow ward issues that Councillors have sought to resolve through other means to be raised at the CDC as an option of last resort. The CDC then has power to make a report or recommendation to the Executive in relation to the matter
- 3.3 Draft regulations issued in connection with section 19 give CDCs the power to obtain relevant information from the responsible authorities or cooperating persons or bodies (the latter include local probation boards, NHS trusts and governing bodies of schools), and to require their attendance at a CDC meeting to answer questions.
- 3.4 Whenever a CDC makes a report or recommendation to the Executive, it must provide a copy to the appropriate responsible authorities and co-operating persons and bodies, who in turn must –
  - (i) consider the report or recommendations;
  - (ii) respond to the CDC, indicating what action (if any) it proposes to take;

(iii) have regard to the report or recommendations in exercising its functions.

- 3.5 The Act requires the CDC to be an overview and scrutiny committee. The Council's constitution satisfies this requirement, as the statutory functions of the CDC fall within the remit of the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC). However, these functions need to be considered in the context of the role performed in Brighton & Hove by the Community Safety Forum ('the Forum').
- 3.6 The Forum has a broad remit relating to all aspects of crime, disorder and community safety. It enjoys the support of and active engagement from the responsible authorities, and indeed the types of issue that may come before the CDC are currently dealt with by the Forum. However, the Forum is not an overview and scrutiny body and cannot, as currently constituted, assume the mantle of CDC with all its attendant powers.
- 3.7 To achieve the dual aims of maintaining the effectiveness of the Forum and complying with the new legislation, the options open to the Council are as follows:

Option 1 Confirm ECSOSC as the statutory CDC with a remit to deal with those crime and disorder matters which must by law or by the Council's constitution be referred to it; and refer all other crime and disorder matters to the Forum.

For the reasons given at 3.8 - 3.11, this is the **recommended option**.

Option 2 Introduce a new overview and scrutiny committee to perform the functions of the CDC, leaving an Environment Overview & Scrutiny Committee to concern itself purely with environmental matters; and refer all other crime and disorder matters to the Forum.

Whilst this would achieve the same result as option 1, a stand alone CDC would increase the number of overview & scrutiny committees to seven, resulting in an overloaded schedule of meetings for Members and difficulties in allocating sufficient Members to the CDC.

Option 3 Refer all crime and disorder matters to a single body, the Forum, but with an inner body of elected overview and scrutiny Members who discharge CDC functions when required. Although this would conform with legislation, it is likely to alienate the majority of Forum members, as the only people who may be co-opted onto the CDC are employees or officers of the responsible authorities or co-operating bodies or persons; nor could the Chair of the Forum, by virtue of being a member of the Council's Executive, serve on the CDC.

Option 4 Cease the Forum and transfer all its business to a stand alone CDC which would become the Council's seventh overview & scrutiny committee, leaving an Environment O & S Committee to deal with

environmental matters only. This has the disadvantages associated with options 2 and 3 above. Further, it would deprive the majority of existing Forum members of their regular opportunity to participate in debates and discussions about crime and disorder matters at a forum involving all CDRP members. This would be a regressive step at the very time when the Council is about to face new duties to promote local democracy.

- 3.8 The recommended option envisages the Forum retaining its current role. To avoid the risk of the Forum and CDC addressing the same issues, which could result in confusion and duplication of effort and agendas, it is recommended that a protocol based on Appendix 1 be developed that establishes the Forum as the primary channel for crime and disorder reduction, and the promotion of community safety. The role of ECSOSC would be to fulfil statutory CDC functions and maintain a strategic overview of crime and community safety issues. This has a number of advantages:
- (i) all the responsible authorities already attend the Forum. Issues can therefore usually be resolved by those present at the meeting;
  - (ii) the Forum comprises a wider range of organisations than would be permitted on the CDC; this would allow more meaningful debate of the issues, with all interested parties being able to contribute.
  - (iii) ensuring that all community safety and crime and disorder issues are raised at first instance in a single setting (the Forum) will enable the responsible authorities to build up a more complete picture of the type and location of problems of that nature.
- 3.9 Importantly, this arrangement is compliant with draft regulations on the operation of CDCs. The regulations cover the co-opting of additional members, the frequency of meetings, the provision of information by responsible authorities, attendance at CDCs by non-members, and the timescale for responding to reports and recommendations from the CDC.
- 3.10 Although CDC membership is restricted to non-executive council members and a limited number of co-optees, its meetings will be open to the public, enabling Forum members not on the CDC to attend and observe proceedings.
- 3.11 The Government regard Councillor Call for Action as an option of last resort. It is therefore advisable to use the Forum for on-going business but to treat the ECSOS Committee as the formal CDC for those rare occasions when a Member has been unable to resolve an issue through normal channels (including the Forum) and wishes to avail himself of the formal powers available to the CDC.
- 3.12 This saves ECSOSC from being swamped by crime and disorder issues to the detriment of its environment responsibilities; nor would ESCOSC simply be replicating the work of the Forum.
- 3.13 The strategic role of ECSOSC would, to the extent necessary to comply with CDC legislation, focus on:
- Considering Councillor Calls for Action on crime and disorder matters
  - Taking performance data regarding community safety issues from the LAA and National Indicator Set



- Establishing ad hoc panels to investigate C&D issues – with input from the Forum
  - Taking updates from the Forum and requiring the Forum Chair to attend before it to answer questions
- 3.14 In order to ensure continuity between the two bodies and the free flow of information, it is suggested that the Chair of ECSOSC be a member of the Forum, with the Chair of the Forum invited to provide 6 monthly updates on its work to ECSOSC.
- 3.15 It is recommended that a review of the effectiveness of the new arrangements be included as part of the 12 month review of the constitution.

#### **4. CONSULTATION**

- 4.1 Consultation has taken place with the Leader of the Council, the Leader of the official opposition, the Cabinet Member for Community Affairs, Inclusion and Internal Relations, and the Chair of ECSOSC. Judith Macho, Assistant Director Public Safety, and Linda Beanlands, Head of Community Safety, have also been consulted.

A short presentation on the proposals was given to the Responsible Authorities Partnership / Drug and Alcohol Action Team meeting on 27 March 2009, and questions and comments invited.

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

##### Financial Implications:

- 5.1 The current proposal does not entail any change to the administration of the Community Safety Forum, and hence no additional or reduced operating costs. The work of the Environment and Community Safety O & S Committee may increase slightly as a result of undertaking functions required of the Crime and Disorder Committee, which may require a small amount of additional support and administration from the Overview and Scrutiny team. Any associated costs will be assessed once the CDC is up and running.

*Finance Officer Consulted: Anne Silley*

*Date: 30 March 2009*

##### Legal Implications:

- 5.2 These are covered in the body of the report. Definitive regulations on the exercise of section 19 are expected by 30 April 2009. If these are materially different from the version seen in draft (and used as the basis for this report), officers will notify members accordingly.

There are no specific issues relevant to the Human Rights Act arising from the report.

*Lawyer Consulted: Oliver Dixon*

*Date: 30 March 2009*

#### Equalities Implications:

- 5.3 Under the proposals, all community representatives who currently attend meetings of the Forum can continue to do so. Further, as indicated in 3.10 above, even if they are not members or co-optees of the CDC, they may attend CDC meetings to listen to and observe proceedings.

#### Sustainability Implications:

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

#### Crime & Disorder Implications:

- 5.5 The purpose of CDCs is to increase the accountability of those bodies responsible for tackling crime and disorder in the local authority area. The statutory requirement on these bodies to respond to reports and recommendations of the CDC and to have regard to their content in exercising their functions should ensure that their actions are more closely aligned to the crime and disorder issues raised by members on behalf of their constituents.

#### Risk and Opportunity Management Implications:

- 5.6 The risk inherent in operating two bodies with potentially overlapping agendas is addressed in 3.8 above

#### Corporate / Citywide Implications:

- 5.7 Establishing a CDC engages two of the Council's corporate priorities: fair enforcement of the law; and open and effective city leadership.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. Draft protocol

### **Documents In Members' Rooms**

1. None

### **Background Documents**

1. None

### **Suggested protocol on relationship between the Community Safety Forum and the Environment and Community Safety Overview and Scrutiny Committee (Designated as the Crime and Disorder Committee)**

As provided for under the Council's constitution, the Environment and Community Safety Overview and Scrutiny Committee (ECSOSC) is designated the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006 ('the Act').

It is recognised that the Community Safety Forum ('the Forum') is in a position to resolve many of the crime and disorder issues that members will wish to raise.

Members wishing to raise a crime and disorder issue should direct the matter in the first instance to the Forum.

The ECSOSC will, when crime and disorder matters are referred to it without first being presented to the Forum, note them and refer them to the next appropriate meeting of the Forum.

In fulfilment of its role as CDC, the ECSOSC shall meet to review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every twelve month period. ECSOSC shall perform this role after considering:

- A six monthly update from the Chair of the Forum on its work
- LAA performance data on community safety issues

The ECSOSC shall also:

- Deal with any Councillor Call for Action that has already been to the Forum but remains unresolved
- Consider whether, following input from the Forum, to establish an ad hoc panel on a crime and disorder matter

Nothing in this protocol prevents a Member from raising issues directly at the ECSOSC in accordance with section 19 of the Act. It does, however, provide guidance to allow the most efficient and effective resolution of crime, disorder and community safety issues.



**NOTICE OF MOTION****GREEN GROUP****NEIGHBOURHOOD POLICING, COUNCIL SERVICES AND LOCAL ACTION TEAMS (LATs)**

"This Council

**Notes**

1. That Sussex Police has adopted 'Neighbourhood Policing' as one of its three key priorities – and that the force's Local Policing Plan commits officers to working with communities across the city to help achieve its neighbourhood policing goals of (a) being visible and accountable, and (b) providing a quality response.
2. That a number of Local Action Teams (LATs) have either come into existence – or begun operating in place of a previously existing community group – to facilitate this.

**Welcomes**

1. The fact that Sussex Police have pledged to engage fully with LATs
2. The formation of LATs – and the work that communities and members of this council have done and continue to do to allow them to function effectively
3. The community-led, genuinely democratic, non party-political nature of LATs
4. The fact that many LATs have decided to broaden their remit into areas outside the scope of policing and this council's community safety team to include other matters relating to community safety: *inter alia*, licensing, planning, refuse collection and traffic problems and road safety.
5. The engagement of officers of this authority with LAT meetings to answer residents' questions about service delivery

**Resolves**

1. To ask the Cabinet to recognise LATs as community groups – and their reasonable requests and pronouncements as representing the community or neighbourhood covered by the LAT concerned,

2. To ask the Cabinet to recognise the independence of LATS from the City Council,
3. To ask Cabinet to consider ways this council could support LATS; through either financial support, administrative assistance or help establishing any co-ordinating group which may be proposed by the LATS themselves,
4. To support the principle that Cabinet Members should attend LAT meetings as requested and where possible, to allow more challenging questions relating to the resourcing and political direction of the council to be asked than is appropriate to expect employees to face,
5. To ask the Acting Chief Executive to write to the Chief Constable of Sussex, Martin Richards QPM, congratulating him on his commitment to neighbourhood policing and his officers' and PCSOs' pledges to attend future LAT meetings.

Proposed by Cllr Ben Duncan

Seconded by Cllr Amy Kennedy

**NOTICE OF MOTION****CONSERVATIVE GROUP****ELECTRICITY INTERNET**

“This Council notes that the Conservative Party has recently issued a green paper - *The Low Carbon Economy – Security, Stability and Growth* – which sets out proposals to create an electricity internet. An electricity internet has the potential to hugely improve the efficiency of electricity generation and consumption and to help unlock large-scale use of renewable energy in Brighton & Hove in particular and the UK in general.

This Council notes that the fundamental architecture of the generation and consumption of electricity in the UK has changed little since the National Grid was first established in the 1930s, and is based on a centralised system of command and control. There is little scope to intelligently balance capacity and demand and around two thirds of energy used in large, centralised power stations never reaches the consumer.

The proposals contained in the paper seek to address these long-standing problems through:

- transforming electricity networks with ‘smart grid’ and ‘smart meter’ technology so that the use of electricity for a wide range of household and workplace appliances can be tailored automatically to match the supply
- creating a decentralised micro-generation energy revolution by introducing a system of ‘feed in tariffs’ for electricity generation as has occurred in countries such as Germany
- vastly expanding the amount of offshore wind and marine power by incentivising the construction of a new network of under-sea Direct Current cables
- incentivising electricity network operators to establish a new national recharging network for electric and plug-in hybrid vehicles

This Council believes that a transformation on this scale would benefit

- (i) the consumers of Brighton & Hove, through lowering energy bills and giving them the capacity to generate and sell electricity;
- (ii) the global climate, by reducing carbon emissions;
- (iii) the U.K. population as a whole by enhancing energy security.

Furthermore, this Council believes that the electricity internet proposals would be very popular in Brighton & Hove given the significant local interest there is in the conservation of natural resources.

Therefore, this Council resolves to:

- endorse the proposals laid out in *The Low Carbon Economy – Security, Stability and Growth* – to create a decentralised electricity internet.
- Instruct the Acting Chief Executive to write to the Shadow Secretary of State for Energy and Climate Change – Greg Clark MP - the Secretary of State for Energy and Climate Change – Ed Miliband MP - and the City's 3 MPs confirming the Council's support for an electricity internet and a local energy revolution.
- Ask the Lead Member for Sustainability to examine possible sources of funding which could enable local residents to benefit from an electricity internet in the future."

Proposed by: Cllr. Brian Oxley

Seconded by: Cllr. Denise Cobb



**NOTICE OF MOTION****GREEN GROUP****FINANCIAL SERVICES**

“This council welcomes the support that Brighton and Hove City Council is giving to the East Sussex Credit Union.

It also notes that:

- Two million people in the UK do not have bank accounts
- Three million people do not have access to conventional credit and depend on licensed sub-prime market lenders, many of whom operate on the doorstep
- On average those who borrow from doorstep lenders pay £65 in interest for every £100 they borrow
- Consumers on low incomes are hit hardest by the recession as credit dries up
- Formal lending had dropped by 60 per cent since the recession began.

It therefore calls on the council’s Acting Chief Executive to write to Alistair Darling, Chancellor of the Exchequer, and Lord Mandleson, Secretary of State for Business, Enterprise and Regulatory Reform, urging them to:

1. Use the Government’s stake in high street banks to make loans and other financial services available from conventional sources to those on lower incomes,
2. Give more support to credit unions, the Post Office and community finance initiatives to make financial services available to those on lower incomes,
3. Cap the interest rates charged by doorstep and other sub-prime market lenders in line with many EU countries, US states, Canada and Australia.

Proposed by Cllr Bill Randall

Seconded by Cllr Amy Kennedy



**NOTICE OF MOTION****LABOUR GROUP****SUPPORT APPRENTICESHIP PROGRAMMES IN BRIGHTON AND HOVE**

“The number of people completing apprenticeships in England has risen from 50,000 to 112,000 in the last 4 years, due to the Government’s rapid expansion of apprenticeships.

Brighton and Hove has seen some of the biggest increases in the numbers of completed apprenticeships in the country. Apprenticeships in Hove alone have increased by over 500%.

Nationally, over 130,000 employers now offer apprenticeships across 80 different industry sectors including retail, manufacturing and the public sector and it is widely recognised that apprenticeships offer a valuable and worthwhile contribution to business, especially during an economic downturn.

This Council notes

- £140m has been made available to fund a further 35,000 apprenticeship places in 2009/10 with 21,000 of these will be in the public sector, across the country.
- Local Authorities like Kent CC, London Borough of Barking and Dagenham and Warwickshire have benefitted from apprenticeships.
- The Government is supporting a construction clearing house to help keep apprentices who fear losing their jobs employed and in training.

This Council actively supports the possible advantages and benefits of entering in to an apprenticeship programme. This Council requests that the Acting Chief Executive complete the online enquiry form at

<https://apprenticeships.broadssystem.com/EmployerEnquiryForm.aspx> to get free information and advice on how the council could benefit more from apprenticeships and how best to promote apprenticeships across the city, amongst local businesses.

This Council requests that Cabinet members consider the following;

- Using the Council’s positive influence on more local businesses to encourage the take up of apprenticeship schemes.
- Providing citywide information on the council’s website about apprenticeships available in Brighton and Hove.
- Expanding its own apprenticeship programme within the Council and increasing the numbers of apprentices within the Local Authority.”

Proposed by Cllr Craig Turton

Seconded by Cllr Bob Carden

Supported by: Cllrs Mitchell, Hawkes, McCaffery, Meadows, Hamilton, Morgan, Allen, Marsh, Davis, Simpson and Lepper.



<b>COUNCIL</b>	<b>Agenda Item 88(a)</b>
30 April 2009	Brighton & Hove City Council

**NOTICE OF MOTION  
REPORTED BACK TO COUNCIL FOR INFORMATION**

**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE HELD ON  
THE 10 MARCH 2009**

**GOVERNANCE COMMITTEE**

**4.00pm 10 MARCH 2009**

**COMMITTEE ROOM 1  
HOVE TOWN HALL**

**MINUTES**

Present: Councillor Ann Norman (Chairman); Councillor Simpson (Deputy Chairman), Councillors Mrs Brown, Kennedy, Mears, Morgan, Oxley, Simson, Taylor and Watkins.

**78. NOTICE OF MOTION - SENIOR STAFF SALARIES**

- 78.1 The Chairman referred to the Notice of Motion listed under Item No.78 on the agenda, which had been referred from Council for consideration and invited Councillor Taylor to speak to the motion.
- 78.2 Councillor Taylor stated that he remained unsure about the process for the review of senior staff salaries and that of the new Chief Executive and hoped that the recommendations listed in the motion would be taken on board.
- 78.3 Councillor Mears stated that the review had been commissioned by the previous Chief Executive and a report was due to come to the committee in April. With regard to the appointment of the new Chief Executive, a cross-party appointments panel had been established and details of the post would be included in the report.
- 78.4 The Director of Strategy & Governance noted that the report would outline the framework for the salary ranges for the various grades with respective line managers then having the ability to determine salary points for their staff.
- 78.5 **RESOLVED** – That the Notice of Motion be noted and officers be instructed to bring a report back to the next committee meeting on the subject of senior staff salaries.

## **SENIOR STAFF SALARIES**

“This Council notes that in the pay negotiations for 2008-9 the Local Government Employers Association (LGE) made a final offer of a 2.45% pay increase to all local authority staff. Trade Unions subsequently rejected this offer and the dispute has now been referred by all sides to ACAS for binding arbitration.

This Council further notes that senior officers have also commissioned a review by the Rockpool consultancy of top Council salaries (Chief Executive, Directors and Assistant Directors) The results of this review have not yet been released.

This Council understands that the current decision making process over senior salary levels – after being informed by the Rockpools report - to be;

- Chief Executive – level of award decided by Governance Committee
- Directors – level of award decided by Chief Executive
- Assistant Directors - level of award decided by Directors

This Council:

- Supports the principal that any nationally imposed wage settlement on Council employees (ie the 2.45% LGE offer) should apply to all salary grades, including the most senior officers in Brighton & Hove Council
- Suggests that the Governance Committee consider reviewing the procedures and protocols around fixing senior staff salaries, including consideration of an increased role in the process elected members.”

Proposed by: Cllr Keith Taylor

Seconded by: Cllr Ben Duncan