

# **BRIGHTON & HOVE CITY COUNCIL MEETING**

**4.30PM 8 MAY 2014**

**COUNCIL CHAMBER, BRIGHTON TOWN HALL**



## **AGENDA**



**Brighton & Hove  
City Council**

# Council Meeting

Title:	<b>Council</b>
Date:	<b>8 May 2014</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 Father John
Contact:	<b>Mark Wall</b> Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gcsx.gov.uk

	<p><b>Public Involvement</b> 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.</p> <p>Please note that the Public Gallery is situated on the first floor of the Town Hall.</p> <p>If you wish to attend and have a mobility impairment or medical condition or medical condition that may require you to receive assisted escape in the event of a fire or other emergency, please contact the Democratic Services Team (Tel: 01273 291066) in advance of the meeting. Measures may then be put into place to enable your attendance and to ensure your safe evacuation from the building.</p>
	The Town Hall has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons please refer to the Access Notice in the agenda below.
	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.

*This Agenda and all accompanying reports are printed on recycled paper*

## AGENDA

### 108. DECLARATIONS OF INTEREST

- (a) Disclosable of pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

### 109. MINUTES

1 - 24

To approve as a correct record the minutes of the last Council meeting held on the 27<sup>th</sup> March 2014 (copy attached).

Contact Officer: Mark Wall  
Ward Affected: All Wards

Tel: 29-1006

### 110. MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

### 111. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented by Members and/or members of the public to the Mayor at the meeting.

### 112. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 30<sup>th</sup> April 2014 will be circulated separately as part of an addendum at the meeting.

### 113. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 30<sup>th</sup> April 2014 will be circulated separately as part of an addendum at the meeting.

## COUNCIL

### 114. PETITIONS FOR COUNCIL DEBATE

25 - 28

Petitions to be debated at Council:

- (a) 'Save our Deans' - Petition to abandon the development proposals of Lightwood Property for The Vale Meadows. Report of the Monitoring Officer (copy attached).

*Contact Officer: Mark Wall*

*Tel: 29-1006*

*Ward Affected: Rottingdean Coastal*

### 115. WRITTEN QUESTIONS FROM COUNCILLORS.

29 - 30

A list of the written questions submitted by Members has been included in the agenda papers. This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

*Contact Officer: Mark Wall*

*Tel: 29-1006*

### 116. ORAL QUESTIONS FROM COUNCILLORS

31 - 32

A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matters has been listed in the agenda papers.

*Contact Officer: Mark Wall*

*Tel: 29-1006*

### 6.30 - 7.15PM 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.

### 117. HEALTH AND WELLBEING BOARD

33 - 50

Extract from the proceedings of the Policy & Resources Committee meeting held on the 1<sup>st</sup> May 2014 (to be circulated separately), together with a report of the Monitoring Officer (copy attached).

*Contact Officer: Abraham Ghebre-Ghiorghis*

*Tel: 29-1500*

*Ward Affected: All Wards*

### 118. NOTICES OF MOTION.

51 - 56

The following Notices of Motion have been submitted by Members for consideration (copies attached):

- (a) **Food Banks in the City.** Proposed by Councillor Gilbey.
- (b) **Academies.** Proposed by Councillor Shanks.
- (c) **Planning.** Proposed by Councillor Mac Cafferty.

## COUNCIL

### 119. CLOSE OF MEETING

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

*Note:*

1. *The Mayor will put the motion to the vote and if it is carried will then:-*
  - (a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*
  - (b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

*The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.*
  - (c) *Following completion of the outstanding items, the Mayor will then close the meeting.*
2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*
3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

*Once all the remaining items have been dealt with the Mayor will close the meeting.*

### **PUBLIC INVOLVEMENT**

Provision is 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.

### **WEBCASTING NOTICE**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Mayor will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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).

### **ACCESS NOTICE**

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**We apologise for any inconvenience caused**

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- **You should proceed calmly; do not run and do not use the lifts;**
- **Do not stop to collect personal belongings;**
- **Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and**

**Do not re-enter the building until told that it is safe to do so.**

Date of Publication - Tuesday, 29 April 2014



Penelope Thompson CBE  
Chief Executive

King's House  
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Hove  
BN3 2LS





**BRIGHTON & HOVE CITY COUNCIL****COUNCIL****4.30pm 27 MARCH 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Cobb (Chair), Randall (Deputy Chair), Bennett, Bowden, Brown, Buckley, Carden, Cox, Daniel, Davey, Deane, Duncan, Farrow, Fitch, Gilbey, Hamilton, Hawtree, Janio, Jarrett, Jones, A Kitcat, J Kitcat, Lepper, Littman, Mac Cafferty, Marsh, Meadows, Mears, Mitchell, Morgan, A Norman, K Norman, Peltzer Dunn, Phillips, Pissaridou, Powell, Robins, Rufus, Shanks, Simson, Smith, Summers, Sykes, C Theobald, G Theobald, Wakefield, Wealls, Wells, West and Wilson

**PART ONE****91. DECLARATIONS OF INTEREST**

- 91.1 Councillor Mitchell declared a pecuniary interest in Item 106(d) Notice of Motion concerning Royal Sussex County Hospital as she was employed by Brighton & Sussex University Hospital Trust.
- 91.2 In respect of Item 106(c) Notice of Motion concerning Integrating a Financial and Digital Inclusion Strategy the following Councillors all declared personal interests as members of the Credit Union – Councillors: Randall, Simson, Shanks, Rufus, Duncan, Wakefield, J. Kitcat, Jarrett, Lepper, Marsh, Morgan, Mitchell and Cox.
- 91.3 Councillor Sykes declared a personal interest in Item 106(e) Notice of Motion concerning Dealing with Flooding as she worked for the Environment Agency.
- 91.4 No other declarations of interests in matters appearing on the agenda were made.

**92. MINUTES****(a) Minutes of the Ordinary Council Meeting held on 30 January 2014**

- 92.1 Councillor Summers referenced paragraph 70.12 and asked that words 'isn't it the case' removed from the fourth sentence and the typographical error at the end of the final sentence be correct to 'per se'

- 92.2 Councillor Hawtree noted a typographical error at paragraph 75.13 such that 'he' should be correct to 'she'.
- 92.3 Councillor Randall referenced paragraph 67.9 and noted that at the fourth paragraph the individual's name should correctly read 'Andy Tuck'.
- 92.4 Councillor Peltzer Dunn referenced paragraph 74.3 and noted that he had drawn Officer's attention to inaccuracies in the wording outside of the meeting; it was agreed the appropriate wording could be agreed with Officers following on from the meeting.
- 92.5 With the above changes the minutes of the last Ordinary Meeting of the Council held on 30 January 2014 were approved and signed by the Mayor as a correct record of the proceedings.

**(b) Minutes of the Budget Council Meeting held on 27 February 2014**

- 92.6 The minutes of the Budget Meeting of the Council held on 27 February 2014 were approved and signed by the Mayor as a correct record of the proceedings.

**(c) Minutes of the Budget Council Meeting held on 5 March 2014**

- 92.7 The minutes of the Budget Meeting of the Council held on 5 March 2014 were approved and signed by the Mayor as a correct record of the proceedings.

**93. MAYOR'S COMMUNICATIONS.**

- 93.1 The Mayor stated that she would like to congratulate the Sound for the City Team who had won a high profile national award at the Music Teacher Awards for their groundbreaking SoundCity work. SoundCity was the music education hub for Brighton & Hove. BHMA worked with partner organisations to develop music education and provide opportunities that reflect the needs of children and young people. Partners include Brighton Dome & Festival, Glyndebourne, Rhythmix, University of Sussex, and schools. She invited Peter Chivers and Hannah Corcoran to come forward to receive the award.
- 93.2 The Mayor stated the Revenues & Benefits teams had retained their Customer Service Excellence award following a review in December 2013. The independent review focused on the culture of the organisation, staff professionalism and attitude, information and access, as well as partnership and community work. It also looked at how well the teams understood the customers' experience and levels of customer satisfaction. Feedback from the CSE assessor was excellent, providing well deserved praise for frontline staff across the Revenues & Benefits teams. The assessor commented that journey mapping had been used in a major way since the last assessment, with significant success. This approach had identified the weak links in the service which has been used to not only correct the service offered but also as a training opportunity. Furthermore, the service had grown its networking opportunities with outside agencies, resulting in a joined up holistic approach, producing benefits for both these agencies and for customers. The Mayor invited Councillor Littman to come forward to receive the award.

93.3 The Mayor stated that Members were saddened to hear of the passing of Chris Kift last week. Chris was a humorous, compassionate and thoughtful man whose positive manner and wit could brighten any occasion. Originally a publican and cabaret agent based in Bristol, Chris moved to Brighton and dedicated his considerable energies to improving people's lives in the City. Chris was a passionate activist most notably on social housing issues, where he represented residents in many areas including his role as Chair of the City Assembly, but also tirelessly campaigned on disability issues and for the LGBT community. Chris's passing was a sad loss to the city and the Mayor expressed sympathies to his family.

93.4 The Mayor Stated was also aware that the funeral of former MP Tony Benn had taken place recently, and conveyed the Council's sympathies to his family.

93.5 The Mayor announced the sad death of former Labour Councillor Don Turner who served for 22 years as an elected Member and was appointed as an Honorary Alderman of the city in July 2007; his funeral was held the previous day. The Mayor conveyed the Council's deepest sympathy to his family, friends and former colleagues.

93.6 The Major proposed a minute silence for Don Turner and the others.

#### **94. TO RECEIVE PETITIONS AND E-PETITIONS.**

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

94.2 The Mayor noted that 5 e-petitions had been submitted and invited Councillor Wealls to present the first e-petition which had 77 paper signatures and 142 online signatures concerning building a playground in central Hove.

94.3 The Mayor then invited Ms Linda Freedman and Ms Jennifer Keeble to present their petition concerning a footbridge at Hove Railway Station.

94.4 The Mayor then invited Councillor Mitchell to present her concerning a pelican crossing across Eastern Road.

94.5 The Mayor then invited Councillor Janio to present his petition concerning CCTV in Hangleton Park.

94.6 The Mayor then invited Councillor Bennett to present her petition concerning a neighbourhood forum.

94.7 Councillor Meadows presented a petition signed by 638 residents concerning travellers at Wild Park.

94.8 The Mayor noted there were no other petition to present.

#### **95. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

95.1 The Mayor reported that 1 written question had been received from members of the public and invited Mr Martin Jones to come forward and address the council.

95.2 Mr Jones asked the following question:

“Across the City, Councillors have pleased families, especially those with disabled children, by their recent understanding that reducing inequalities for disabled, unlike minorities, is not mainly done in the head and the heard but also needs funding.

However I feel ashamed that unlike other equality resorts we’ve built marinas, banks to avoid naturists, cycle lanes, numerous amenities and next to flying 360 donuts yet the whole sea front is bereft of any ramp to the sea; that’s between the Marina and Carrots Cafe, to simply dip feet and wheels.

Does Mr Kitcat share my shame that after 200 years this City has not given this basic, affordable, reasonable right to residents and the visiting wheelchair minority?”

95.3 Councillor Bowden (substituting for Councillor J.Kitcat) replied:

“I’m not Councillor Kitcat, I’m the Councillor in charge with the responsibility for the seafront so I will answer on the Leader’s behalf. Providing safe access to enable wheelchair users to use the beach and also to get down to the seafront has been a problem that we’ve been looking at over a number of years and that includes people with walking difficulties not just wheelchair users and the heart of the problem is the shingle which is ever moving.

Over the years we’ve tried many solutions or what we hoped would be solutions including mats which have got destroyed in no time at all, we’ve had other options that we’ve tried with similar results. We’re working with the FED and other people to look at solutions; other Towns and Cities by the sea that have shingles, no one has actually yet come up with a failsafe option.

We do have access to wheelchairs with big fat wheels which can be hired with a modest deposit, they do require someone to push them and be there as an attender which can help but we’re working with other seaside towns that have similar problems as you saw with the storms recently, shingle gets moved around at all times and it’s very hard to predict so building something even if we built a ramp down there, it could well get covered in shingle in no time at all and when we’ve had these mats down, we’ve had people clearing the shingle every time and they’ve not been successful.

I’d also add that this City was recently selected amongst 4 in the whole country to work with Visit England on the Access For All Campaign so this, I’m sure, will be amongst the items that we’ll be looking at very closely but it’s a constant battle with the elements to make this happen but if anyone has suggestions, please forward them to me, I’ll forward them to those officers looking at how we can overcome this difficulty, that all terrain vehicles are our current mode of getting people to the sea and getting them right to the sea edge as well.”

95.4 Mr Jones asked the following supplementary question:

“Following the global HBO reports highlighting institutional racism and disablism within the Council and the responsible intervention when the Council unintentionally caused offence to residents in Golly gates, I now hope that correspondence sent to me last year by yourself and officers regarding two disability hate incidents can be reviewed for possible errors or to check for breaches of code of practice or if the equality act that protects this holocaust minority.

Will you please arrange a meeting with me and Officers to review the correspondence specifically those that support direct hate incidents ignoring police intervention and supporting abuse in maintained schools and the governing bodies?”

95.5 Councillor J. Kitcat replied:

“I fully support and appreciate the concern for assuring that the Council and everyone in the City is absolutely inclusive and respects and supports diversity. I don’t agree with your characterisation of the HBO report, it was challenging but I’m assured that lots of actions have followed through from that and we continue to be a Council that is looked up to by many others around the country for the way in which it leads, for example, the recent Trans Scrutiny and the follow up from that.

I’d be more than happy if you wanted to put in writing to me your concerns about specific correspondence and Councillor Shanks is indicating she has some familiarity with the issues you raise, I’d be more than happy to deal with it but I don’t think in this forum, would be entirely appropriate.”

95.6 The Mayor thanked Mr Jones for his question.

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

96.1 The Mayor reported that one deputation had been received from a member of the public and invited Mr Hancox as the spokesperson for the deputation to come forward and address the council.

96.2 Mr Hancox thanked the Mayor and stated:

“I am informed that the committee intends to consider applications for the establishment of both the Hove Station and Hove Park Ward neighbourhood forums and there is an Economic and Culture Committee in June. We will be asking the committee to reject the application of the proposed Hove Station area as it includes parts of the proposed Hove Park Ward neighbourhood forum area for the following reasons; the Hove Station and the Hove Park Ward areas are wholly different in that the Station area comprises a densely developed Victorian and Edwardian city centre neighbourhood, whereas the Hove Park Ward area is mainly low density inter war and post war suburban neighbourhood. They also have different demographics in terms of ages and geographic mobility.

The two neighbourhoods and geographically separated by the railway, presumably the reason the boundary commission fixed the boundary on this alignment. At the Hove Station Forum public meeting of the 17 January 2014 a substantial number of Hove Park residents attending emphasised that they did not wish to be included in the Hove

Station forum area and were establishing a forum for their own area. The Hove Station forum has a membership of approximately 62 properties. Whereas the Hove Park neighbourhood forum already has over 300 members from all areas of the Hove Park ward. For the Hove Station neighbourhood forum to include substantial part of Hove Park Ward in their opposed area is contrary to the spirit of the localism act 2011 which seeks to promote direct neighbourhood representation on the local forum. Consideration has been given to the station forums and Next Steps document produced after they became aware of our application.

There are several significant matters raised with which we are unable to agree. From the outset the Hove Station forums principle concern has been the development area 6, partly situated in both proposed forum areas and they consider this justifies including part of Hove Park ward within that area in view of DA6 having a major impact on the area north of Old Shoreham Road. This assertion is refuted. The Station forums documents also referred to the development potential of other areas within the Hove Park ward such as the Strategic Greyhound Stadium site, as a further reason for extended their area north of the railway. This view is also rejected. Hove Park ward forum residents will have views as to the planning futures of areas of concern to them elsewhere in the city, such as George Street or Churchill Square but acknowledge that this would not justify extending the forum area to include them for planning purposes.

The Hove Park forums view is that the forum should represent a community with a distinct identity and that it should review planning issues through a neighbourhood perspective and not be based on a historical grouping of residents from several neighbourhoods addressing a particular planning proposal. Furthermore, it is considered that the proposed Station forum area would be too large in population in terms to comprise an identifiably distinct neighbourhood. It would be remarkable if residents of the different neighbourhoods south of the railway would consistently view planning issues with the same priorities and perspective as those of residents of Hove Park ward neighbourhood to the north. The Hove Park ward forum is prepared to liaise and discuss planning issues with all neighbourhood forums.”

96.3 Councillor J. Kitcat replied.

“We fully support the formation of neighbourhood forums and absolutely encourage interested parties to make use of the provisions and localism act which help them to enhance and protect and take care of their neighbourhood areas. But it is sad to see Hove-arians fighting over boundaries, I must say. You’ve all got an interest in your local area and clearly you’re united by your passion for it and I hope we don’t see people falling out over what is a line on the map. Of course wars were fought over that in past centuries but we are beyond that now.

I think the fact is the emerging and abutting Hove forums, those issues are well known to the ward members, I see nods ward members and I know officers are well aware of this and we would all like to encourage, as you have suggested, conversations and discussions to continue. This can be the only way through which this can be productively resolved. There are ambitions for a number of neighbourhood forums and I hope we can find a way of delineating them in a supportive way which recognises true neighbourhoods and communities. Defying a neighbourhood is an interesting thing for PHD thesis one day. The decision as you have rightly note falls to the Economic and

Culture committee sometime in the Summer and I hope that the concerns you have highlighted in your deputation can be ironed out by that point but the view is that even if some words remain, the boundaries don't necessarily need to be completely black and white, there could be some flexibility and I hope that if it wasn't all resolved by then, discussions could still continue. As a Council, I think our role is to be mindful of those different aims and priorities of adjoining communities and to try and mitigate against disagreements and I fully attend this to be our role as a council from a member and an officer point of view and I'm hopeful the benefits will outweigh whatever difficulties there are in the road to getting there and I wish you every success."

- 96.4 The Mayor thanked Mr Hancox for attending the meeting and speaking on behalf of the deputation. She explained that the points had been noted and the deputation would be referred to the Economic Development & Culture 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.

## **97. PETITIONS FOR COUNCIL DEBATE**

- 97.1 The Mayor explained that she had received notification of one petition that had over 1250 signatures triggering a debate at Full Council. The petition would be debated for a period of up to 15 minutes having been first presented by the lead petitioner. There was also an amendment from the Conservative Group which would be moved during the debate by Councillor Cox.

- 97.2 The Mayor invited Mr Gale to present the petition concerning Free Sunday Car Parking for debate.

- 97.3 Councillor Davey then responded to the petition and stated that the city was one of the busiest tourist destinations in the UK and often Sunday was the busiest day. The impact of this activity on the road was easy to see in terms of congestion and the difficulty in parking. The management of car parking was a vital aspect of managing the wider traffic demand in the city; however, there was concern that making car parking free on Sundays would create more congestion and reduce air quality. Furthermore free parking could undermine bus services and would cause long term damage and particular example of a scheme at Aberystwyth where the impact had been negative was referenced. It was disappointing that the Liberal Democrats [the petitioners] had not recognised these problems and the administration would be unable to support the petition. Councillor Davey noted that there was scope to support sensible targeted schemes to help reduce congestion such as reduced weekend prices. It was also important to create the right balance between the needs of residents and visitors.

- 97.4 Councillor Cox then proposed the amendment on behalf of the Conservative Group and stated that he commended the Liberal Democrats for collecting so many signatures, and expressed his concern that the city was presenting an image of overcharging parking. There were residents in the city that had no choice but to own a car for various reasons and there was a still significant cost implication both to park and to use public transport. Whilst the Conservative Group were not able to support the petition they felt there was scope for changes 'around the edges' especially during the winter and in relation to some of the underused car parks. Rather than dismiss the work of the petitioners the

Group considered a report could be brought to the Policy & Resources Committee setting out the costs of a partial scheme or measures.

- 97.5 Councillor A. Norman formally seconded the amendment.
- 97.6 The Mayor then opened the matter up for debate and the following Members spoke on the proposed amendment and the petition: Councillors Hawtree, Mitchell, West, Wealls and Robins.
- 97.7 The Mayor then invited Councillor Davey to respond to the debate and he stated that it was view that the petition should be considered by the Environment, Transport and Sustainability Committee rather than the Policy & Resources Committee, but the Green Group would support it going to the latter. The Group would not be able to support the Conservative amendment and noted that it did not give a clear steer to Officers.
- 97.8 The Mayor then asked for the electronic voting system to be activated and put the Conservative Group's amendment to the vote.
- 97.9 The Mayor confirmed that the amendment was **carried** by 29 votes to 21.
- 97.10 The Mayor than asked for the electronic voting system to be activated and put the substantive recommendation, as amended, to the vote.
- 97.11 The Major confirmed that the recommendation, as amended, had been **carried** unanimously.
- 97.12 **RESOLVED** – That the petition is referred to the Policy & Resources Committee for consideration accompanied by a full Officer report on the proposal, including an estimate of the costs of partial or full implementation of free Sunday parking and an impartial assessment of the advantages and disadvantages.

## **98. WRITTEN QUESTIONS FROM COUNCILLORS.**

- 98.1 The Major reminded the Council that written questions from Members and the replies from the appropriate Councillor were not taken as read by reference to the list included in the addendum which had been circulated as detailed below:

### **(a) Councillor Janio**

- 98.2 "Following the Electoral Commission review of electoral fraud, will the Leader of the Council be encouraging the Leaders of all political parties to sign up to its recommendations, especially those related to postal votes?"

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

"The Electoral Commission has published a Code of Conduct for campaigners which covers postal votes:

[http://www.electoralcommission.org.uk/data/assets/pdf\\_file/0006/154176/Code-of-conduct-campaigners-2013.pdf](http://www.electoralcommission.org.uk/data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf)



The code has been agreed with parties at the national level.

The Regional Returning Officer will be drawing attention to the code in his briefings for candidates and agents at the European Elections. The Local Returning Officer will also reinforce the code in Brighton & Hove.”

**(b) Councillor Simson**

98.3 “Whilst travelling around the city recently, I have noticed a very large number of trees being felled; often those that are well established or older and in one case what appeared to be a whole row of trees in one road. Bearing in mind that residents often have to apply for planning permission to carry out such an operation, could Cllr West please reassure us that this cull of trees is entirely necessary and that all checks and consultations are carried out before work is even considered.”

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

“All our city’s trees are regularly inspected, and remedial arboricultural works are allocated to those that need them. A large majority of the city’s trees are of an ageing stock and are succumbing to decay fungus, which can result in mechanical failure of the stem base or root plate and sadly results in their loss.

For example it was sadly necessary to fell four trees in Clermont Road following an inspection which found they were either dead or colonised by the decay fungus Ganoderma.

February meant that a high number of our trees have suffered wind throw and root plate movement rendering them either unstable or requiring heavy pruning.

When significant trees are to be felled officers normally let ward councillors know before works commence. In emergency situations it is not always possible to inform ward councillors in advance of taking any action. However, a system has been put in place to advise ward councillors when prominent trees or a large number of trees in one location are to be felled.

I’m sure residents will want reassurances that where trees are found to pose a risk to people, property, or other trees, our officers act to make them safe. Where possible lost trees are replaced through our replacement programme, which plants hundreds of new trees a year. This budget was maintained as part of the 2014/15 budget-setting process, so we hope to continue this important work to support biodiversity, clean up the air we breathe and improve our streets.”

**99. ORAL QUESTIONS FROM COUNCILLORS**

99.1 The Mayor noted that notification of 6 oral questions had been received and that 30 minutes was set aside for the duration of the item. She then invited Councillor Mitchell to put her question to Councillor West.

**(a) Refuse & Recycling Collections**

99.2 Councillor Mitchell asked:

“Given That the reorganisation of refuse and recycling took place 5 months ago does Councillor West think it is acceptable for some areas of the City to still be experiencing disrupted collections and can he guarantee when the service will be fully working to schedule?”

99.3 Councillor West replied:

“The reorganisation of services in relation to the settlement from the allowance of settlements began in October and there were various phases to that including a relatively recent tweaking of recycling rounds. As the Councillor knows, we have organised a briefing session for members which occurs on Monday and I know we have a debate this afternoon as well about waste in general on the Conservative motion and I think that I’ve had officers circulate their briefing in advance to help inform members of that.

It has been a difficult time for residents, I do appreciate that. My understanding is that generally speaking, services are running relatively normally now, we have had going all the way back to the beginning of last year, we had bad weather then we had the disruption caused by work to rule, then there was the strike while the negotiations were on and then we had the introduction of a complete whole scale round change, the biggest that City Cleaners ever had to undertake.

What I can also tell the Councillor is that I fully appreciate that recycling rates have taken a bit of a dent but they were levelling off from 2009, that is a national trend and we obviously realise that we need to do more in order to encourage people to recycle more and to recover the interest that people have perhaps lost during the disruption of the past year.”

99.4 Councillor Mitchell asked the following supplementary question:

“While new communal bins are being added to fresh areas of the City they are being removed from City Centre Areas, this means residents are not walking longer distances to find a glass bin, for example, and are instead putting recyclable materials in with their refuse reducing recycling levels still further. What plans are in place to rectify this situation for City Centre residents being inconvenienced?”

99.5 Councillor West replied:

“I think I need to know the specific examples from the Councillor of where, from what I understand she’s saying is that glass bins at bring sites have been removed in favour of glass bins as part of the communal recycling service as well.

I’m not quite sure maybe the Councillor can explain further after this meeting about that but what we are doing at the moment with the aid of the Government grant that we received for our successful bid to introduce communal recycling is that we’re introducing in the order of about 700 bins across the City Centre area which are servicing 32,000

households after a total of about 130,000 households in the City, this is a significant advance forward.

We found in the pilot schemes that we operated in Brunswick and Adelaide a rise in recycling rates in the order of 70%. It's also easier for people to use and it leaves less mess on the streets and people don't have to keep boxes in their small households so it's actually incredibly good scheme. I'm more than happy to hear what the specific examples of bin locations being moved or taken away because obviously we're in a period of role out where things are being reconfigured.

I'm very happy to hear what those specific examples are but just to reinforce, this is a huge step forward, with everything else that's been changing with the service, we are rolling this out as well and communal recycling is set to make a huge difference to the experience of our service that residents have and I think to recycling rates in those areas."

**(b) School Places – West Hove**

99.6 Councillor Janio asked:

"I would be grateful if Councillor Shanks could explain how the Council is planning to support admissions in schools on the periphery of the City following the welcome of investments of expansion in schools in Central Hove?"

99.7 Councillor Shanks replied:

"We have expanded the schools in Central Hove and that is where the pressure has been for places but obviously we have had enough school places on the periphery but as the numbers of primary school children have been coming through then those schools have been filling up as well and we don't want to see schools on the periphery left with not enough children.

We have recognised recently, and this has been a cross party recognition, I hope people will back me up on this that we have got enough places for primary schools across the City and we do want to encourage those schools on the periphery to be full as well because there's no point in having empty places so we won't be adding extra places in the middle of Hove at the moment though we've got a plan for one extra class if we can do that."

99.8 Councillor Janio asked the following supplementary question:

"Given that the figures were quite wrong I'd just like Councillor Shanks to guarantee that there will be support for all schools across the City including those on the periphery as well as those investments going on in Central Hove, specifically in Hangleton."

99.9 Councillor Shanks replied:

"I'll have to get some more information for you, I will look at the admissions, obviously the admissions haven't been published yet, it comes out on the 16<sup>th</sup> April for September

so I can't tell you that at the moment so I can't guarantee either. As soon as we know the numbers for that, we will let you know."

**(c) Housing Rents & Repairs**

99.10 Councillor Meadow asked:

"With the closure of the Selsfield Drive Housing Office, could the Green Administration promise that it will not have an impact on tenants?"

99.11 Councillor Randall replied:

"First of all could I say that the decision on Selsfield Drive was a cross party decision which was agreed both at the Housing Committee and at Council. We are taking every step possible to make sure that people are able to pay their rent and make enquiries, there were in total about 16 enquiries a day at that office before and at least 50% of those were about non housing issues, about parking and other issues.

There is help for the residents in the Library or there will be and also we are talking to people who are affected by this and I think we have also informed all the tenant's organisations about what was happening but the reasons we've done that is because it was very uneconomic to run the service there with so few people using it and the site would be released for more homes in that Ward which are desperately needed, we think that's a good use of the site.

We're also looking at the area of Moulsecoomb where there are several local authority offices are a going to pitch to see if in future we could reconfigure that to bring a lot of different organisations together including the bridge from the edge of Moulsecoomb right in to the middle of the Ward where it's desperately needed."

99.12 Councillor Meadows asked the following supplementary question:

"I don't recall it going through Council so if you could tell me when that would be helpful. Pensioners are a vulnerable group who should not have to pay an extra 50p charge each week to pay their rent on time at a pay pal machine in local shop as they're no longer easily able to access a housing office yet this is happening, so would you agree with me that not only are you charging disabled tenants to park their cars, not only are you charging them a substantial rent increase but you're also charging them to pay their rent on time?"

99.13 Councillor Randall replied:

"We are aware of the one shop that apparently is charging for pay pal, normally this is not the case and we are looking at that."

**(d) Sponsorship of roundabouts and floral displays**

99.14 Councillor C. Theobald asked:

“When are we going to have a corporate sponsor for our roundabouts and floral displays especially as we have lost nearly 4 years of sponsorship money which includes the welcome sign in Patcham? Do we have to tidy this up ourselves like we did last year?”

99.15 Councillor West replied:

“I’m sure Councillor Theobald would be glad to know that we are bringing a report to the next Environment Transport and Sustainability Committee for Members to be able to consider offering a new contract for sponsorship of various roundabouts and floral displays in the City with the aim for a new contract to be met. So that will come to the 29<sup>th</sup> April Committee and the reports will become available in due course.”

99.16 Councillor C. Theobald asked the following supplementary question:

“As I said we’re hosting the Southeast in Bloom ceremony at the AMEX stadium and more than 500 delegates and judges will be arriving and will see the state of the welcome sign. So could this not be re planted as a matter of urgency?”

99.17 Councillor Littman replied:

“I will certainly ask the officers about the welcome sign and the planting of it, I don’t think it necessarily has to connect with whether or not we have a sponsorship scheme in place for this year, I suspect that with the decision only coming for Members, and it is for Members to decide how to proceed, it’s not likely to be within this Summer season but you will see that in position because it’s obviously got to be tendered out and people are going to be attracted and agree and the sign’s got to be made.

I certainly take your point about the welcome sign in particular and whether it’s going to be planted or not and I will certainly get an answer to you.”

**(e) Members’ ICT**

99.18 Councillor Simson asked:

“Following my last question at Full Council I was hoping to not have to ask any more questions. I would like to thank the Administration for the changes/u-turns that have been made since then and the effort that’s been put in by the member support officer and even the Leader of the Council who kindly offered to visit one of my member’s homes to help with their IT problems unfortunately all of this has come at a price.

The cost of this I understand includes some 400 new laptops for members and officers across the Council which are so basic I wouldn’t even buy one for my grandchildren, then the cost of add-ons to make them even partially acceptable; keyboards, mice and monitors so you can actually read the script which is so small most users can’t.

I appreciate the changes have had to be made in order to comply with the PSN Code of Connection but believe that this was done with little if any consultation which could have averted member’s problems and saved money. So will the Leader of the Council inform members of what all this has cost so far? I do appreciate you probably won’t have this to hand but it could be communicated later by our new secure protected email system.”

99.19 Councillor J. Kitcat replied:

“I do think it’s important to recognise this is a matter that affects Councils across the country and there are some areas where they have less than 30% uptake of any technology by members so by many comparisons we are cutting edge as a Member body.

I don’t have a total cost for you but the individual costs are, for a desktop or a laptop, are both in the region of around £400 and those laptops are not the most basic available for example I had the solid state disk which is much faster and more reliable than the old types happen to run on but I recognise there are lots of individual needs and officers have worked incredibly hard to try and support all of those individual needs, the fact that we even have a dedicated officer to come and support Members in their homes in addition to myself of course is something that many other Councils do not have.

Also this is something that was imposed by consultation by Central Government and we now have had letters from the Cabinet Office, Ministers and Senior Civil Servants acknowledging their failure to consult on the 2013 round and are seeking and have set up a reference group for 2014 process.

So I think that moving forward as a security requirement to continue to tighten it will be more done with Councils rather than to. But if you would like me to come and have a look at your setup I’m more than happy to do that. I will also reply in writing to the question specifically on total costs.”

99.20 Councillor Simson asked the following supplementary question:

“It’s very unfortunate that, still some Councillors are having to use their Blackberry’s alone, they cannot use the equipment that’s provided for them in their homes and that really isn’t a suitable alternative. Our lives have been made very difficult by all of this because the uniform laptops that were given to us to replace what they previously had just haven’t suited all Members. What needs to be recognised is that all Members need equipment that they can use quickly and efficiently so that they can do the job they were elected for and they work all times of the day and night, it’s no good having computers go wrong at 11 O’clock at night when there’s no service to come out. So we need reliable equipment.

So will the Leader of the Council give us complete assurance that in future we will all be treated as individuals with different levels of IT knowledge meaning different requirements for hardware and for software and will you assure us that this isn’t the end and that the Administration is looking at ways to move this whole modernisation proves forward as other Council’s have done with the use of I pads?”

99.21 Councillor J. Kitcat replied:

“First of all I think we need to acknowledge that, casting no aspersions, but many administrations for many years failed to properly invest in ICT and the hardened security requirements brought that to light more quickly than we might have otherwise discovered and so there is a huge amount of work to be done by our officers in getting

us to where we need to be but there have been pilots on a whole range of different devices and technologies; the 'Modern.Gov' system we use for Democratic Services does have I-Pad and Android apps for example which can be used now.

There are differences if you look between Councils whether all Members should have access to the GCSX secure mail, if we are GCSX users, the security requirements are much higher and given that we're a unitary with social care responsibilities we do need to have that level of security access so it is an ongoing process but I have to say, obviously everybody has individual needs and we need to make reasonable adjustments to those who have particular needs in accessing IT but I think one of the issues is that in the past every Member was treated so individually it made it impossible to support them in an affordable and reasonable manner let alone to meet the security requirements.

In most corporations and Councils the workers there would have standard IT kit with standard security requirements and they have to deal with that. We are trying to offer as much adjustment as we can but ultimately we, as we're connected to Central Government, have to abide by those standards, but I will continue to find ways to come and support you personally and I'm assured that officers are doing everything they can within the limits of our resources and the security requirements."

**(e) Travellers**

99.22 Councillor Summers asked:

"In light of the recent repeat traveller incursion into Wild Park, which we know has since been displaced into Stanmer Park and other encampments in my Ward, in Hollingdean & Stanmer such as 39 acres and Lynchet Close, I would like to ask Councillor West, if it is not time now to demonstrate to the public that far from being negligent towards or even encouraging the incursions, I have to say the Argus really damagingly insists on implying, is it not time that this Council now demonstrates that it's rightly discharging its duties to safeguard the interests of all, as far as it possibly can, and as such it's now planning to install more robust protection at these sensitive sites, starting with Wild Park?"

99.23 Councillor West replied:

"I think first, of all I picked out a couple of words then, 'negligent' and 'encouraging incursions'. We certainly aren't negligent in our duty both to travellers and to local communities and we certainly don't encourage incursions into parks and open spaces. I can't see a reason on earth we would because clearly we end up with significant costs for dealing with evictions and with clearing up afterwards. So it's not something we do and we certainly do not tolerate unauthorised encampments on parks. We take seriously the impacts on local communities who wish to use those parks. As you know, we work very closely with the police, and we have to fulfil our legal obligations towards the travelling communities in the case of their wellbeing and we have to do those checks. But beyond that, we always move as quickly as possible to evict and I have seen data that says we actually move far faster now than the previous administration did so they won't find us lacking in that manner.

As far as additional protection goes, we have improved protection in a number of parks and open spaces, Withdean Park is a particular one in my mind, where we banded across the front of the park, following a number of incursions there. Ladies Mile Nature Reserve lent itself to protection measures and we chicaned the entrance there. I know that Greenleaves Park, which has had a lot of encampments has had better gates put on, I think is the case there, so we have done quite a lot but we have to recognise that protecting certain areas will create a shift through others, and that's in fact why we are actually experiencing encampments on parks now because so many traditional sites elsewhere have actually been made less accessible.

One has to wonder what can we do when it comes to Preston Park? How do you actually protect Preston Park without making it really very ugly? I think members need to think about that. But I am very glad to say in case of Wild Park, it is, as you know Councillor because Councillors have mentioned this to you, it is possible for us to dig a ha-ha, which is like a ditch across the front. It's the same measure as we have up the side of Hollingbury Park, and I think that's been relatively affective, so we might see less impact on Wild Park. But you can't guarantee it will because I know in some cases, gates have actually been ground off, so if anyone is determined, they will get in, whatever we chose to do."

99.24 Councillor Summers asked the following supplementary question:

"I do want to clarify on the previous thing though, that I was not implying that I thought the council was negligent or promoting incursions, I just wanted to highlight that the press has been very unhelpful in this. So moving on from that then, as members will know, the planning application for the permanent site at Horsdean was comfortably granted by the South Downs National Park Authority, in fact, on the 13 February. You may not know that later the same day, the Secretary of State intervened and directed the South Downs National Park Authority, not to grant permission, whilst he considers whether or not to determine the application himself. So Councillor West, since no time frame appears to have been given, for what extensible appears, well in my view anyway, to be quite a nefarious attempt to undermine local decision making otherwise known as localism, and since the need for a permanent site is greater now than ever it was, with only 10 pitches, at the transit site usable, as directed by the environment agency, please could this Council put pressure on the Secretary of State, either directly or via the South Downs National Park Authority, to endorse our application or preferably, to frankly back off altogether?"

99.25 Councillor West replied:

"You have a very good command of this dismal situation. I mean, the National Park has taken a very sound, majority decision having considering all the facts and the matter, I'm very satisfied with not only the facilities that we're offering but also the landscaping, around the travellers permanent site and they were very satisfied with everything that we've done and the effort we have gone to; to ensure that we can look to the hydrology and the environment agency are content that there won't be any ground water pollution, which I know has been an issue that's been stoked up by certain members of the local community as a worry to our wards. None of that is true. The planning application has been passed by members of the National Park and as you rightly say, now we have the Secretary of State frustrating the whole thing, by putting a break on it and taking them



an indeterminate of time, and there is no timetable for when the Secretary of State has to make a decision whether or not to call this matter in.

As you rightly say, what is this? Is this localism? It's utterly ridiculous. There is not even, I understand, a method of which we can make representations officially to the Secretary of State about the way this process has been frustrated. There is no way that we can do that officially, but of course we are in touch with the National Park as the Planning Authority and we're doing all that we can to urge this on but we are in this ridiculous position, thanks to the Secretary of State. And I would say to political forces that have never had a good word to say for this proposal, I'm frustrated at every turn and I see Cllr. Theobald nodding in response, and I just do not understand the logic of this because the more permanent pitches that we have at Horsdean, the less there is going to be of people likely to be encamped on parks. I just do not understand the logic of the Conservative Group on this and we want to provide good quality pitches for people with local connections that have local needs and want to get on with their lives and want to have a better future for their children, and all the Tories can do is 'no no no'."

## **100. CALL OVER FOR REPORTS OF COMMITTEES.**

### **(a) Callover**

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

Item 101 – Pay Policy Statement 2014/15

Item 103 – Annual Update of the Council's Corporate Plan 2014/15

Item 104 – Brighton & Hove School Organisation Plan 203-2017

Item 105 – Review of the Council's Constitution

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

100.2 The Acting Democratic Services Manager confirmed that the following reports on the agenda with the recommendations therein had been approved and adopted, including the technical Officer amendments listed:

Item 102 – Annual Investment Strategy 2014/15

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

100.3 The Mayor noted that there were no oral questions.

## **101. PAY POLICY STATEMENT 2014-15**

101.1 Councillor Littman introduced the report which had been referred from the Policy & Resources Committee meeting on 20 March 2014. He thanked Officers for helping the deliver value for money and ensuring the Council paid a living wage to all employees.

101.2 **RESOLVED** - That the Council adopt the pay policy statement 2014/15 attached at Appendix A to the report, including the erratum as listed in the addendum.

## **102. ANNUAL INVESTMENT STRATEGY 2014/15**

102.1 **RESOLVED** – That the Council be recommended to approve the Annual Investment Strategy for 2014/15 as set out in Appendix 1 to the report.

### **103. ANNUAL UPDATE OF THE COUNCIL'S CORPORATE PLAN 2014/15**

- 103.1 Councillor J. Kitcat introduced the report that had been referred from the Policy & Resources Committee on 20 March 2014 to the Council for approval. He stated that he pleased the progress the Council had made in this area and made reference to the performance data within the report. He noted the improvements in areas such as GCSE results; 'One-Planet living' and the progression of the i360 project. One of the key themes was that the Council continued to look at how to do things differently in the face of challenges such as the ongoing difficulty of the budget position and the growing aging population. Councillor J. Kitcat noted that he was pleased to recommend the report to the Council for approval.
- 103.2 Councillor Mitchell welcomed the recommendations in relation to the targeting a service around the low health check uptake in deprived areas. She noted that it was clear there had been significant reductions in GP data and there were issues in relation to some of the outer lying areas of the city. Councillor Mitchell also asked a question in relation to the extension of free part time early education to 2 year olds and what percentage of these children were with childminders.
- 103.3 Councillor Wealls noted the commitment with respect of GCSE results and noted that the target was actually to be in the top 25% - rather than the top 50% as listed. He noted that the academies in the city remained below the national average and more value added was necessary to ensure the city schools progressed. A target in relation to those on free school meals should also be taken forward to address the gap between those children in receipt of free school meals and their peers.
- 103.4 Councillor Marsh drew attention to the decent homes target and noted this had been a national target from the previous Labour Government, and she went on to highlight the low number of new homes that the administration had delivered.
- 103.5 Councillor Jarrett referenced Councillor Mitchell's point about health checks and stated that he agreed the uptake had been low; he had held discussions with the Director of Public Health in view to different models of targeting this.
- 103.6 Councillor Shanks noted she did not have the information in relation to Councillor Mitchell's question, but she would ensure this was responded to outside of the meeting. She noted her agreement with Councillor Wealls in relation to the gap for those on free school meals, but highlighted there was a strategy in place to tackle this as well as targets around the pupil premium and the proper use of these funds.
- 103.7 Councillor Randall responded to points made by Councillor Marsh and stated that much of the work to provide new homes had to start from the very beginning when the administration had assumed office. Government subsidies had changed and it was difficult to deliver, and there was a concern that Central Government had turned their back on some of the poorest parts of society and those in need.

- 103.8 Councillor Janio expressed his concerns in relation to the bureaucratic nature of the organisation and stated that there was an increased expectation of change and modernisation from the public.
- 103.9 Councillor K. Norman referenced page 77 of the document and stated that he did feel the words 'getting stuff done' were appropriate language.
- 103.10 Councillor West made some general comments that the document projected what the Council aimed to do in the next year; it talked about the communities in the city and recognised the hard work of Officers. He stated that the city was a great place and hoped it would continue to succeed.
- 103.11 Councillor Simson expressed her concern that changes to traffic management on Lewes Road had displaced the problem into Woodingdean.
- 103.12 Councillor J. Kitcat responded to the debate and stated that the document was an important means of creating a clear direction, and added that the financial position would continue to be difficult.
- 103.13 **RESOLVED** - That the Corporate Plan annual update 2014/15, given as Appendix 1 and subject to a revision to include secondary school places, be approved, and adopted including amendments following the debate at the Policy & Resources Committee.

#### **104. BRIGHTON & HOVE SCHOOL ORGANISATION PLAN 2013 – 2017**

- 104.1 Councillor Shanks introduced the report that had been considered at the Children and Young People's Committee on 10 March 2014 and referred to the Council for approval. She stated that she was pleased to present the report and hoped for cross-party support as the Council had a duty to deliver school places. It had been agreed there were enough places across the city, and that extra places were required in the pressure areas in Hove. There would be a 'bulge' in second school numbers in 2017, and the old style of secondary school was no longer a sustainable model in the city as there were problems finding potential and worthwhile sites. It was noted that the King's School was continuing to face problems finding a site within the city and it was hoped that other political groups could help work on this issue.
- 104.2 Councillor Pissaridou stated that she of the view the document presented a crisis in secondary school places with a shortage of up to 1500 places. This was clear as the number of secondary school places needed over the next few years could be calculated with greater accuracy; this was an issue that the current administration and the previous Conservative administration had not addressed. The issue had already been demonstrated this year in relation to shortage of 21 school places in one of the city's catchment areas. There was nothing in the plan about how to create the necessary school places and the proposed review was considered to be long overdue.
- 104.3 Councillor Wealls noted that the report highlighted the shortage in places in the city and noted that previous attempts to discuss the gap in relation to those on free school with an academy chain had not been taken up by Councillor Shanks. He also added that the Labour Group had not produced any proposals in relation to this matter.

- 104.4 Councillor Daniel noted that the extent of the problem was clear, and that she had only become aware of this upon becoming elected. As a parent she was shocked that schools were becoming overcrowded and she questioned the willingness of the administration to tackle the issue. Councillor Daniel also noted that home to school transport was not the responsibility of the local authority, but suggested that the provision of school buses could be included in the plan.
- 104.5 Councillor Mitchell expressed her concern that the plan was not a complete piece of work and there was no provision for the 1500 shortage of the places at secondary school level after 2017; she asked for clear plans for consultation to remove the uncertainty for parents.
- 104.6 Councillor Phillips highlighted her concern about the gap in attainment levels at academies and stated that as both an elected Member and a teacher she was opposed to them within the city.
- 104.7 Councillor Shanks responded to the debate and stated that there was not a crisis in terms of school places as several secondary schools were below numbers. She stated that there was no statutory duty for the local authority to provide school buses and generally children were able to use the service buses within the city. The academies in the city were not failing and BACA had the largest value added. She asked that the government provide more freedom to build schools. It was important that political groups work together and it was dangerous if the issue continued to be so political.
- 104.8 Before the matter was put to the vote Councillor Mitchell asked for clarity around the dates of the proposed review. Councillor Shanks stated that there was currently no detailed timetable.
- 104.9 **RESOLVED** - That the School Organisation Plan 2013-17 be approved.

#### **105. REVIEW OF THE COUNCIL'S CONSTITUTION 2014**

- 105.1 Councillor Littman introduced the report that had been referred from the Policy & Resources Committee on 20 March 2014 to the Council for approval. He thanked Councillors Peltzer Dunn and Morgan who had also been on the Constructional Working Group, and highlighted the proposed changes as set out in the report.
- 105.2 Councillor Mears proposed the amendment, as listed in the addendum, on behalf of the Conservative Group and stated that the proposal to retain the time period for deputation to 5 minutes was considered to be open and transparent for members of the public.
- 105.3 Councillor G. Theobald formally seconded the amendment and noted that he welcomed the additional changes proposed in the addendum following the discussion at the Policy & Resources Committee.
- 105.4 Councillor Meadows stated that she supported retaining the length of deputations to 5 minutes in the interest of fairness to the public.

- 105.5 Councillor C. Theobald stated that she supported the changes from the Policy & Resources Committee' particularly those in relation to the Planning Committee and contrary to Officer recommendation decisions.
- 105.6 Councillor Peltzer Dunn noted that the working group had suggested reducing the time to 3 minute for matters of consistency; however, he fully supported the proposed amendment.
- 105.7 Councillor Littman clarified that the administration accepted the amendment.
- 105.8 Before the votes were taken the Monitoring Officer corrected a discrepancy and clarified that deputations would require a minimum of 5 signatures and a maximum of 12.
- 105.9 The Mayor put the Conservative amendment to the vote and reported that this was agreed.
- 105.10 The Mayor then put the substantive recommendation, as amended to the vote and reported that this was agreed.
- 105.11 **RESOLVED:**
- (1) That the proposed changes to the Council's Constitution recommended in paragraphs 3.2 to 3.11 and Appendices 1 to 6 of the report be approved and adopted from 1<sup>st</sup> April 2014 subject to additional recommendation 2.5 – including the changes following discussion at the Policy & Resources Committee listed in the addendum.
  - (2) That in 3.5 (ii), the maximum time for the presentation of deputations is kept at the current limit of 5 minutes.

## 106. NOTICES OF MOTION.

### (a) Improving the Recycling and Refuse Service

- 106.1 The Notice of Motion as listed in the agenda was proposed by Councillor Wealls and seconded by Councillor Cox.
- 106.2 Councillor J. Kitcat moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor West.
- 106.3 The Mayor noted that the amendment had not been accepted by Councillor Wealls and put it to the vote which was **lost**.
- 106.4 The Mayor then put then the following motion to the vote:
- “This Council resolves to request the Leader of the Council to immediately set up a Command Group to address as a matter of urgency the ongoing problems with the City Clean refuse and recycling service.”

106.5 The motion was **carried**.

**(b) March for England**

106.6 The Notice of Motion as listed in the agenda was proposed by Councillor G. Theobald and seconded by Councillor Simson.

106.7 The Mayor then put then the following motion to the vote:

“This Council, urges the Gold Command Strategic Partnership Group to reconsider allowing the March for England and associated counter-protest to take place in the city centre on 27<sup>th</sup> April.”

106.8 The motion was **lost**.

**(c) Integrating a Financial and Digital Inclusion Strategy**

106.9 The Notice of Motion as listed in the agenda was proposed by Councillor Wilson and seconded by Councillor Daniel.

106.10 Councillor J. Kitcat moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor Duncan.

106.11 The Mayor noted that the amendment had been accepted by Councillor Wilson.

106.12 The Mayor then put then the following motion to the vote as amended:

“To request the Policy & Resources Committee to consider implementing a warning system about pay day lenders on all council computers and via publically accessible internet connections provided by the Council, including libraries. This would ensure a warning about pay day lenders is displayed if a user attempts to access a known pay day lending site, and the suggestion made that they instead access information on the Money Advice Service and East Sussex Credit Union and other responsible lenders. There should remain an option on the page for users to choose to continue to the requested site if they wish.”

106.13 The motion was **carried**.

106.14 The Mayor moved the closure motion and put the matter to the vote which was carried and therefore the Mayor noted each of the remaining items would need to be taken and voted on or withdrawn by the mover before the meeting was concluded. She noted that the remaining items were No. 106 (d), (e) and (f).

**(d) Redevelopment of the Royal Sussex County Hospital**

106.15 Following the motion to terminate the meeting at 21.15 Councillor Morgan indicated that he wished the item to be taken and the amendment from the Conservative Group was not accepted.

106.16 The Mayor put the amendment to the vote which was **lost**.

106.17 The Mayor then put the following motion to the vote:

“This council believes that the provision of modern NHS facilities is essential for this city.

This council requests the Chief Executive to write to the Prime Minister David Cameron and the Health Secretary Jeremy Hunt and call on the Government to release the funding already earmarked in the NHS capital spending budget for the “3Ts” redevelopment at the Royal Sussex County Hospital without further delay.”

106.18 The motion was **carried**.

**(e) Dealing with Flooding**

106.19 Following the motion to terminate the meeting at 21.15 Councillor Sykes indicated that he wished the item to be taken.

106.20 The Mayor then put the following motion to the vote:

“In the light of the effect of recent weather events on our city and more widely, this council resolves:

(1) To ask our Chief Exec to write to relevant Secretaries of State requesting they:

- Set a meaningful deadline for the requirement in new build for sustainable drainage systems, as set out under the Floods and Water Management Act 2010
- Increase spending on flood defences to the level suggested by the Climate Change Committee and reduce the cost benefit ratio required for schemes to be eligible for support;
- Commit to a policy to rethink land management policies to encourage the storage of water in upland areas, and make flood prevention a non-negotiable condition of all farm subsidies
- Strengthen planning rules for urban and rural areas to prevent further development on flood plains and ensure developers prioritise flood resilience and prevention.

(2) As one of ten Defra-defined Flood Risk Areas in England, to request the Environment, Transport & Sustainability Committee to prioritise work on our city Flood Risk Management Plan and in particular the Surface Water Management Plan to bring forward viable schemes to reduce flood risk in key ‘hotspots’.”

106.21 The motion was **carried**.

**(f) Smart Rent Controls**

106.22 Following the motion to terminate the meeting at 21.15 Councillor Randall indicated that he wished the item to be taken.

106.23 The Mayor then put the following motion to the vote:

“This Council resolves:

- (1) To support campaigns for ‘smart rent controls’ to prevent rents spiralling even further out of control, and to give stability and security to renters and landlords; and
- (2) To call on the government to explore such a system with housing charities and landlords organisations, and consider bringing forward further regulation to implement controls if necessary”

106.24 The motion was **carried**.

## **107. CLOSE OF MEETING**

107.1 The Mayor thanked everyone for attending and then closed the meeting.

The meeting concluded at 9.30pm

Signed

Chair

Dated this

day of



<b>Subject:</b>	<b>‘Save our Deans’ - Petition to abandon in its entirety the Development Proposals of Lightwood. Petition Triggering Full Debate</b>		
<b>Date of Meeting:</b>	<b>8 May 2014</b>		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	Mark Wall	Tel: 29-1006
	<b>E-mail:</b>	mark.wall@brighton-hove.gcsx.gov.uk	
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Council’s Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1, 544 signatures confirmed at the time of printing the report.

**2. RECOMMENDATIONS:**

- 2.1 That the petition is noted and referred to the Planning Case Officer to be included with any other information that forms part of the consultation responses to a planning application that is submitted by Lightwood Developments in respect of The Vale Meadows for consideration by the Planning Committee.

**3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:****3.1 The Petition**

“We the undersigned, having seen the proposal by Lightwood Property for development of the fields known locally as The Vale Meadows, petition that the proposed development should be abandoned in its entirety.

We find many valid reasons why this petition should be implemented, including, but not limited to, the following:

**Traffic**

The area’s roads already contain some severe bottlenecks and dangers. The proposal would add a significant number of car movements throughout the area, making these bad situations worse. The consequences are both economic and social disruption as well as increased risks of traffic accidents for the local population. Rottingdean’s unique geographical location, between the

sea and downland, makes it already one of the most serious traffic bottlenecks in the South of England. Daily rush-hour traffic jams on the A259 cause economic and social disruption for communities in Brighton, Saltdean, Peacehaven, Newhaven and Seaford.

The B2123 is the last road connecting the A27 and the A259 coast road before Newhaven in the east. As such it is heavily used. The proposal sites the new housing directly adjacent to this road. There is severe traffic congestion at peak times on the B2123 Falmer Road, particularly at Woodingdean. At peak times the Warren Road Falmer Road junction caused traffic tailbacks of several miles reaching back to the A27 Lewes Road at Sussex University and to the top of Racecourse Hill. The tailbacks onto the Brighton by-pass are a safety hazard where standing traffic queues form on a high-speed dual-carriageway. Increased through traffic in Ovingdean will run on narrow residential roads and across the conservation area of Ovingdean village. Increased traffic in Rottingdean village will back up the traffic into Falmer Road even more than it does at present and further disrupt village life. Woodingdean residential area will suffer increased traffic because of vehicles trying to get around the Warren/Falmer Road traffic light bottleneck.

### **The Environment**

The Vale Meadows are a pristine natural environment of exquisite beauty which is appreciated by people from outside the area as well as those who live there. The proposal will reduce the attractiveness of the area to the tourist trade. Horse-keeping, a traditional leisure pursuit and business in the area will be forced out.

The proposal causes Ovingdean and Rottingdean to merge since Rottingdean civil parish extends to Ovingdean Road and to The Vale. If Vale Meadows are developed Rottingdean would be separated from Ovingdean by no more than Ovingdean Road to the north and an unpaved road to the west. Such infill development as put forward in the proposal would destroy the separate character of the villages.

We understand that it is cheaper to develop Greenfield land, but we can indicate far better alternatives in the Brighton area where land already partially developed could be adapted for housing use.

### **Services**

Services which are currently at capacity will be totally inadequate for the additional people:

- Doctors
- Dentists
- Primary Schools

The area is susceptible to flash floods. Additional built-up area will speed up run-off and increase the risk of damage from flooding in the whole valley from The Vale Meadows to the sea, including the village of Rottingdean.””

Lead Petitioner – Jim Wright

3.2 The options open to the council are:

- To note the petition and take no action for reasons put forward in the debate; or
- To refer the petition to the relevant Committee Meeting; or
- To refer the petition to the relevant Committee Meeting with recommendations.

#### **4. PROCEDURE:**

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
- (ii) The Mayor will then call on the relevant Committee Chair to respond to the petition and move a proposed response;
- (iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;
- (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
- (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised;
- (vi) The Mayor will then formally put:
  - (a) Any amendments in the order in which they are moved, and
  - (b) The substantive recommendation(s) as amended (if amended).



**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions have been received from Councillors and will be taken as read along with the written answers which will be included in an addendum that will be circulated at the meeting:

**(a) Councillor Cox**

“With the welcome sight of the fountain in Victoria Gardens at last back in working order, what plans does the Council have for restoring the much more beautiful fountain in the Old Steine Gardens to its former and fully working glory in time for summer?”

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

**(b) Councillor G. Theobald**

“Brighton & Hove has a caravan site at Sheepcote Valley with 215 pitches, 124 of which are hardstanding. Will Cllr. West tell me why travellers who set up unauthorised encampments in the city’s parks are not directed to this site where all other visitors wishing to camp in the city would be expected to go?”

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



**ORAL QUESTIONS FROM COUNCILLORS**

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

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

- (a) **Councillor G. Theobald**  
*Subject matter – Yellow Lines*

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

- (b) **Councillor Marsh**  
*Subject matter – Financial Inclusion/Benefit Changes and Universal Credit*

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

- (c) **Councillor Summers**  
*Subject matter – Stanmer Village*

**Reply from Councillor Randall, Chair of the Housing Committee**

- (d) **Councillor Cox**  
*Subject matter – Graffiti*

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

- (e) **Councillor Pissaridou**  
*Subject matter – Stoneham Park*

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

- (f) Councillor Mears**  
*Subject matter – Student Housing*

**Reply from Councillor Randall, Chair of the Housing Committee**

- (g) Councillor Meadows**  
*Subject matter – Open Market*

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

- (h) Councillor Janio**  
*Subject matter – CityClean*

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



**Council**

8 May 2014

**Agenda Item 117**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Health &amp; Wellbeing Board</b>		
<b>Date of Meeting:</b>	<b>8<sup>th</sup> May 2014</b> 1 <sup>st</sup> May 2014 - Policy & Resources Committee		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Abraham Ghebre-Ghiorghis</b>	<b>Tel: 29-1500</b>
	<b>Email:</b>	<b>Abrahm.ghebre-ghiorghis@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report proposes changes to the role, purpose and ways of working of the Health & Wellbeing Board to reflect the need for greater co-ordination and integration of health and local authority functions.
- 1.2 The proposals go beyond the minimum requirements of the Health & Social care Act 2012 and involve a fundamental change to the governance of health and wellbeing in the city. They provide for a “system leadership” across health and local authority by pooling together resources and decision making between the Council and the Clinical Commissioning Group (the CCG.)
- 1.3 The proposals in this paper are intended to enable the Health & Wellbeing Board to have real decision-making powers in the commissioning and delivery of services that have a bearing on health & wellbeing outcomes, including health, adult social care, public health, children and young people, housing and other services. They also propose structures for engagement and development of shared vision and direction across all health and local authority sectors in the City

**2. RECOMMENDATIONS:**

- 2.1 That Committee recommends to Council that:
  - (i) the proposals set out in paragraphs 6.7 to 11.2 and appendix 2 to the report be agreed;
  - (ii) the proposed changes come into effect immediately after Annual Council meeting on 15<sup>th</sup> May 2014;
  - (iii) the Chief Executive be authorised to take all steps necessary, conducive or incidental to the implementation of the proposals, including entering into section 75 Agreements;
  - (iv) Note the intention to provide system leadership, achieve greater joint commissioning and integration of services between the Council and the CCG;

- (v) agree to keep the effectiveness of the arrangements under review.
- (vi) Agree the recommendations of the Independent Remuneration Panel regarding allowances for the Lead Member for Adult Social Services as set out in paragraph of the report.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Council's Health & Wellbeing Board (HWB) has been in existence since 1<sup>st</sup> April 2012, initially in shadow form and, since 1<sup>st</sup> April 2013, as a statutorily constituted committee of the Council. In the days leading up to the creation of Health & Wellbeing Boards, there was considerable interest and discussion at national and local level. The expectation at that time was for Health & Wellbeing Boards to become "super committees" and fundamentally change the way that local authorities and the health service work by bringing different players together: being a catalyst for change and deeper integration.
- 3.2 Despite the laudable aims, the HWB in Brighton & Hove (as with other HWBs) has not been as effective as it could potentially be. The pressure on resources, the increasing conditionality of central government funding (through the better care system) and the new requirements under the Care Bill mean there is an urgent need to examine the existing arrangements and identify a better way forward. The current structures and governance arrangements are inadequate to deliver a more strategic, co-ordinated delivery of services.
- 3.3 There is a need for system leadership across health and local authority in the City to provide the necessary leadership and governance structure to achieve greater integration and co-ordinated approach resulting in better outcomes for the residents of the city.
- 3.4 The proposals in this paper are designed to facilitate an ever greater level of joint commissioning and integration of services between the health and local authority sectors. They will be reviewed at regular intervals with a view to ensuring that they remain relevant and reflect the health & wellbeing aspirations of the city.

### **4. The Legal Requirements**

- 4.1 Section 194 Health and Social Care Act 2012 (the 2012 Act) requires first-tier local authorities (County Councils and Unitary Authorities) to establish a Health and Wellbeing Board for their area. More detailed requirements are set out in the Local Authorities (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 4.2 **Composition:** the 2012 Act provides that a HWB must consist of (1) at least one councillor (2) the Director of Adult Social Services, the Director of Children's Services, the Director of Public Health (3) a representative of the Local Healthwatch organisation for the area of the local authority (4) a representative of the relevant Clinical Commissioning Group, and (5) A representative of such other persons, or representatives of such other persons, as the local authority thinks appropriate.

4.3 **Functions:** the 2012 Act requires that HWBs **must**:-

- Prepare a Joint Strategic Needs Assessment;
- Prepare a Health and Wellbeing Strategy;
- Prepare a Pharmaceutical Needs Assessment (once every three years)
- Encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner;
- Provide such advice or other support they think appropriate for the purpose of encouraging the making of arrangements under s75 NHS Act 2006 (ie pooled budgets, lead commissioning and/or integrated provision of health related services);

4.4 The Act also provides that the HWB **may**:-

- Encourage persons who arrange for the provision of any health related services in its area to work closely with the HWB;
- Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health related services in its area to work closely together;
- Exercise any other functions that are exercisable by the Council;  
(NB. Please note that the Council is prohibited from delegating its health overview and scrutiny functions to the HWB – see Section 196 (4) of the Health and Social Care Act 2012).

4.5. **Decision- Making:** it is expected that most decisions are taken by consensus (acclamation) without a need for show of hands. All councillor members of the board are automatically voting members. The Council has the power to decide whether the non-elected members of the Board are voting or non-voting members of the Board (see section 6 of the Regulations). The default position is that all members of the Board have one vote each.

4.6. **Status:** A HWB is to be established as a *Committee* of the local authority (see s194(12) of the Act). The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 modify the rules in relation to committees for HWBs. The Regulations enable the functions of the HWB that are set out in the Act (referred to in paragraphs 2.2 and 2.3 above) to be discharged by a sub-committee of the Board (but not by officers.) The Regulations enable other functions (other than the 2012 Act functions) that are given to the Board by the local authority to be discharged by a sub-committee or by officers.

4.7. **Proportionality:** the Regulations disapply the rules requiring political proportionality on committees for the purposed of the HWB. This means the composition of the Board does not necessarily need to reflect the relative number of seats each political group has at Council. Indeed, it is possible for all Members of the Board to come from the same political group in the Council.

4.8. **Ways of working:** the HWB has a committee status, which means that all the rules in the Local Government Act 1972 regarding access to meetings, agenda and background papers apply to the Board. All its meetings are required to be in public unless discussing confidential or exempt business.

- 4.9. **Overview & Scrutiny of Health:** the Health Service Act 2006 and the Local Authorities (Overview & Scrutiny Committees Health Functions) Regulations 2013 make provision for overview and scrutiny of health matters by local authorities. Unlike the previous Regulations, the 2013 Regulations confer the function of health scrutiny, including referrals to the Secretary of State, on the local authority itself, not the Overview & Scrutiny Committee. Strictly speaking therefore, full Council could retain that function. The Regulations allow the Council to delegate the health scrutiny function to a committee of the Council. However, it is not allowed to delegate this to the Health & Wellbeing Board. Furthermore, the power of referral of matters to the Secretary of State is to be exercised by full Council only and cannot be delegated.

## 5. **The Current Arrangements in Brighton & Hove**

- 5.1 The approach adopted in Brighton & Hove at the time the Board was created was stated as intended to be “transformational” rather than “transactional.” In practice however, given the uncertainty regarding the role of the Board and the limited nature of the powers given to the board under the Act, the Council established the Board with the minimum powers necessary to comply with the Act.
- 5.2. The Board was constituted in shadow or pilot forum for the first year (1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.) At the end of the shadow period, the Board was formally constituted as a statutory body under the 2012 Act with no substantive change to the arrangements in the pilot period.
- 5.3. **current composition:** the current composition of the Board is 7 Councillors, 3 Officers (Director of Adult Social Services, Director of Children’s Services and Director of Public Health) 2 representatives from the Clinical Commissioning Group 1 representative from Healthwatch and 1 co-optee from the Youth Council.
- 5.4. The Council or the Board (which can co-opt people in its own right) have not co-opted any other members. The current Councillor and CCG representation is above the statutory minimum specified in the Act and set out in paragraph 2.2 above.

## 6. **Effectiveness of current arrangements**

- 6.1. There is evidence of extensive joint working between local health and local authority services and there are good relations between local authority and NHS managers. The HWB has succeeded in overseeing the introduction of the joint needs assessment. However, the Board has been less effective in providing strategic leadership and increasing integration of health and local authority services. This is more so especially when judged against the budgetary and service challenges facing the Council and the health service over the next 5 years.
- 6.2. The LGA have developed a tool kit for diagnosis and development of Health & Wellbeing Boards with 5 indicative levels of development. Against the LGA development criteria, it seems that the Brighton & Hove’s HWB is probably at stage 2 and steps need to be taken to take it to a higher, “mature” or “exemplar,” level. Some of the shortcomings are functional and some are related to the form and ways of working. In particular:

- (a) There is a need for “system leadership” which is missing in existing arrangements and which would be difficult to achieve using existing structures;
- (b) Despite the provision in legislation authorising the delegation of additional functions to HWBs, Brighton & Hove has not used this to give the Board additional powers. Virtually all functions relating to Children’s Services and most of Adult Social Care and Public Health are still discharged through the traditional committees (Children and Young People and Adult Care & Health as well as the Joint Commissioning Board.) The committees are where “it all happens,” not at the Health & Wellbeing Board. The existence and role of the board is hardly noticed outside those attending;
- (c) The Board has the legal status of a committee and is run like any other committee. The opportunity was not taken to modify the normal procedures to make them fit for purpose;
- (d) There is lack of clarity in the relationship between the Board, the decision-making committees and the Local Strategic Partnership;
- (e) The Board could play a greater role in developing a joined up, outcome-focused budget strategy for the various functions. The existing arrangements with limited powers of the Board have not been effective in the achievement of these objectives;
- (f) There is no clear officer leadership for the Board in a way that can be seen in other committees. There is a need for active agenda shaping and a guiding role from senior officers.
- (g) The increasing pressure on resources due to the budgetary situation together with the increasingly changing demography and health needs of the population require a better co-ordinated and empowered system leadership. The requirements of the Better Care Fund and the changes to be introduced under the Care Bill also require a new and different integrated approach. The current arrangements are fragmented and not equipped to deal with the challenges.
- (h) There is no effective mechanism for securing consensus across health organisations and the local authority in the city.

6.3. It should be emphasised that any shortcomings in realising the full potential of the H&WB have been largely the result of its limited terms of reference and ways of working designed for normal committees rather than lack of effort or leadership on the part of those involved. In fact, much of what has been achieved has been despite rather than because of its limited remit and ways of working.

### **Experience from Other Authorities**

6.4 Officers have made enquiries of many local authorities to see if there are any that have been successful in developing effective HWBs in the way it was intended when they were introduced. The result was disappointing though not surprising.

None of them seem to have delegated any meaningful functions beyond the mandatory statutory ones and most of them are operating in ways similar to the one in Brighton & Hove.

- 6.5 The LGA improvement and development tool kit referred to above is based on their review of various HWBs. This could be used as an additional tool to check where we are and identify areas for action/improvement. But what is clear is that, at the end of the day, we have to develop our own, local, Brighton & Hove arrangement that will deliver the outcomes we want.

## 7. The Way Forward

- 7.1 Having considered the challenges facing local authorities and the health sector, and taking into account national requirements, it is proposed to take a bold step to make fundamental changes to the existing governance arrangements. This is described in more detail in the following paragraphs.

### Functions

- 7.2 It is proposed that the Health & Wellbeing Board retains all of its existing functions, including decisions regarding the Better Care Fund;
- 7.3 In addition to its existing delegated functions, it is proposed that the Board be given full delegated powers from the Council to discharge all of its public health, adult social care & health and children & young people functions;
- 7.4 It is proposed that the Board's delegated functions include the power to deal with matters currently comprised in any joint arrangements with health (section 75 arrangements, Joint Commissioning Board etc).
- 7.5 The Board should have referred functions regarding the "people" side of housing and, in particular, housing-related support to vulnerable adults and children.
- 7.6 **CCG related functions:** it is proposed that the H&WB has the following remit regarding CCG related functions:

#### A. Leadership and Agenda Setting and Accountability

- § To help shape the commissioning strategy of the CCG and ensure the CCG's commissioning intentions align with the health needs of the City.
- § To promote creative and innovative approach to health and wellbeing using the freedoms afforded by pooled funds.
- § To promote the agenda on integration - both in terms of sharing commissioning resource but also in terms of delivering a far more joined up service for people living in the City.
- § To hold the CCG to account for the impact of their commissioning decisions ensuring that:
  - health outcomes are improving in the way they should;

- health inequalities are proactively addressed in commissioning plans.

§ Provide collective leadership to a whole range of City wide collaborative working and whole system issues - including emergency planning, resilience and preparedness, urgent care etc.

## **B. Decision-making**

§ To approve the commissioning plans of the CCG.

§ To manage funds that are part of a formal joint commissioning arrangement or pooled fund (e.g. the Better Care Fund).

§ To help shape and comment on the strategic direction and commissioning intentions of the CCG.

§ To hold the CCG and other partners to account.

7.7. It is proposed that the H&WB is given referred powers regarding any functions of the Council and the CCG relating to the health and wellbeing of people who live, work or visit Brighton & Hove. These will include, but are not limited to, housing, transport, environmental health, arts and culture.

7.8. The full version of the proposed terms of delegation for the Health & Wellbeing Board is set out in Appendix 2 to this report.

## **8. Other Structures**

8.1. **Children and Young People Committee** It is proposed that the existing Children and Young People Committee be retained with general children's services functions, but with the intention that the focus of the committee will be on matters relating to education and youth services. The functions of the committee will also be comprised in the delegations to the HWB, which will mean that they have concurrent delegations, but the Director of Children's Services will decide what issues should be referred to the Children and Young People's Committee with the presumption being that all business, except matters relating to education and youth services will, as far as possible, be dealt with by the HWB. The Lead Member for Children and Young People will be consulted on any matters affecting Children and Young People. The ways of working will provide for the Lead Member being able to attend and speak at the Board meeting on matters affecting children and young people.

8.2. **Health & Wellbeing Overview & Scrutiny Committee:** It is proposed to retain the existing Health & Wellbeing Overview & Scrutiny Committee, which will serve as the statutory Health Overview and Scrutiny Committee. It is however proposed to move the statutory education co-optees from the scrutiny committee to the Children and Young People Committee. This is because the focus of H&WO&SC has been on health and, given the new focus for the Children's Committee regarding education and youth services, it makes sense for these to be co-opted into the Children's Committee. By law, they are entitled to vote as members of the committee on any matters relating to education.

- 8.3. There will be a link, though not a formal reporting line, between the **Children Safeguarding Board** and the **Adult Safeguarding Board** and the Health & Wellbeing Board.
- 8.4. **Officer Executive Board** It is proposed that there be an Officer Executive Board consisting of the Directors of Children, Adults and Public Health and Head of Housing from the Local Authority and two representatives from the CCG. Additional members from provider and other organisations, as agreed by the Board, may attend some or all meetings of the Board depending on the agenda. The function of the Board would be:
- Make decisions, under existing officer delegations, on matters that the Board considers do not require Member level decision;
  - To propose items of business to go to Member level decision-making (HWB or Children);
  - To help co-ordinate and plan the agenda of the HWB;
  - To deal with other matters that the Board members consider appropriate.
- 8.5. A structure chart showing the different parts of the arrangements together with a committee structure chart as attached as appendix 1 is shown in the appendix to this report.

## 9. Composition and Chairing of the Board

9.1 It is proposed that:

- (i) the Board be chaired by the **Leader of the Council**. This will reflect the important, cross-cutting, role of the Board and is in line with the practice in many authorities, including East Sussex CC;
- (ii) that the **Lead Member for Adult Care & Health** be a member of the Board;
- (iii) although there is no legal requirement to do so, it is proposed, to reflect political proportionality principles, that there be 3 opposition members of the Board (currently 2 conservative and 1 Labour);
- (iv) that the CCG be represented by 5 members. These will be decided by the CCG but are likely to include the Chair, the Chief Operating Officer, a member of the Local Members group, a lay member and the Accountable Officer;

### Non-Voting Members

- (v) That the statutory officer co-optees (Directors of Children, Adults and Public Health) be non-voting Members of the Board;
- (vi) That the statutory health watch co-optee be retained as a non-voting member;
- (vii) That the Chair of the Children Local Safeguarding Board be a non-voting member of the Board;
- (viii) That a representative of NHS England be a non-voting member of the Board;



- (ix) That membership of the Youth Council Co-optee be discontinued and that a Youth Council representative/s continue to be co-opted into the Children and Young People Committee.
- 9.2. Although the Board will be chaired by the Leader of the Council, the statutory Lead Member for Adult Social Care and Health is expected to take the lead on most issues and be responsible for the discharge of the functions set out in the national guidance for Lead Members for Adult Social Services. The scope of the role was considered by the Independent Remuneration Panel and it was agreed that the role should attract the same allowance as the chair of a policy committee. As the Adult Care and Health Committee is being discontinued, this will not add any expenditure and, when the allowance for the Deputy Chair of the Adult Committee is taken into account, this would be a net saving.

## **10. Health & Wellbeing Partnership**

- 10.1 It is proposed to create a Health & Wellbeing Partnership that brings together all key players and stakeholders at regular, at least twice yearly, intervals. The purpose is to share information, report on progress, develop a shared agenda and shared direction. The Partnership will consist of Members of the HWB and other co-optees agreed by the Health & Wellbeing Board from time to time, including representatives from Health providers in the City and the Community and Voluntary Sector.
- 10.2. Any organisation represented in the partnership may appoint a person to represent it and may send a substitute to meetings of the partnership.
- 10.3 The Health & Wellbeing Board will have the power to agree amend the terms of reference and membership of the H&W Partnership.

## **11. Health & Wellbeing Board Ways of Working**

- 11.1 At the moment, the Health & Wellbeing Board is being run along traditional committee lines. There is an argument for exploring a different style of meetings depending on what is being discussed. These could include:
- § Traditional committee type meetings for specific decisions;
  - § More deliberative type meetings to discuss general long term strategy;
  - § Include sessions for developmental/information sharing activities;
  - § Disapplying the rules in Council standing orders regarding questions, deputations, petitions or make arrangements for these to be presented in some but not all meetings;
- 11.2 What is clear is that the overall arrangements should be such that the Board is able to make decisions quickly and operate more like a Board and less like a committee. It is therefore proposed that the following arrangements apply to the Board:
- § Anything in current standing orders (Rules of Procedure) which is the result of legal requirements and will apply to the Board;
  - § All other provisions of Standing Orders will apply to the Board unless the Board agrees otherwise;

- § In the application of standing orders, the Chair will have discretion to apply the rules with flexibility having regard to the nature of the business;
- § The above rules will be incorporated into the Council Procedure Rules

11.3 As part of the arrangements the Chairs of Committees whose functions are comprised in the delegations to the Board but are not members of the Board will be able to attend and speak at meetings of the Board on matters affecting the functions of their committees (for example children and young people and housing.)

11.4 As part of its remit, the Health & Wellbeing Board will have particular regard to equalities and inclusion and the effective engagement of communities of interest in progressing proposals affecting them.

## **12. COMMUNITY ENGAGEMENT & CONSULTATION**

12.1 The proposals in this report were consulted on with Group Leaders, the Cross Party Constitutional Working Group and the CCG. The CCG are fully supportive of the proposals and any comments from the Member groups referred to above were taken into account in finalising the proposals.

## **13. CONCLUSION**

13.1 For the reasons set out in the report, it is vital that the Council adopts new arrangements to reflect the challenges facing both organisations with ever increasing co-ordination, systems leadership and integration.

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

### Financial Implications:

Under the proposed arrangements the Health & Wellbeing Board will manage funds that are part of a formal joint commissioning arrangement, pooled funds (e.g. the Better Care Fund). This will bring new accountabilities for monitoring delivery against significant funding streams including the Better Care Fund which in 2015/16 will be £19.6 million, and S75 arrangements for Children's and adults services.

The HWB will influence the development of the budget strategies for the Council and the CCG.

*Finance Officer Consulted: Anne Silley*

*Date: 09/04/14*

### Legal Implications:

14.2 These are addressed in the body of the report.

*Lawyer*

*Abraham Ghebre-Ghiorghis*

*Date: 020314*

### Equalities Implications:

14.3 The arrangements will enable the Council and the CCG to tackle inequalities in health more effectively by having the ability to make decisions across service areas. As stated in paragraph 11.4 of the report, the Board will be mindful of the need to engage and consult communities affected by the Board's proposals.

Sustainability Implications:

14.4 There are no sustainability implications arising directly from this report.

Any Other Significant Implications:

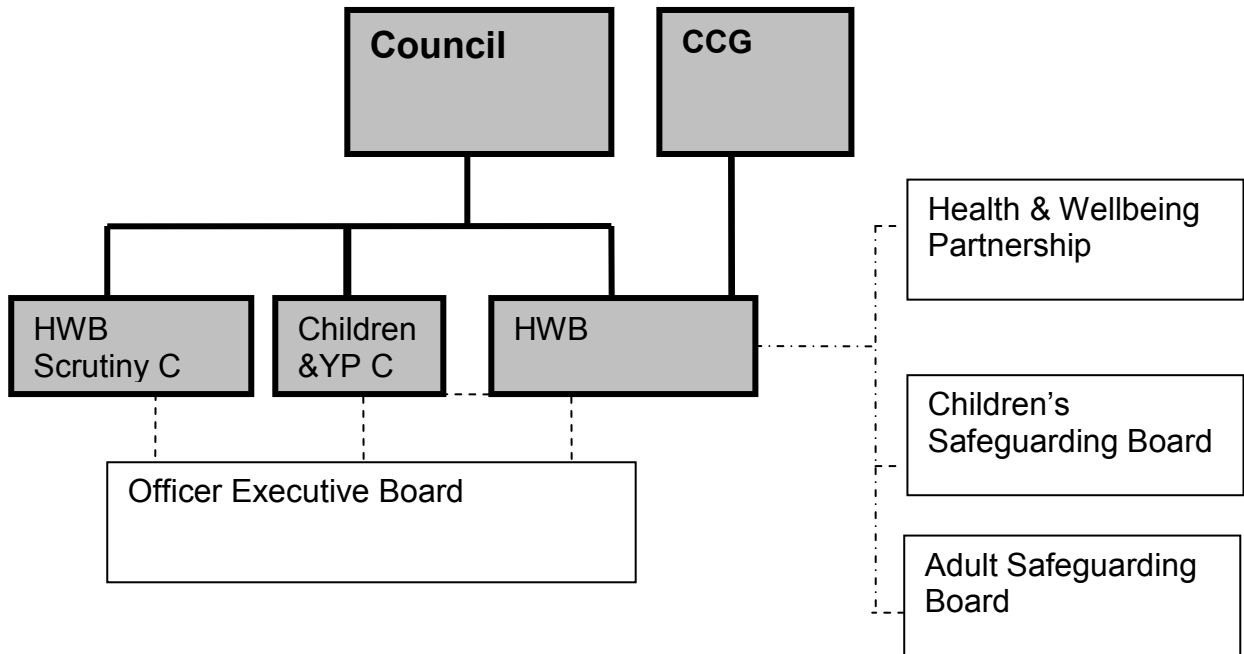
14.5 None.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Structure Chart
2. Draft terms of reference

Appendix 1



### HEALTH & WELLBEING BOARD Explanatory Note

#### General

The Health & Wellbeing Board (HWB) is established as a Committee of the Council pursuant to Section 194 of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.

#### Purpose:

The purpose of the Board is to provide system leadership to the health and local authority functions relating to health & wellbeing in Brighton & Hove. It promotes the health and wellbeing of the people in its area through the development of improved and integrated health and social care services.

The HWB is responsible for the co-ordinated delivery of services across adult social care, children's services and public health. This includes decision making in relation to Adult Services, Children's Services, and decisions relating to the joint commissioning of children's and adult social care and health services (s75 agreements).

#### Composition

##### Voting members:-

5 elected Members

5 CCG representatives (For CCG to decide but expected Chair; Chief Operating Officer; 1 LMG Chair, 1 lay member and the Accountable Officer)

##### Non-voting members

Executive Director Children Services;  
Executive Director Adult Services;  
Director of Public Health;  
Representative from HealthWatch.  
Representative NHS England;  
Chair of Children's Local Safeguarding Board;

#### Delegated Functions

##### General

1. To provide system leadership to the health and local authority functions relating to the health and wellbeing of the people who live, work and visit Brighton & Hove;
2. To promote integration and joint working in health and social care services across the City in order to improve the health and wellbeing of the people of Brighton & Hove;

3. To provide City-wide strategic leadership to public health, health, adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
3. To approve and publish the Joint Strategic Needs Assessment (JSNA) for the City;
4. To approve and publish a Joint Health & Wellbeing Strategy (JHWS) for the City, monitoring the outcomes goals set out in the JHWS and using its authority to ensure that the public health, health, adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the City;
5. To receive the Clinical Commissioning Group's draft annual commissioning plan and to respond with its opinion as to whether the draft commissioning plan takes proper account of the relevant Joint Health and Wellbeing Strategy. Where considered appropriate by the HWB, to refer its opinion on the annual commissioning plan to the National Health Service Commissioning Board and to provide the CCG with a copy of this referral;
6. To receive the Local Safeguarding Children's Board's Annual Report for comment; and also the Adults Annual Safeguarding Report
7. To support joint commissioning and make pooled budget arrangements where agreed by the HWB that this is appropriate;
8. To establish and maintain a dialogue with the Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
9. To involve stakeholders, users and the public in quality of life issues and health and wellbeing choices, by
  - communicating and explaining the JHW Strategy;
  - developing and implementing a Communications and Engagement Strategy;
10. To represent Brighton & Hove on health and wellbeing issues at all levels, influencing and negotiating on behalf of the members of the Board and working closely with the local HealthWatch;
11. To appoint non-voting co-optees in compliance with relevant legislation and guidance;
12. To operate in accordance with the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.
13. To review annual progress against city priorities in line with the national public health outcomes framework.

14. To receive reports from relevant programme boards and related multi-sector committees with a remit for public health in order to inform the Health and Wellbeing Strategy including: the Alcohol Programme Board, the Substance Misuse Programme Board, the Healthy Weight Programme Board and the Sexual Health Programme Board.

### **Better Care Fund**

15. To discharge all functions relating to the better care fund that are required or permitted by law to be exercised by the Board, including
  - (a) to agree the strategic planning;
  - (b) manage the pooled budget
  - (c) oversee and performance manage the planning as well as the practical and financial implementation of the fund.
16. To receive and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Health and Wellbeing Board.

### **17. Adult Social Services**

- (a) To exercise the social services and health functions of the Council in respect of adults;
- (b) To exercise all of the powers of the Council in relation to the issue of certificates to blind people and the grant of assistance to voluntary organisations exercising functions within its area of delegation;
- (c) To exercise the functions of the Council in relation to the removal to suitable premises of persons in need of care and attention.

### **18. Public Health**

To exercise the Council's functions in respect of public health, including but not limited to:

- sexual health
- physical activity, obesity, and tobacco control programmes
- prevention and early detection
- immunisation
- mental health
- NHS Healthcheck and workplace health programmes
- dental public health
- social exclusion
- seasonal mortality;

To exercise any other functions which transferred to the Council under the Health and Social Care Act 2012.

### **19. Partnership with the Health Service**

- (a) To exercise the Council's functions under or in connection with the adult services partnership arrangements made with health bodies pursuant to Section 75 of the National Health Service Act 2006 ("the section 75 Agreements").
- (b) To exercise the Council's functions under or in connection with the children and young people's partnership arrangements made with health bodies pursuant to section 75 of the National Health Service Act 2006 and section 10 of the Children Act 2004 ("the section 75 Agreements") to the extent they are in force;

## 20. Learning Disabilities

To discharge the Council's functions regarding Learning Disability.

## 21. Children's Services

To exercise the Council's functions:-

- (a) In relation to social services for children and young people;
- (b) All the Council's functions as a local education authority and youth services. Without prejudice to the forgoing, it is expected that this function will normally be discharged via the Children and Young People Committee who has concurrent delegated powers;)
- (c) Any other functions comprised in partnership arrangements with other bodies connected with the delivery of services for children, young people and families.

## 22. Clinical Commissioning Group Functions

### A. Leadership and Agenda Setting and Accountability

- § To receive and comment on the commissioning strategy of the CCG, help shape the same and ensure the CCG's commissioning intentions align with the health needs of the City.
- § Promote creative and innovative approach to health and wellbeing using the freedoms afforded by pooled funds.
- § Promote the agenda on integration - both in terms of sharing commissioning resource but also in terms of delivering a far more joined up service for people living in the City.
- § Hold the CCG to account for the impact of their commissioning decisions ensuring that:
  - health outcomes are improving in the way they should;
  - health inequalities are proactively addressed in commissioning plans.
- § Provide collective leadership to a whole range of City wide collaborative working and whole system issues - including emergency planning, resilience and preparedness, urgent care etc.

### B. Decision-making



- § To agree the commissioning plans of the CCG (if H&WB does not agree the plan, it can refer it to NHS England.)
- § To manage funds that are part of a formal joint commissioning arrangement or pooled fund (e.g. the Better Care Fund).
- Help shape and comment on the strategic direction and commissioning intentions of the CCG
- Hold the CCG and other partners to account.

### 23. Referred functions

The Board shall have referred function on any matter relating to any matter that has implications for the health and wellbeing of the City. This includes, but is not limited to:

- § Housing
- § Environmental health and licensing
- § Transport
- § Arts and Culture

### 24. Reserved matters

The following matters will be reserved from the delegations to the Board:

- Final decisions on any matters that are reserved to full council or the CCG by law and cannot be delegated;
- Final decisions on matters reserved to full Council under the Council's Budget and Policy framework
- Matters that have corporate budgetary or policy implications that go beyond health and wellbeing
- The Externalisation (outsourcing) or bringing in-house any Council services (which shall be referred to the Policy & Resources Committee for final decision.)



<b>Council</b>	<b>Agenda Item 118 (a)</b>
8 May 2014	Brighton & Hove City Council

**NOTICE OF MOTION**

**LABOUR AND CO-OPERATIVE GROUP**

**FOOD BANKS IN THE CITY**

“This council acknowledges the key role that foodbanks, operated by FareShare Brighton, play in helping those in food poverty across the City.

With recent statistics showing a 38% increase in the usage of these foodbanks in 2013, This Council requests that a report be brought to the next Policy & Resources Committee to outline what options the authority has to further support foodbanks in the City, building on the recent collections of non-perishable food items at Council Customer Service Centres.”

Proposed by: Councillor Gilbey

Seconded by: Councillor Daniel

Supported by: Councillors Carden, Farrow, Fitch, Hamilton, Lepper, Meadows, Marsh, Mitchell, Pissaridou Robins, Morgan and Wilson.

**Supporting Information:**



**NOTICE OF MOTION****GREEN GROUP****ACADEMIES**

“This council is opposed in principle to academy status and is therefore concerned that one of our secondary schools, Hove Park, is considering opting to become an academy.

This council believes that a policy to privatise education removes the ability of the local authority to fulfil its statutory duty of planning school places and supporting school improvement.

This council recognises the improvements that have been made in all its schools, and support parents and unions in calling for our community’s schools to remain under the democratic aegis of the local authority.”

Proposed by: Councillor Shanks                      Seconded by: Councillor Phillips

Supported by: Councillors Buckley, Bowden, Davey, Deane, Duncan, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Powell, Randall, Rufus, Sykes, Wakefield and West.

**Supporting Information:**

The current government has expanded the academies programme created by the previous government, including stipulating that all new schools must be academies or free schools.

After the first year of conversion academies can set their own admissions criteria. This makes planning school places very difficult and has knock-on effects on surrounding schools. Academies are also able to opt out of agreed terms and conditions for staff, set their own curriculum, and have educational priorities set by corporate sponsors.



**NOTICE OF MOTION****GREEN GROUP****PLANNING**

This Council resolves:

To request the Chief Executive to write to:

- (1) The Secretary of State for Communities & Local Government, Eric Pickles and Planning Minister, Nick Boles;
  - (i) Insisting they respect our communities and local democratic decision-making on planning matters;
  - (ii) Expressing our deep-seated concerns with the legal changes and the proven impact on Brighton and Hove including how communities are being locked out of planning decisions;
  - (iii) To insist government amend the National Planning Policy Framework by removing the presumption in favour of so-called 'sustainable development' at all costs;
  - (iv) Give our communities and elected Councillors the power to prioritise our City Plan and our own planning policies; and
- (2) The city's MPs calling on them to join with us in lobbying ministers to hand back planning to the city's communities served by it and the city's environment protected by it.

Proposed by: Councillor Mac Cafferty Seconded by: Councillor Davey

Supported by: Councillors Buckley, Bowden, Phillips, Deane, Duncan, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Shanks, Powell, Randall, Rufus, Sykes, Wakefield and West.

**Supporting Information:**

As a result of the government market-driven deregulation of the planning system, protections for the local environment have been reduced, and local opinion and democracy flouted through the changes to permitted development, including the introduction of prior approvals.

There is less opportunity for local people, elected Councillors and the Council to shape the development of our city, because of the 'presumption in favour of sustainable development' in the National Planning Policy Framework;

There is huge pressure to build on the urban fringe;

The long term public interests of planning to protect the environment will be sacrificed for short-sighted and short-term economic growth.