

**BRIGHTON & HOVE CITY COUNCIL**

**COUNCIL**

**4.30pm 23 OCTOBER 2014**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**PART ONE**

**24 DECLARATIONS OF INTEREST**

- 24.1 Councillor Phillips declared a pecuniary interest in Item 39(c), Notice of Motion regarding 'ActionAid' as her husband was a managing director of the Big Lemon Bus Company.
- 24.2 No other declarations of interests in matters appearing on the agenda were made.

**25 MINUTES**

- 25.1. The minutes of (a) the Special Meeting held on the 17<sup>th</sup> July and (b) the last ordinary meeting held on the 17<sup>th</sup> July 2014 were approved and signed by the Mayor as a correct record of the proceedings.

**26 MAYOR'S COMMUNICATIONS.**

- 26.1 The Mayor stated that he would like to congratulate Brighton and Hove Legal Services for winning the prestigious National annual Family Law Awards 2014 held in London on 8 October, judged by a national panel of experts in family law. This year was the first year there has been a new category – Family Law Local Authority Team of the Year – so in effect the team have been judged by lawyers external to the council to be the best Local Authority legal team in England and Wales for this area of work.
- 26.2 The Mayor noted that Andrew Pack, the team's in-house advocate also won the award for Family Law Legal Commentator of the Year for his family blog which has several

thousand followers. The team has also been shortlisted for another national Local Government Lawyer Award in November for Children and Education legal advice.

- 26.3 The Mayor then invited Councillor Shanks and Natasha Watson from the Legal Team to come forward to receive the awards.
- 26.4 The Mayor offered his congratulations to the Bereavement Team who had been awarded a Silver Gilt for the large cemetery category of South and South East in Bloom. The 2014 Awards Ceremony took place at the Brighton & Hove Albion's American Express Community Stadium on Wednesday 17th September. The Extra – Mural Cemetery was selected in the large cemetery category from cemeteries covering areas as far away as Southampton to the West and Canterbury to the East.
- 26.5 The Mayor then invited Councillor Sykes, Ray McSweeney and Helen Touray to come forward to collect the award.
- 26.6 The Mayor stated that he would like to congratulate the City Transport Team who were winners of the CIVITAS award. This was Europe's top environmental award for policies to promote clean transport and we were named as City of the Year in the CIVITAS Awards 2014 in September. The prize is awarded each year to the city which best demonstrates implementation of ambitious sustainable transport policies. These must show active involvement of local people, overcome challenges and help meet CIVITAS goals on cleaner, better transport in European cities.
- 26.7 The Mayor then invited Tom Campbell to come forward to receive the award.
- 26.8 The Mayor informed the meeting that he had accepted a revised Notice of Motion, from the Green Group, Item 39(c), 'ActionAid' which was detailed in the addendum papers as the final paragraph had inadvertently been shown under the supporting information paragraph rather than in the actual wording of the motion.

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

- 27.1 The Mayor invited the submission of petitions from councillors and members of the public. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 27.2 Ms. Baumgardt presented an e-petition signed by 141 residents calling on a ban of animals in circuses in Brighton & Hove.
- 27.3 Mr. Magee presented an e-petition on behalf of Mr. Posner, signed by 154 residents requesting a bus shelter in Grand Avenue.
- 27.4 Mr. Weatherly MP presented a petition signed by 2068 residents, requesting the provision of a 50m flexible pool at the King Alfred.
- 27.5 Councillor Marsh presented a petition signed by 140 residents asking for the parking scheme in Moulsecoomb for events at the Community Stadium to be enforced.

- 27.6 Mr. Walker presented an e-petition signed by 632 residents requesting that consideration be given to having a local taxation scheme.
- 27.7 Mr. Bellas presented a petition signed by 503 residents calling on the council to provide affordable housing.
- 27.8 Councillor Mitchell presented a petition signed by 1020 residents requesting the provision of a pedestrian crossing in Whitehawk Road.
- 27.9 Councillor Duncan presented a petition signed by 175 residents concerning the provision of water fountains throughout the city.
- 27.10 Councillor Duncan presented a petition signed by 412 residents concerning the conflict in Palestine.
- 27.11 Councillor Meadows presented a petition signed by 45 residents concerning Article 4 Directions and Houses in Multiple Occupation (HMOs).

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

- 28.1 The Mayor reported that 9 written questions had been received from members of the public and noted that fifteen minutes were set aside for these. Should any questions not be taken then a written response would be provided.
- 28.2 The Mayor then invited Mr. Morris to come forward and address the council.
- 28.3 Mr. Morris thanked the Mayor and asked the following question;

“Considering the increase in the public incidents of rape, sexual and physical assaults, alcohol drinking, anti-social behaviour and breaches of noise levels, what measures across the city, including appropriate positioning of CCTV cameras, are being put in place by this Green Council?”

- 28.4 The Leader of the Council, Councillor J. Kitcat replied;

“You are right that there has been an increase reporting of some types of crime in relation to sexual assaults, those increases in reporting are believed to be partly due to an increase in competence to the processes partly following successful prosecutions following operation Yew-tree, Jimmy Saville case, and so on. But overall, serious recorded crime and anti-social behaviour is falling and the city’s doing very well in reducing the crime rates.

CCTV is used throughout the main thoroughfares and in many business premises, evidence from CCTV remains very effective but I should point out CCTV is run by a large number of organizations, for example, private businesses and the police, it is not solely the responsibility of the Council.”

- 28.5 Mr. Morris asked the following supplementary question;

“I appreciate your reply but many residents in the city have expressed their concern about the increase of assaults recently and anti-social behaviours. A few examples are New Road, Pavilion Gardens and St James Street. Because this is relevant, however, elsewhere in the city, I would suggest that this is a cross party issue. Although a temporary CCTV camera was removed from New Road to the Volks Railway on the seafront recently, I note in the past few days mobile CCTV vehicles have been placed there.

There is in fact concern from city local traders that they are expected to supply monthly copies of their own CCTV coverage, which puts additional pressure on their time and finances. It is recognised that police resources have been cut. My supplementary public question is, can an all-party committee be set up urgently to assess all of the issues stated previously, investigate methods how these can be avoided and be addressed?”

28.6 Councillor J. Kitcat replied;

“I just want to make it absolutely clear because you said something that wasn't correct, you said there has been an increase in anti-social behaviour and no there has not been. There's been a decline, so I want to make that very clear so that everyone listening is confident in that fact. I very much understand the concerns, particularly the recent unfortunate events in Pavilion Gardens and elsewhere, and there has been a very effective engagement in the that area, by the Council, chaired by the Chief Executive with a range of actions being taken forward by the Council, by local residents groups, traders group and the Police. There is already a cross-party place for such issues called the Committee Safety Forum, which I chair, and Policy & Resources committee which is cross party and also has a responsibility for community safety.”

28.7 The Mayor thanked Mr. Morris for attending the meeting and asking his questions and invited Mr. Kelly to come forward and address the council.

28.8 Mr. Kelly thanked the Mayor and asked the following question:

“In the last four months, Denmark Villas has been blighted by evermore graffiti. This beautiful part of the city has gone from being virtually graffiti free to a situation where almost every piece of street furniture and some of the private garden walls have been graffitied. What action will the Council take to clear this up and prevent its reappearance? And can I just say that, since I put this question, the Council has done a fabulous clear up job and it has actually all been cleared up, so thank you.”

28.9 Councillor West as Chair of the Environment, Transport & Sustainability Committee replied;

“Can I say first of all that I very much share your concern about graffiti and its impact upon the city. The council's graffiti removal team has been working very hard of the past months dealing with the large amount of graffiti that appeared across the city and all items of street furniture, including large communal bins and as you've said, that includes Denmark Villas. The graffiti team are, and sounds like they are already, carrying out a deep clean of the area and will work closely with the owners of private walls, offering support and advice as required. They've also been working with the police to identify the individuals that are carrying out the vandalism and this close liaison will continue.

I have to say that in the face of amounting pressures upon our budgets, and the need to actually reduce our budget that we have to respond to graffiti. While we work with community groups, and target specifically offensive graffiti, it's not as much as I, and other Members, would like. We do what we can as an organisation and we work with people as closely as we can so thank you very much for your question."

28.10 Mr. Kelly asked the following supplementary question;

"First of all, I genuinely do want to say I was hugely impressed, I thought it would take such a long time to clear it all up and it was done so quickly and effectively, so well done on that. I think there is a similar issue throughout the city of vandalism using sticker messages. These are put on lampposts, cross signs, street furniture. The difference is between those and graffiti, I understand how difficult it is to track down the people who carry out graffiti and they do it at anti-social times at night, but often the stickers do have contact addresses or contact telephone numbers on them. So my question is, does the Council first of all have any sort of policy from re-movement, I doubt it does because they seem to stay until the rain destroys them but does the Council follow up where there are contact details and actually prosecute the offenders?"

28.11 Councillor West replied:

"We're talking about fly posters now and if I'd appreciated your question would be about that in addition, I would have prepared a response and briefed myself on that. I do know we have in the past targeted certain organisations that are responsible, both as advertisers but also as advertising agents that use fly posting as a method. It is a huge problem and as I recall I don't believe that our attempts to prosecute some of these people have been wholly successful, which is incredibly disappointing. We really do need this sort of thing to stop because it makes the place look a mess and has a degrading effect on everything else. So yes, I think these organisations need to be named and shamed and other people need to put pressure on as well as the council's ability to enforce and clean up."

28.12 The Mayor thanked Mr. Kelly for attending the meeting and asking his questions and invited Mr. Hooper to come forward and address the council.

28.13 Mr. Hooper thanked the Mayor and asked the following question:

"Stanmer Stakeholders Forum was established to discuss matters of importance, both to Councillors and stakeholders. Since 2011, the frequency of meetings has become erratic and only matters that the Council identifies placed on the agenda. At the last meeting in April, it was promised once the two HLF bids were submitted in October; a meeting would be held in November. Would the Chair of the Environment, Transport and Sustainability Committee show his support for the Forum, and agree to request the Forum's Chair to arrange a meeting for early November and allow stakeholders to put forward items for the agenda?"

28.14 Councillor West as Chair of the Environment, Transport & Sustainability Committee replied;

"I have spoken to Councillor Summers who Chairs the Stanmer Stakeholders Forum and is also one of your Ward Councillors and an Independent Member of the Council

about your question. I am reminded that at the meeting that both you and I attended in the Spring, it was clearly stated that we would wait until after the submission of the second lottery bid for Stanmer before looking to have another meeting. That bid has only just been submitted and Councillor Summers is indeed now looking to book the promised meeting.

I do find it inappropriate that you have sought to press this matter prematurely and through the recourse of asking a public question at Council. You have pestered quite heavily council officers on this matter and I understand that other residents involved in the Stanmer Stakeholders Forum are unhappy with your approach. As I think, you have been suggesting you're doing it on their behalf. Councillor Summers and officers have been working very hard to develop a positive working relationship with the Stakeholders and I believe that has been going well. So I do find that your unilateral and unnecessarily intervention unhelpful. I would ask you to engage with Councillor Summers and other Stakeholders in a much more productive and reasonable manner."

28.15 Mr. Hooper asked the following supplementary question;

"Before asking my supplementary question, I wish to clarify the Chair's reply. A meeting has only been proposed since the public question was tabled and as of yet, no date has been announced and we are still waiting for some clarification what subjects can be proposed for the agenda and what cannot.

My supplementary question is, would the Chair of the Environment, Transport and Sustainability Committee agree to request the Forum's Chair to revert to quarterly meetings with the date of the next meeting announced at the end of each meeting, as was done previous to 2011?"

28.16 Councillor West replied;

"I think it's really a matter for the Forum and the Chair of the Forum to decide on the frequency of the meetings. They have been working on a basis of when they are required and when members actually feel they are necessary. I have every faith in Councillor Summers, who's been working incredibly hard along with officers and other Stakeholders, to actually take the forum forward and not necessarily revert to previous ways of working, which quite frankly on occasions, were pretty dysfunctional. I really hope that you will help the Chair take this further forward and work with your fellow residents, and other stakeholders, who are very, very willing for this to be successful."

28.17 The Mayor thanked Mr. Hooper for attending the meeting and asking his questions and invited Mr. Smith to come forward and address the council.

28.18 Mr. Smith thanked the Mayor and asked the following question:

"There is a proposal to put a T-junction by the Palace Pier roundabout, my question is, where is that money going to come from to pay for it?"

28.19 Councillor West as Chair of the Environment, Transport & Sustainability Committee replied;

“Just reading your actual question, “Where is the £3 million pounds to fund the junction and the surrounding area coming from when there are severe shortages of council money?” I need to give that context again, for my answer. The proposals for the area include at this stage, not a final commitment to how that junction will be laid out, I think that is important to state, though further work will be done to look at that particular matter, which was made very clear to Members.

As far as the financing goes for the Valley Gardens Scheme, the majority of the funding for the overall scheme will come from capital grants provided by Central Government, in particular including two specific grants for the scheme, totalling £14,000,000, which we have been very successful in landing. The second part of that £6,000,000 is certainly not fully secure. It has been put forward for us to use on this scheme but we do have to produce a business case and we do have to see all Members of this Council keeping faith and support for the scheme.

So, I don't think there's very much in anyway at all of any revenue budget expenditure from the Council on this particular matter. It's grant funded either directly for the scheme specifically or contributions from the local transport plan, which is also government funded.”

28.20 Mr. Smith asked the following supplementary question;

“Are you saying that the money coming from Central Government is guaranteed, bearing in mind there's an election coming up, where the current Council may not be in power, neither will the current Government.”

28.21 Councillor West replied;

“The second part of the funding is subject to a business case being submitted and final designs and convincing the funders that they wish to continue with the funding offer they have already made. I don't think it is subject to national government, I certainly hope not, because this city really needs this funding to improve Valley Gardens so that it provides a proper welcome to the city and at the moment, it is not only a shabby mess and provides no welcome to people. It is also a huge obstruction to people getting about the city from East to West and from North to South. The plans for the scheme as a whole are absolutely wonderful and will totally transform the core of the city.”

28.22 The Mayor thanked Mr. Smith for attending the meeting and asking his questions and invited Ms. Paynter to come forward and address the council.

28.23 Ms. Paynter thanked the Mayor and asked the following question:

“Councillors from the King Alfred Project Board, along with Councillors on Policy & Resources have created and endorsed a Planning brief which Brighton & Hove City Council has now put out to tender for the job of developing that site. To what extent and in what ways were Hove residents involved in the creation of the planning brief that was given to prospective developers?”

28.24 Councillor Bowden as Chair of the Economic Development & Culture Committee replied;

“Before I answer, I would like to put on record my thanks to Councillors Warren Morgan and Andrew Wealls, also to Tony Mernagh from the Economic Partnership and the brilliant officer team, led by Martin Randall and Geoff Raw, with a special mention in dispatches for Mark Jago, who all worked so hard with the Project Board to ensure we met our commitment to get the King Alfred out to market in the timescales that I had previously promised in this Chamber, to a question I think from Councillor Theobald.

As we saw from the Local MPs petition and his supporters and from this question, King Alfred excites passions of local residents and the whole of the city. Sadly though, it’s an aging facility that doesn’t meet the expectations for a leisure centre in this modern age. It’s expensive to operate and maintain and the building is fast approaching the end of its useful life. In fact, I had communications from one of the bowls clubs, who have given me graphic information about the strategically placed buckets that have to be placed every time there is a match day to catch the rain. So, on October 10<sup>th</sup>, the Council advertised the site and it is an exciting development opportunity. We’ve had, with two weeks to go before the deadline for expressions of interest, nearly 50 players who have shown interest.

As a first step for the prequalification stage, the Council has issued, to interested developers, information setting out the Councils requirements as agreed in P&R in 2013, together with appropriate supporting information. This includes an informal planning advice note, prepared this month that sets up existing adopted planning policy that proposed in the submission city plan, which have themselves been subject to consultation processes. The notice to be read alongside the adopted King Alfred R&R site planning brief, which was prepared, in 2002, which was subject to formal public consultation. The note simply outdates the Planning policy information contained within 2002 brief. Consultation will certainly be an important element to future stages of the process as we move towards the appointment of a development partner, which I hope will be in April of next year and once there is a design to consult on.”

28.25 Ms. Paynter asked the following supplementary question;

“You haven’t really answered my question. What you’ve done is given us a history lesson and you have told us that there has been many complaints by the bowls people and that of course is not news, you’ve know that for probably 20 years because of the structural surveys etc. The fact is, anything that was done with the public is a very long time ago, in fact around 1999, Brighton & Hove City Council was good enough to lay on a public meeting in this very building, which attracted about 500 people and we were able to speak with the developers, City Grove at the time, and Councillor Officers and there was a question and answer back and forth. There was also a project board in the wake of the failure of that particular project which was held in public. The project board meetings were quite numerous, I’m sure I went to three or four, half a dozen in fact. Basically, I want to know why you think that all the chit-chat and planning and advice from the public, which took place over a dozen years ago, is necessarily relevant in 2014, and why you don’t think the public’s views count now?”

28.26 Councillor Bowden replied;

“I have to say that there has been consultation, we are very lucky to have a Hove based Member on the project board, who is very much in touch with members of the public,



especially in his neck of the woods. So we have the benefits of his input and he does certainly talk to his residents, and we value that. The time for consultation will come once we have a preferred bidder in place, and that will be in April, and then there will be plenty of opportunity for people to make their views known.”

28.27 The Mayor thanked Ms. Paynter for attending the meeting and asking her questions and invited Mr. Furness to come forward and address the council.

28.28 Mr. Furness thanked the Mayor and asked the following question:

“On my travels around Brighton & Hove recently, I have become aware of, what to me appears to be, the totally needless destruction of a number of magnificent mature trees. These include yet another elm just inside the Western entrance to St. Anne's Well Gardens and three sycamores, two at the Floral Clock and one in the North-West corner of Brunswick Square. Who is responsible for this apparent vandalism, and why Councillor West, are you allowing it to continue?”

28.29 Councillor West as Chair of the Environment, Transport & Sustainability Committee replied;

“The Elm tree at St Anne's had Dutch elm disease. It is due to the vigilance of our staff and the public that support them, identifying quickly and disposing of diseased trees that we have Elms trees in Brighton & Hove, when they have been lost from much of the rest of the country. Had the tree been left, it would have provided the source of infection for the rest of the city. Although it's not possible to stop the disease coming to the city, prompt action as and when outbreaks occur, has proved affective for many years in protecting the majority of our Elm trees, which form the national Elm collection.

The sycamores were removed because they had fungal decay; we aim to fell trees once they show signs of structural weakness, rather than allow them to fall. All three sycamores were in positions where they would have been likely to cause significant damage to property and/or people if they'd been allowed to fall naturally. I'm very mindful of the importance of maintaining tree health, especially in the light of the rising number of diseases threatening different species of tree.”

28.30 Mr. Furness asked the following supplementary question;

“Sad to say, I'm going to have to cross swords or perhaps its axes with Councillor West, who clearly doesn't know the symptoms of Dutch Elm Disease. A Dutch Elm disease tree is attacked first and foremost from the roots, the remaining stump in St Anne's Well gardens, perhaps the local Councillors would not take my word for it, but go around and check, a forest of elm suckers are coming up, that would not be the case. Similarly with the Sycamore tree in the corner of Brunswick Square, it seems to me, in our newly declared biosphere, it would appear that the madness of health and safety is prevailing and I would like to ask you this question, you're clearly not up to the job, when are you going to tend your resignation?”

28.31 Councillor West replied;

“You’ve been antagonizing me for years now, so I’m not going answer and meet your request. If there is a problem with successive growth on these stumps, then I’m sure our highly qualified, expert tree team of arboriculturalists will be very happy to go and check it out and deal with them quickly. They have been defending the National Elm Collection since 1970’s and I actually think you need to show a little bit more respect for what they have achieved over these years on behalf of this Council and the people of this City and the Country as a whole.”

28.32 The Mayor thanked Mr. Furness for attending the meeting and asking his questions and invited Ms. Reid to come forward and address the council.

28.33 Ms. Reid thanked the Mayor and asked the following question:

“On a daily basis I witness anti-social and aggressive street behaviour up and down George Street in Central Hove. This is associated with both street drinkers and other local pub users, either using or hanging around outside Weatherspoon’s Pub. I have yet to witness any regular, constant Police patrolling far less any firm action being taken by them to address this growing problem. Could the Leader of the Council assure me that he will bring what powers he has to bare on ensuring that we have a regular Police presence, in George Street, and that they are prepared to enforce the law regarding the anti-social problems?”

28.34 The Leader of the Council, Councillor J. Kitcat replied;

“I’m assured by the police that they have instructed Hove PCSOs to insure that two Hove PCSOs spend at least an hour a day, every day of the week on George Street, to help deal with the issue and provide police visibility. I’m also been made aware of the fact that there’s been engagement by the rough sleepers and street community team, to engage with people in the area. Equinox, first base, anti-freeze and others have all been engaging. Furthermore, four early assessment centre days, which are targeted action days for rough sleepers are scheduled for that part of the city in the coming weeks. So, they will be assisting people there and I’ve also dispatched special agent Hawtree there and there is a mural there to help improve the area. I recognise that there is a significant concern about anti-social behaviour, but as I said earlier, it is actually on decline in the city and the police have assured me that they are spending at least an hour a day there.”

28.35 Ms. Reid asked the following supplementary question;

“Some of you may have seen the front page of The Argus today, “Attacked for Backing Ukip”. This happened in George Street on Saturday. An hour’s police presence in George Street is not enough when there is democratic right of political parties on a Saturday, not just us, but other parties as well have a tradition of having street tables in George Street and other places. I have spoken to the local community beat officers and they’ve said similar to yourself, that an hour here and there, as they patrol George Street, really isn’t enough. When CCTV cameras fail to catch incidents, like the assault on us by opposition in George Street on Saturday, it’s not enough to say there’s CCTV camera but they don’t capture incidents and there’s police officers that turn up for an

hour a day in the main high street in Central Hove, I don't think it's a good enough response."

28.36 Councillor J. Kitcat replied;

"I'm very sorry to hear about the attack, I haven't read that story in The Argus, but I certainly would defend any political parties rights to participate in the Democratic process, whether I agree with them or not. But you have to recognise the fact that both the police and the council have been experiencing the severest cuts in living memory and the police are very, very sorely stretched and they have a very small number of officers to cover an entire city, with the growing population and growing visitor economy. It is challenging for them and it's challenging for us, so an hour a day is actually a huge commitment, given the level of resources they have available in the city. It doesn't justify an attack and I hope that that can be resolved through the police investigation."

28.37 The Mayor thanked Ms. Reid for attending the meeting and asking her questions and invited Mr. Lowe to come forward and address the council.

28.38 Mr. Lowe thanked the Mayor and asked the following question:

"Two years ago I was given assurances about air quality by yourself in your current capacity as Chair of Environment. Can you please confirm whether the air quality has improved or got worse and whether it is still breaching European regulations?"

28.39 Councillor West as Chair of the Environment, Transport & Sustainability Committee replied;

"Air quality has indeed improved I'm glad to say, for the majority of the city, including suburbs, where many, many people live. However certain streets in the centre of Brighton have not improved and nitrogen dioxide continues to exceed EU and English air quality strategy limits. The problem is stop-start traffic admissions in confined outdoor spaces, adjacent to where people live and work. Progress has been made in winning funds from the department of Transport, for example the clean bus – transport fund, £750,000 of investment in improving the cleanliness of bus admissions and the clean vehicle transport fund for taxis - £195,000 this year and Councillor Powell was out celebrating that fact just last week.

So we have 50 buses and 30 taxis are currently being retrofitted in order to reduce their admissions in the oxides of nitrogen. We've also, thanks to our initiative, got to look forward to the implementation of the city's first low admissions zone, in the North Street/Western Road corridor and this we expect will help tackle the stubborn No2 air pollution by driving forward, yet further improvements in cleaning bus technology. So there has indeed been quite a shift forward and that is actually after many years of stagnancy so we've, and it's been very difficult to get that improvement and I think we've done very well and we certainly are setting the stage for further improvement in the future but a lot of it will come down to how people chose to travel about the city and whether they are contributing to air pollution or not.

We have a new revised air quality action plan that is going to be due for consultation in 2015, so I hope you and everyone else in the city will engage in that process and

consider how we collectively tackle air quality and how we improve it over the coming period.”

28.40 Mr. Lowe asked the following supplementary question;

“It’s very interesting you mention the problems still in the centre of Brighton, because it fits nicely with my supplementary. In the plan development of the aquarium roundabout, have pollution impact levels been considered in the application and in your own honest opinion, do they improve the seaside air quality?”

28.41 Councillor West replied;

“I think the quick answer is that we’re not there at that point in the design stage yet, as I mentioned in the answer to the previous question. We will know more as we go along.”

28.42 The Mayor thanked Mr. Lowe for attending the meeting and asking his questions and invited Ms. Mountain to come forward and address the council.

28.43 Ms. Mountain thanked the Mayor and asked the following question:

“I understand that the Council has Empty Property Officers who work towards bringing unused and empty properties back into use. My question is, does this include Commercial Properties and is progress monitored and published?”

28.44 Councillor Phillips as the Deputy Chair for Housing replied;

“Our Empty Property Team works with owners’ of private sector residential properties, with the key aims of increasing housing supply and improving neighbourhoods. During the year 2013-2014, the team worked with owners to bring 169 long term empty private sector properties back into use against a target of 153. This is achieved through a well-established system of proactively making and maintaining contact with owners of long term empty homes and offering advice and assistance, escalating up to enforcement action where needed.

The team also addresses issues of rising from long term empty and/or problem properties, reported to us by local residents. Over £1.5 million of the New Homes bonus has been generated from bringing long term empty home back into use. The team also provide Lewes District Council and Horsham Borough Council with empty property services for a fee. The work of the empty property team does not include commercial properties. However, where we do get enquiries about commercial properties, we will always endeavour to help where possible, providing links to information already available, such as the commercial property database, which can be found on the council website. We will generally advice people to look on there if they are seeking a property or via auctions or agents.

If a specific property is reported as a problem, we can contact the owner and/or refer it to the appropriate team for enforcement action. The commercial properties database is found in the business and trade section at the council’s website, under support for businesses, held by the Economic, Development team. Our revenues service managers the business rates the system and therefore monitors the status of commercial property

from that point of view. I will explore with officers to see if information about commercial empties can be reported to the relevant committee, which in this case is the Economic, Development & Culture committee.”

28.45 Ms. Mountain asked the following supplementary question;

“Could the Council tell me, how much money was sent last year securing empty properties against trespass?”

28.46 Councillor Phillips replied;

“I’ll get that back to you in writing but it would be useful for clarification whether you mean residential properties or commercial properties?”

28.47 The Mayor thanked Ms. Mountain her questions and noted that her last question related to both residential and commercial properties. The Mayor also noted that concluded the item.

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

29.1 The Mayor reported that one deputation had been received from members of the public and invited Ms. Entwistle as the spokesperson for the deputation to come forward and address the council.

29.2 Ms. Entwistle thanked the Mayor and stated that:

“In the middle of August this this year the junction between Hollingbury Road and Upper Hollingdean Road was closed for essential sewage works for a period of 4 weeks. This closure had a substantial positive effect on us, the residents of Hollingbury Rd. Normally Hollingbury Rd carries a lot of through traffic and the absence of this meant that the street became an area of focus for the community. In that, people began socialising, meeting new neighbours, hanging out in the street and parents allowing their children to play in the street.

A small group of us got together and agreed this change had brought about a positive experience for the residents and after carrying out a more extensive survey of the street (the results of which are included with this deputation) we decided to apply to the council for the permanent closure of Hollingbury Road to non-essential through traffic. We do not doubt that this will have displacement effects which will impact negatively on residents living on adjacent streets. However, in the main, we believe that most of these can be mitigated by the implementation of traffic calming measures. We believe this proposal aligns well with Brighton & Hove council’s current transport document in terms of contributing to better safety and health and improving quality of life. There already exists a precedent for closure as set by a nearby road, Hollingbury Park Avenue, a residential side street which also used to be a rat run. We have identified what we believe are some of the potential negative and positive outcome of the proposed closure and I will outline the main ones here.

Negative outcome includes displacement effects, there are likely to be several displacement effects of closing Hollingbury Road, mainly due to increased traffic flow in

neighbouring streets. However, Ditchling Road, which is a main road, and Roedale Road are both fairly wide streets where the impact is likely to be relatively small.

Positive Outcomes include elimination of a rat-run. Much of the traffic that uses Hollingbury Road does so to short cut the route between Fiveways and Upper Hollingdean Road. Forcing this traffic onto the wider Ditchling Road would be safer and unlikely to impact negatively on journey times and fuel usage.

General reduction in accident risk; although the street has recently been provided with pedestrian crossing build-outs, the volume of motor traffic means that this is still not an especially safe road to cross. Vehicles still tend to exceed and accelerate above the 20mph limit between speed ramps and the crossing at the junction with Upper Hollingdean Road which receives a high volume of pedestrian traffic associated with the school run can be quite tricky to navigate when traffic is queuing on the downhill side. Closure of street will substantially reduce the volume and speed of traffic using the road.

A safe pedestrian route connecting to the Dip. Hollingbury Road provides an important pedestrian route used extensively during the school run. Closure of the road to through-traffic would provide a much safer pedestrian route linking Hollingbury Place to the pelican crossing at the junction of Upper Hollingdean Road and Ditchling Road. This would encourage more walking, rather than driving to school.

Before I conclude I would like to mention that on a few recent occasions, a neighbour went to observe what the traffic flow was like on Hollingbury Road compared to Ditchling Road which is a main road. After several minutes' observation on both of these roads, it was found that whilst Hollingbury Road was backed up along the street with through traffic, there were fairly few cars on Ditchling road.

In view of the evidence we have presented, the result of the street survey and of an ongoing petition with 117 signatures to date that we submit here with this deputation, we ask the council to explore with us the possibilities of a permanent closure of Hollingbury Road to non-essential through traffic.

### 29.3 Councillor Davey replied,

"I can see that you have looked very carefully at the positive and negative aspects of the proposal. I commend you all for the extensive work that you've done. As you are clearly aware, closing a road permanently, particularly a through road requires very careful consideration of issues, such as the impact on the nearby network, legal requirements, and consultation of residents, businesses and road users.

Officers have looked at the traffic impact that is likely to arise from closing Hollingbury Road and have concluded that this would place greater pressure and congestion on adjoining roads on the local network including the dip and Roedale Road as you clearly fully understand. Then the knock-on effect on residents there would mean changes. Restricting traffic on any roads brings up diverse opinions both in favour and against as we have found recently, with proposals for traffic restrictions elsewhere. Despite extensive public consultation on proposals for traffic restrictions, all of which came out in favour. Objections led to a time consuming and expensive public enquiry led by a government inspector and despite a positive result from that, opposition councillors still

refused to agree the change. So unfortunately whilst I personally sympathise with residents I am afraid that the Council does not have the resources in terms of officer time and money to embark on what would certainly be a time consuming and expensive process to seek a closure of Hollingbury Road in the foreseeable future so it is not possible at this moment in time to pursue this, but you may be able to continue to work with the local community and the Council to find an agreement in a wider area to anticipate and address what, potentially, the negatives could be.”

29.4 The Mayor thanked Ms. Entwistle for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to Environment, Transport & Sustainability 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.

29.5 The Mayor noted that concluded the item.

### **30 PETITIONS FOR COUNCIL DEBATE**

#### **(a) Living Rent**

30.1 The Mayor stated that the council’s petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. He had been notified of one such petition which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.

30.2 The Mayor noted that there was an amendment from the Green Group to the recommendation contained in the covering report on the petition, which Councillor Mac Cafferty would move during the debate. He also called on the Monitoring Officer to clarify the procedural matters in relation to the e-petition.

30.3 The Monitoring Officer noted the amendment which had been circulated listed Councillor Phillips as its proposer however this had changed as outlined by the Mayor and that recommendation 2.1 should refer the petition to the Housing Committee and not the Environment, Transport & Sustainability Committee.

30.4 The Mayor thanked the Monitoring Officer and then called on Ms. Rimmer to present the petition concerning the issue of a Living Rent.

30.5 Ms. Rimmer thanked the Mayor and stated that the petition signed by over 2,500 people to date sought to highlight the cost of private sector rents and the severe impact this had on a number of families and residents within the city. She then outlined examples of how people living in the city had been affected by the uncontrolled increases in rents to highlight just how real the situation was. The petition asked the council to support the need for a living rent and an ethical landlord scheme and to call on the government to institute rent controls on the private sector. She hoped that the council would support the aims of the petition and do whatever it could to help those affected by the high costs of rents in the city.

- 30.6 Councillor Phillips thanked Ms. Rimmer for presenting the petition and stated that it highlighted five important areas that needed to be addressed. These were the unacceptable level of increases in private sector rents, unaffordable rents, the need for ethical letting agencies and landlord accreditation and a review of the private rented sector. She fully supported the petition and hoped that the Green amendment would be accepted and supported by the council.
- 30.7 Councillor Mac Cafferty then moved an amendment to the recommendation in the report, requesting that the Housing Committee should give consideration to a number of aspects that had been highlighted by the petition and Councillor Phillips and he hoped that a report could be brought forward to the committee in due course.
- 30.8 Councillor Wakefield formally seconded the amendment and stated that there was a clear need for a living rent in the city and she hoped that the amendment would be fully supported.
- 30.9 Councillor Hawtree stated that the issue raised a number of concerns and he hoped that they could be addressed at some point. He acknowledged that there were good landlords in the city but felt that there was a need to find ways to support residents who faced uncertainty and the prospect of having to move because of increases in rent levels.
- 30.10 Councillor Wilson stated that the Labour & Co-operative Group supported the amendment and whilst there were many excellent landlords in the city, there were still too many who did not look after their properties or had any thought for their tenants. She believed there was a real need to look at what the council could do to support those residents and hoped that every effort to find ways to improve matters would be investigated.
- 30.11 Councillor Peltzer Dunn stated that he had some reservations with regard to the points listed in the amendment as he was unsure that they would result in a benefit to residents or the city. However, as it was for the Housing Committee to give consideration to the points and the potential benefit to be realised from each, he was happy to support the amendment.
- 30.12 Councillor Phillips welcomed the comments and stated that she hoped there would be an opportunity to give full consideration to the points listed in the amendment and following which some real change to the current situation that existed in the city.
- 30.13 The Mayor noted that an amendment to the recommendation in the report had been moved and put it to the vote which was carried. He then put the recommendations as amended to the vote which was also carried.
- 30.14 **RESOLVED:**
- (1) That the petition be noted and referred to the Housing Committee for consideration; and
  - (2) That the Committee give consideration to the following:



- (i) developing a licensing scheme for all private landlords as has happened in Newham;
- (ii) highlighting the hardship caused to residents of the city by unaffordable private sector rents and call on the government to set up a Living Rent Commission;
- (iii) writing to the government to replace 6 month tenancies to 3-5 year tenancies, as is the case in some other European countries;
- (iv) looking into developing ethical lettings agencies in the city, as well as supporting the expansion of the ethical lettings agency at Sussex university;
- (v) looking at setting up an ethical landlord accreditation in order; and
- (vi) supporting the building of homes at a living rent rate so that affordability is based on people's incomes and not the market rate.

**(b) Mile Oak Improvements**

- 30.15 The Mayor stated that the council's petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. He had been notified of one such petition which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.
- 30.16 The Mayor noted that there was an amendment from the Labour & Co-operative Group to the recommendation contained in the covering report on the petition, which Councillor Carden would move during the debate.
- 30.17 The Mayor then called on Ms. Soanes to present the petition concerning the need for improvements to the Mile Oak Recreation ground.
- 30.18 Ms. Soanes thanked the Mayor and stated that the petition signed by 1,388 people called on the council to provide suitable and safe lay equipment for young people in the Mile Oak recreation ground so that it was comparable with other play areas in parks across the city. The current provision of equipment was not suitable and was in need of replacement to enable local families to enjoy the park as they had previously to its refurbishment in 2010 which had resulted in the loss of equipment and space.
- 30.19 Councillor Carden then moved an amendment to the recommendation in the report, requesting that the Environment, Transport & Sustainability Committee should give consideration to having an Improvement Plan for the Mile Oak Recreation Ground and that a report should be brought to the committee without undue delay.
- 30.20 Councillor Robins formally seconded the amendment and suggested that it was time for the council to give the residents of Mile Oak something back and to meet with the users of the park and agree a workable improvement plan.

- 30.21 Councillor West note the comments and stated that he applauded the energy of the action group in bringing the petition forward and noted that the refurbished play area was an early example of the use of play-builder finding that had been available at the time. He also noted that officers had met with the users and he had visited the park recently and that there was a need to recognise that the previously available government funding for improvements to parks across the city was no longer available. The need for improvements and maintenance of parks across the city was recognised and at the last meeting of the Environment, Transport & Sustainability Committee it was agreed to review the Open Spaces Strategy. This work was underway and until it was completed it was going to be difficult to identify any funds or programme for the improvement to parks in the city.
- 30.22 Councillor West stated that he would welcome users of the Mile Oak Recreation Ground meeting with officers to develop an action plan that identified what was needed to improve the play area and even identify potential sources of funding outside of the council which might contribute to the overall improvement plan.
- 30.23 Councillor Hawtree welcomed the initiative of bringing forward the petition and hoped that the group would take up the offer to work with officers and look at how outside funding might be obtained for improvement works to the play area. He fully supported their efforts and hoped that they would continue with their campaign.
- 30.24 Councillor Janio noted that the funding provided in 2010 had not been sufficient to cover the costs of improvements to all parks and that additional funding had been found by the council to ensure improvement across the city could be undertaken. He also noted that the use of the funding had been restricted in regard to the type of provision that should be made and suggested that if outside support could not be found then it would be unlikely that sufficient resources would be available to meet the demands for improvements across the city.
- 30.25 Councillor West noted the comments and thanked the residents for attending the meeting and raising the issue. He stated that there was a need to review the provision across all the open spaces in the city and to take a strategic approach, which meant that the request had to be put in context of the council's financial position. He accepted the amendment that had been put forward but stressed that there was a need to recognise how it would fit into the larger picture but was hoped that an improvement plan could be developed on that basis.
- 30.26 The Mayor noted that an amendment to the recommendation in the report had been moved and put it to the vote which was carried. He then put the recommendations as amended to the vote which were also carried.
- 30.27 **RESOLVED:**
- (1) That the petition be noted and referred to the Environment, Transport & Sustainability Committee for consideration; and
  - (2) That the committee be requested to consider having an Improvement Plan for the Mile Oak Recreation Ground play area drawn up in consultation with users of the

play area that will demonstrate how investment and refurbishment will be undertaken; and

- (3) That in regard to 2.2 above, the proposals for the Improvement Plan are reported to the committee without undue delay.

**Note:**

30.28 The Mayor then adjourned the meeting for a refreshment break 6.50pm.

30.29 The Mayor reconvened the meeting at 7.25pm.

**31 WRITTEN QUESTIONS FROM COUNCILLORS.**

31.1 The Mayor reminded Council that written questions from Members and the replies from the appropriate Councillor were taken as read by reference to the list included in the addendum which had been circulated as detailed below:

**31.2 (a) Councillor Cox**

“At the last Full Council of 17 July I was advised in answer to a written question that there had been just 2 prosecutions for fly-tipping in the last 3 years. I have been informed that the Council does have specialist surveillance equipment which was purchased for the purpose of catching fly-tippers.

1. How much did this equipment cost?
2. How many times has it been deployed since 1 April 2013?”

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

“City Clean does not have any specialist surveillance equipment and has not had any since early 2013, but could either hire or buy as required. City Clean are working with the Travellers Services who will be piloting the use of portable CCTV cameras to deter criminal damage and flytipping in the city’s parks.

Previously the council was in possession of CCTV cameras worth £5k. In 2013 cameras deployed to catch flytippers were destroyed, we assume by those flytipping.”

**31.3 (b) Councillor Duncan**

“Can the Chair of the Economic Development & Culture Committee tell me what plans he has to compensate residents of Queens Park ward for their limited access to Madeira Drive and any part of the beach between Brighton Marina and the Palace Pier during privately-run events?”

**Reply from Councillor Bowden, Chair of the Economic Development & Culture Committee.**

“There are specific provisions under the East Sussex Act which permit the use of Madeira Drive for outdoor events for up to 28 days each year. There is no requirement in the Act to compensate residents of Queens Park or any other ward for any restricted access to Madeira Drive or the beach. The overwhelming majority do not restrict public access to Madeira Drive as they are open public events. Outdoor events are important both to the city’s tourism economy by attracting visitors to the city, and to residents as part of the vibrant city that they live in.

Therefore, there are not any plans to provide compensation to Queen’s Park residents.”

**31.4 (c) Councillor Duncan**

“In July of this year I informed the Head of Democratic Services that I intended to submit a Notice of Motion for discussion at this meeting of the City Council. The NoM would have addressed the City Council’s ethical procurement policy with respect to contracts with companies and other providers complicit in Israel’s illegal occupation of Palestinian territories. I was subsequently informed that the proposed NoM would not be accepted onto the agenda. Can the Leader of the Council specify which democratically-elected councillors were consulted about, or otherwise involved in, the decision to exclude this NoM from the agenda?”

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

“The issue of the Gaza conflict was primarily a matter concerning international relations, which is the responsibility of national government rather than local authorities like Brighton & Hove as a local authority. The Council’s constitution, under Standing Order 8.10, provides: “Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the authority, the area of Brighton & Hove and/or its inhabitants.” The proposed notice of motion did not satisfy this requirement.

The Council’s protocol on Notices of Motion, which provides more detailed guidance, states: “Council procedure rule [8.10] requires a Notice of Motion to relate to Council functions or affect the Council or the area of Brighton and Hove. The connection has to be real and not too indirect, tenuous or theoretical. For example, the closure of a local post office, or changes introduced by utility companies, although not necessarily primary Council functions, are likely to affect the wellbeing of the inhabitants of Brighton and Hove and would be appropriate to raise by way of a Notice of Motion. By comparison something that is the primary responsibility of central government and does not have particular direct impact on Brighton and Hove (for example, foreign policy generally that has no particular impact on Brighton and Hove) would not be admissible. The Council should, as far as possible, concentrate on issues and services that it has the responsibility for or where there is direct impact on Brighton and Hove.” The notice of motion did not comply with this requirement.

The Council has a duty to promote good community relations. Given polarity of views and the strength of opinion held by members of the community on both sides, debating the motion at a time when tensions were already high would not have been conducive to

promoting good community relations. This is evidenced by the number of e-mails and representations the Council was getting from representatives of different communities with diametrically opposing views. Holding a debate would simply have inflamed the situation further.

There is a statutory limitation on taking non-commercial considerations into account in the awarding of contracts. Although there is the social value exemption, it is not clear that that would apply in the present case due to the absence of links with Brighton & Hove. The proposal would have had significant resource implications and it was not clear how practicable it would be.

Having regard to the above considerations, the notice of motion was assessed as being unsuitable and you were advised of that by the Head of Democratic Services as is the normal practice. The Mayor was briefed about this and the reasons for the advice as part of the Council agenda setting meeting.

I believe that your proposed notice of motion was dealt with properly and in accordance with normal practice.”

**31.5 (d) Councillor Duncan**

“Can the Chair of the Health and Wellbeing Board give this Council an assurance that no services currently provided by an NHS trust will be provided by a private company or any other non-NHS body in future?”

**Reply from Councillor J. Kitcat, Chair of the Health & Wellbeing Board.**

“Unfortunately not. The Health and Social Care Act introduced by this government builds on the marketisation introduced by previous governments and enshrines the principle of ‘any willing provider’ in law. Under national legislation virtually all new or changed services must be opened to a competitive bidding process.

We are however able to take social value into account, and hope to see local and not for profit providers like NHS Trusts stepping forward to run local public services.”

**31.6 (e) Councillor Duncan**

“Can the councillor responsible for procurement tell me which contracts in the areas of waste, transport, security services, education, healthcare or IT, worth in excess of £10,000, are due to be awarded, or renewed, between now and the end of 2017?”

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

“The council’s Contract Register is published on the Website and the information sought is available there.”

## 31.7 (f) Councillor Duncan

“Can the Chair of the Environment, Transport & Sustainability Committee confirm how many sheep taking part in this Council's 'lookerer' scheme have been injured or killed, either by members of the public (or their animals), or to be sold as meat, since May 2011, and what steps this Council plans to introduce to prevent such accidents and deaths in future?”

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

“It is not possible to give an exact number of sheep as our grazier does not run a flock exclusive to our land, the sheep move between our sites and other sites that he grazes. However we generally have about 800 sheep on our sites between September and April with low numbers of sheep at other times of the year.

All sheep are eventually slaughtered (and generally enter the food chain) because as sheep age their teeth wear down and they are unable to get enough nutrition to maintain good health. Leaving them to slowly starve is considered inhumane and Defra's “Code of conduct for the welfare of sheep” states “Sheep with poor teeth should preferably be culled.”

We take the welfare of the sheep seriously and for that reason have instigated a volunteer shepherding scheme. Our sheep are generally checked at least twice a day (many of the volunteers look in on the sheep even when they are not on the official rota) by volunteers with additional checks a couple of times a week by the grazier. In addition to the shepherding we also use permanent fencing where possible and electric netting in other places to help deter dog attacks. We also endeavour to maintain up to date signage on our sites, warning of the pending arrival or presence of sheep with the aim that no dog walker should come across the sheep without having seen a sign warning of their presence. We also maintain a twitter account @BHSsheep to keep people informed of the sheep movements.

This high visible presence encourages responsible behaviour in the majority of dog walkers and we get less dog attacks than might be expected in an urban fringe location, probably on a par with more rural farms. We do get 2 or 3 serious dog attacks a year however most sheep recover (with veterinary attention if necessary) so the number killed in a year is generally 1 or less.

We do work with the police in situations where dogs are in with the sheep or an attack has occurred as it is an offence under the Dogs (Protection of Livestock) Act 1953 to allow your dog to worry livestock. While prosecution is a possibility in these situations in the majority of cases the dog attack has not resulted from malicious intent (most dog owners are upset that their pet can have done such a thing) and the offence is unlikely to reoccur so we (and the police) have considered that it would not be constructive to pursue this option.

It is no more possible to prevent all dog attacks on sheep than it is to prevent all dog attacks on humans. The law is quite clear that it is the responsibility of dog owners to

keep their dogs under control and we feel that we have taken all the reasonable steps that we can to minimise such attacks.”

**31.8 (g) Councillor Duncan**

“Can the Chair of the Environment, Transport & Sustainability Committee tell me what plans he has to compensate residents of the city for the poor refuse collection service being delivered during the ongoing dispute between CityClean staff and this council?”

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

“We are disappointed that GMB members felt they had to take industrial action. I apologise to our residents for the inconvenience and disruption to collections caused as a result. Managers have proposed a full service redesign that will review job roles and make CityClean the modern, flexible and responsive service that residents rightly expect. Importantly this would maintain fair pay for all men and women across the organisation. We remain committed to dialogue with the GMB to resolve this dispute.”

**31.9 (h) Councillor G. Theobald**

“The recent Peer Review of Brighton & Hove City Council by the Local Government Association concluded that the Council’s relationship with the Trade Unions is poor. Just 23% of Council staff themselves think that the Council and Trade Unions have an effective working relationship. The Council currently pays for 7 full-time staff to carry out Trade Union activity in addition to 161 ‘Workplace Representatives’ whose paid time off is not monitored or collated. The Trade Union Facilities Agreement which sets out these various arrangements has never been formally reviewed since it was drawn up in 1997 despite it being written into the Agreement that it should be subject to ‘regular review’. In the light of all this, will the Leader of the Council commit to an urgent and fundamental review of the Council’s Trade Union Facilities Agreement?”

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

“The facilities agreement in respect of GMB and Unison as our recognised trade unions for collective bargaining purposes has not been formally reviewed since 1999. However over the years there have been changes agreed to the facilities time for both unions which means that the formal agreement is not up to date. Officers have informed both unions of the intention to review the facilities agreement in terms of both its spirit and its practical operation. This will include introducing a central monitoring system for recording time against trade union duties. The scope for the review will be agreed and consulted on in the usual way.”

**31.10 (i) Councillor Carden**

“At the Council last December, I raised the need for a bus shelter at the junction of Thorn Hill Rise and New England Rise and the Chair of the Environment, Transport & Sustainability Committee replied

‘I appreciate the point Councillor and officers will certainly come and have a look at the place and check that we’ve got our understanding correct. With regard to the other

shelter, we'll listen to what you have to say about the usage rates and whether that potentially could be different but I do hear what you're saying.'

Can the Chair now confirm that officers have re-visited the site and that a bus shelter is going to be provided?"

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

"The 'New England Rise' bus stop site has now been assessed and I'm pleased to confirm that it should be feasible to install a shelter there. As soon as new shelters do become available we will prioritise the list of requests that we currently hold, which includes the New England Rise bus stop.

The council is in the process of retendering the contract for bus shelter provision and, unfortunately, we do not anticipate any additional shelters becoming available until the new contract is awarded. We are at the stage of drafting the Invitation to Tender for the new contract. Meanwhile the existing contract with Clear Channel Adshel has been extended until the end of February 2015.

At present we are unable to indicate when a shelter could be installed at the New England Rise bus stop."

**32 ORAL QUESTIONS FROM COUNCILLORS**

32.1 The Mayor noted that notification of 9 oral questions had been received and that 30 minutes was set aside for the duration of the item. He then invited Councillor Barnett to put her question to Councillor Jarrett.

**(a) Standards in Care Homes**

32.2 Councillor Barnett asked; "According to the figures released by AGE Concern and AGE UK, There is a sharp increase in number of cases of abuse of elderly people reported by the councils in England in the last couple of years. Reports from the press are of horrific abuse in Care Homes and people's own homes. Will the Lead Member of Adult Social Care & Health tell me what steps this council is taking to prevent these crimes happening in Brighton & Hove?"

32.3 Councillor Jarrett replied; "We take adult safe guarding and care standards very seriously. We have a team within Adult Care and Health who monitor quality and standards in the private residential Care Homes that we use. We are in regular contact with the Care Quality Commission and receive reports from the CQC when they have made any inspection. In addition we have plans to carry out some regular interviews with residents in order to assure ourselves that the standards are as good as they can be.

We also offer training to Care Homes from our training team in order to train them to standard of care we consider to be acceptable. In many cases it is not necessarily the owner/manager of the care home at fault but sometimes and individual or group of individuals within the Care Home who do not have the right ethos/approach to the work.



Part of the problem is increased reporting but it may also be the trend of attitudes to elderly people. We remain vigilant.”

- 32.4 Councillor Barnett asked the following supplementary question; “Would Councillor Jarrett agree with me that one way to improve standards of care would be to enable the authorities to carry out spot-checks on homes rather than have to give a week’s notice during which time all manner of failures would be covered up.”
- 32.5 Councillor Jarrett replied; “I would have to agree the powers to have spot-checks would be very re-assuring but we don’t as a council have those powers. The Care Quality Commission has those powers and Healthwatch have a right to enter and view. We will co-operate with CQC so if an unannounced inspection was felt to be necessary we would pass that information to the CQC who do have those powers.”

### **(b) Traffic Management & Roadworks**

- 32.6 Councillor Marsh asked; “Would Councillor Davey agree that the large number of road works and traffic management schemes that are in the city are difficult to keep up with and difficult for everybody to know what’s going on. I’m particularly referring to October 3<sup>rd</sup> when there were some major works at the junction of the avenue of the Lewes road which added to the situation at the gyratory works. The bus company didn’t know what was going on and the whole of the area ground to a halt because someone failed to communicate. Would Councillor. Davey agree that communication is vital if everyone is to know what is going on and how to manage their day?”
- 32.7 Councillor Davey replied; “Of course communication is important and there is an excellent relationship between the transport highways management team and the bus companies. In this instance it obviously fell down and I apologise for that and apologise to the bus company. To be clear we were talking about road re-construction which it’s impossible to make without some disruption although we try and keep that to a minimum.”
- 32.8 Councillor Marsh asked the following supplementary question; “Please could you give urgent consideration to restoring the excellent weekly Streetworks bulletin email which used to be sent to all councillors and partners team like the bus companies and so on so we were all alerted to what was going on when, we could inform residents, we could keep everyone up to date because we do know that these road works are challenging but it’s about being informed and communicated with. It was an excellent street works bulletin and I cannot believe that it costs huge resources to email us all. Please restore it.”
- 32.9 Councillor Davey replied; “Soon we will have start of the road works permit scheme which means we will have more resources and that will hopefully allow better communication throughout the city and better management of road works and this should improve things. It would have been nice to have had that scheme earlier and if the previous administration had started the work we would have been there already but we will be there very soon.”

**(c) The Future of the Sea Life Centre**

- 32.10 Councillor Duncan asked; "Would the Chair of the Economic Development Culture Committee outline the arrangements under which the aquarium building in Queens Park Ward in Brighton is leased by the multi-national corporation Merlin entertainment for use as the Brighton Sea Life Centre?"
- 32.11 Councillor Bowden replied; "This is a complicated arrangement. The Sealife Centre is operated by Merlin Entertainments who are underlessees of the Brighton Seafront Regeneration company. BSR have a 70 year lease terminating in 2085. So with the Sealife Centre the lease is not with the Council which keeps it at arm's length and is very complicated."
- 32.12 Councillor Duncan asked the following supplementary question; "Presumably this arm's length arrangement is something the council has some influence over and my question should be taken in that context. Does the Chair feel the evidence of cruelty outlined by the Captive Animals Preservation Society in its Sealives report in Sealife Centres around the world, constitutes sufficient grounds for terminating the lease early allowing the conversion of the Sealife Centre into a facility more in keeping with the UN advisory reserve such as a sustainability centre or gallery as many have advocated in the past."
- 32.13 Councillor Bowden replied; "I agree with you it would be great to have an art gallery. That is something we had in our manifesto. However, we don't have a direct relationship with the Sealife Centre and I seem to recall when you were chairing the licencing committee, there was a report which tried to insert an elected member onto their ethical committee to see how they were dealing with their captive animals and that was with a democratic vote defeated unfortunately and then a 6 year licence was then granted to the sea life centre which was in May last year so we are where we are with the Sealife Centre.

We have no direct relationship with BSR and we don't have the rights to go in there. If we wanted to try and compulsory purchase we would have to make a very strong business case and I suspect having been through Saltdean Lido experience it would cost us 'squillions' to do it. So I'm afraid I can't offer any immediate hope."

**(d) Travellers**

- 32.14 Note the question from Councillor Summers had been withdrawn.

**(e) Flash Flooding**

- 32.15 Councillor K. Norman asked; "In the past few years and again very recently we've seen a lot of flash flooding in various points across the city. In most cases they occur where there are dips in the landscape and at the bottom of hills.

I attended one of those flash floods not long ago and discovered that if the drains had been regularly cleared then the flood would almost certainly not have happened. I did manage to contact the correct council officer and within ten minutes I managed to get a drain cleaning machine onsite and the water disappeared instantly.

My question is when are we going to receive a proper and regular drain cleaning service to reduce flash flooding to an absolute minimum?"

- 32.16 Councillor West replied; "We have had a number of incidents and I believe we had a flash flood in July that impacted our residents and business and even our own council offices. That was regarded as a one in one hundred year event. These are coming far too frequently and we have to re-evaluate what frequency we can expect these things to happen.

The city is recognised as being in the top ten at risk of surface water flooding in the country. These instances are examples of what is happening. We also had the ground water flooding problems earlier in this year that impacted Portslade and Patcham and Members of those wards will be aware of what happened there. We have 20,000 gullies, they are cleaned on a regular basis and on a 12- 18 month schedule depending on the historic understanding of how quickly they fill up and need to be cleaned. I would agree with you, I don't think in a lot of cases it seems to be adequate because some of the gullies are probably waiting too long to be cleaned and then we have a flood and they are quite clearly already blocked up and not doing the job.

I am extremely worried about the strain on our resources. We re-assessed the current cleansing contract a couple of years ago to try and make it more intelligent so that we weren't cleaning some gullies that needed less attention. Nevertheless we are still having these problems and when we have a flood we have a different cleaning contractor that responds to these emergencies, and the flood manager brings that contractor in at a huge expense and I'm very worried about any impact on changing cleaning regimes generally within the city.

One of the problems we face is the amount of debris and leaves that actually block the drains up in the first place because this time of year is when we get rain and flooding. We also have leafing and we have to maintain enough capacity to keep that clear. I am very concerned and am also glad to say that we have made progress with the regional committee which allocates government funding and we have a number of projects in the pipeline to be funded thanks to our hard work gaining that funding."

- 32.17 Councillor K. Norman asked the following supplementary question; "I am sorry he has taken so much time with this question. The incident I was referring to was where the shops are and that has been flooded 3 times over about 6 years despite me asking for the drains to be cleared. Once we got a drain cleaner up, it went. I've reported many blocked drains in my ward and I've had responses from Council officers but they are always ¾ blocked or totally blocked but not requiring further attention as they are not a serious flooding issue. If we had all the drains running free it would be a good move. My supplementary question is when are we going to see a more frequent drain cleaning program which would substantially reduce the frequency of flash floods and would therefore reduce the flood risk to many properties, business and home owners. I hope you can give me a shorter answer."

- 32.18 Councillor West replied; "I do hope that both the Labour and Conservative Groups will be supporting requests for higher Council Tax increase. Without the money we know what we face with both the current government and the prospective labour government maintaining a schedule of cuts to our funding which is just not possible to accept and if

you think that we're going to be able to magic up more money under these circumstances to clean drains without your support in raising council tax you've got another thing coming."

**(f) Stoneham Park Café and Public Lavatories**

32.19 Councillor Pissaridou asked; "Cllr West should know what I'm going to ask from all the emails and background I have given him and he will have done his research and will have seen why we want it funding. I'm just going to read from the Stoneham Park management plan 2009/14 and it sets out, "Public Toilets are situated in the park café. The toilets sustain high levels of park use however it is not sustainable for the council to build self-standing public toilets at every open space.

The toilets within the park are operated and cleaned by volunteers in the Talk Talk café. All this arrangement is unique in the City. Now the Talk Talk café folded back in 2012/13 after a long drawn-out demise. Part of this was because of the funding because they could not afford to run the toilets, there were other reasons as well. So when the lease was put out for tender again lots of people put in bids. The bid was awarded to a community group who wanted to continue to run the café as a community café. I know this was supported by your Group in fact Councillor Deane came to see the Café. At the moment it is not viable to run and look after the public toilets. Lara McClean who runs the café has told me that 400 litres of water are used daily by the people going into the toilets. It's 3 pence a flush. What I am saying to you is – it's not sustainable. We cannot sustain it, and the park without the café as most people know deteriorates.

It becomes a haven for alcoholics, drug users and all other anti-social behaviour so it's in our best interest to sustain this park and to maintain the public toilets and you're pushing against an open door because I know city parks have been discussing how the problems surrounding the café and what happens if it folds. So I ask you today to not make our café unique and put it back in with all the park toilets in the City and make it the responsibility of the management of Brighton & Hove City Council."

32.20 Councillor West replied; "I've got a lot of detail here. The arrangement at the moment as you say is the café looks after the toilet. They are not cleaned by Wettons so if we took them on again that would be an additional cost on the contract and money would have to be found. There is a problem of access to them through the café and I think a lot of people crowd the café waiting to get into the loos. We could open a different entrance that would cost money. We are going to look at the whole portfolio of public toilets. That is something committee agreed to do and we are waiting for that report early in the New Year I believe, and all our toilets will be looked at together and how we fund the future of the facilities that we want. But I'll say it again – we've got a budget to face and these are areas that are under the microscope at the moment. So don't ask me for more money, not unless you're actually going to approve a higher increase in council tax, because I will not have the scope to deliver what you're asking."

32.21 Councillor Pissaridou asked the following supplementary question; "The one real safety aspect with the café at the moment, Lara has closed the external doors because she is worried that there are people using drugs and leaving paraphernalia and with so many young children around she is worried about who bears the responsibility. Will she have

to have insurance to cover any costs? Will she be responsible for the safety of the children in the toilets?”

32.22 Councillor West replied; “I think I will have to get some advice on the specific answer of liability and safety issues. I will come back to that.”

### **(g) Changes to Housing Functions**

32.23 Councillor Mears asked; “My question was to Councillor Randall who is not here today so I understand the leader of the Council will be answering the question so I hope he can answer it fully. My question was to ask him to explain to this Chamber why he chose to bypass the members of the Housing Committee. At the last meeting we had no report around any suggested move for supporting people. A question was asked on the previous minutes of the Housing meeting only to be told it was going to Policy & Resources.

To my surprise there was no report on supporting people on the agenda for 16<sup>th</sup> October, just as under item 60, the agenda related to amendments to the scheme of delegation to officers and on 3.8.1, there was an item on hospitals and housing related support. In fact this move has already taken place before Housing Committee and Policy & Resources were consulted, while consultation with staff was still on-going. Yet at no time were Housing Committee Members at the last meeting able to discuss this really serious issue, no report and we weren’t allowed to see any details. This Council is operating a Committee System not a Cabinet system so I’d ask the Leader of the Council to respond.”

32.24 Councillor J. Kitcat replied; “First of all the Head of Paid Service has a responsibility for changing Line Management arrangements and that is what the Chief Executive was able to do. What came to Policy & Resources Committee was the change in the delegations and particularly relating to the Housing Support Teams. Some of those teams, as unanimously cross party agreed at Policy & Resources, have moved to be part of the Adult Social Care Directorate, but the delegations actually allow a greater joint working between the Executive Directors for Environment Development and Housing, Adult Social Care and Public Health.

Supporting People is a grant that was abolished by the Government many years ago. It doesn’t exist. There was money that the council has used to provide services which was part of that grant scheme and we now fund ourselves out of the general fund. Any changes to that budget would be part of the Budget Council process next year.”

32.25 Councillor Mears asked the following supplementary question; “I thank the Leader of the Council for his answer. I have to say to him, this is not a transparent way of working. It is not open. We are in a committee system. We are not in Cabinet and Homelessness does sit within the Housing Committee. I’m very aware of the regulations around Supporting People and administration, we continue to ring fence it when the ring fence was taken off by Government. But if the hostels are so bad there are so many conflicting stories that unfortunately as a Member of the Housing Committee, we haven’t been able to look at the issues or debate them.

If they were so bad, mental health services would commission bed spaces with 24/7 care within our own hostels. Our partners in the voluntary sector also need proper consultation with contracts that are up for renewal. I have seen 3 emails that were sent to members of the voluntary sector giving 3 different reasons why this section of housing is being moved and now following on from Policy & Resources it has been put under 3 directorates and that is going back to the 1980s when Housing and other departments were all combined. So to answer Councillor Jarrett when he said it is simpler system, actually no, this will be far more complicated.

So I am going to ask the Leader of the Council where he would look at this again and agree to not go any further until it is properly discussed at Housing Committee. I do understand that there is a grievance from staff because they have been very shabbily treated. You don't make decisions before you've finished consulting with staff. They work in these services and they have a right to be consulted.

If this is not taken seriously Councillor Kitcat I am considering seeking a judicial review."

32.26 Councillor J. Kitcat replied; "I think first of all you keep reminding us that we are in a Committee system and then you're asking me to act as an executive and to stop a decision. The P&R committee of which your group has 3 members unanimously voted for that, so it would be inappropriate in a committee system to disobey what that committee agreed. I'd also like to point out that you're confusing the budget with the officer delegations and line management. The budget will be decided by the Budget Council in February and the concerns that you're raising about how that budget will be changed and how that will be consulted are matters through the budget process."

#### **(h) Planning Policy**

32.27 Councillor Meadows asked; "My residents are concerned that the Article 4 directive is not robust enough to handle all the houses in multiple occupation and they are seeing more and more landlords being given permission to turn a family home into an HMO. This is despite a very successful scrutiny into studentification which shows that many HMOs can change a character of an area. How can we ensure this useful tool in curbing HMOs is used more robustly than at present?"

32.28 Councillor Mac Cafferty replied; "I believe and as I've previously stated at meetings, we too share the concern that you have raised this evening. I note from the figures that we hold that the largest percentage of households with fulltime students in them are indeed in your ward so I think it is right that you raise the question. Just to go back a little bit as would be your understanding, new HMOs brought into effect after April 2013 within the 5 wards are covered by the article for a required consent. Before that they were able to avail a permitted development right and what I would say to you and what we have said to previous council meetings is that an awful lot of this is relied on the intelligence that the communities have been able to bring to us. That has been quite effective and there have been a whole series of investigations that residents have flagged up with us. Obviously within that process; reported unauthorised HMOs will be investigated and all the new applications have to be judged against the criteria not only within the Article 4 but within the emerging City Plan as well. I agree that this continues to be an issue of concern and I'm more than happy to meet you and the other ward councillors including

Councillor. Randall and appropriate officers from Planning and Housing because I understand it is a big issue.”

32.29 Councillor Meadows asked the following supplementary question; “We would be pleased to take you up on your offer. This Council does not seem to have all the correct data and information they need to refuse an application so I was surprised to find that when planning permission for a student hall of residence is applied for at the end of the street which has already got too many HMOs, that the Article 4 Directive is not used to develop planning permission for that. Why isn’t that considered a useful tool then in those circumstances?”

32.30 Councillor Mac Cafferty replied; “I share your concern; obviously each individual case I’m more than take up with you outside of this meeting. I would agree with you that does indicate that there is some inconsistency in the application of the policy, but I’m more than happy to carry on the discussion with yourself, councillor Farrow and councillor Marsh.”

#### **(i) Mutuals**

32.31 Councillor Wealls asked; “On 9<sup>th</sup> May the Conservatives bought a Notice of Motion to request that Staff Led Mutuals are piloted in consultation with an agreement with the staff. That was subsequently watered down to an amended motion to evaluate staff lead in operations including issues such as understanding success factors, engaging staff, securing assets and establishing criteria for commissioning to support them. I just wanted to see generally whether the administration has any heart to press on with this as an initiative with this and whether there has been any progress at all?”

32.32 Councillor J. Kitcat replied; “As you know, we have rehearsed it a few times, we have a bit of a budget crisis on our hands; £100m coming out over the next 4 years regardless of outcome of next General Election. It is the case that we are looking at looking with open eyes at all options for all parts of the Council while we try and figure out the best way forward, and I’m sure we will have a debate come February about what we think is best. But certainly Mutuals could be part of those options for the way we move forward. It does have to depend of staff wishing to do that and can’t be something that is imposed top-down. I look forward to your participation and support while we try and work towards a way of delivering Council Services in a reduced budget envelope while meeting citizen expectation and trying to re-new the relationship with the citizens so it isn’t just about us and them but we’re doing things together.”

32.33 The Mayor noted that the item had concluded.

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

#### **(a) Callover**

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

- Item 34 - Review of Members’ Allowances 2014
- Item 35 - Standards Panel Hearing Recommendations

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

33.2 The Head of Democratic Services confirmed that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 36 - Response to the Report of the Health & Wellbeing Overview and Scrutiny Panel on Alcohol
- Item 37 - Response to the Bullying Scrutiny Panel Recommendations
- Item 38 - Library Plan 2014/15 – Update

**(c) Oral Questions from Members**

33.3 The Mayor noted that there were no oral questions in relation to the items that had not been reserved for debate.

**34 REVIEW OF MEMBERS' ALLOWANCES - 2014**

- 34.1 The Mayor noted that the Chair of the Independent Remuneration Panel, Mr. Childerhouse and a member of the Panel, Mr. Andrews were present in the Chamber and thanked them for attending the meeting.
- 34.2 Councillor J. Kitcat introduced the report and stated that he wished to add his thanks to the Panel for their report and the work undertaken which had produced a comprehensive review of the Members' Allowances Scheme. He welcomed the proposals and noted that the new scheme would come into effect from the date of the new council in May 2015. He was pleased that there was an overall reduction in costs and welcomed the changes to the Carer's Allowance and adoption of the Living Wage. He noted that the report had been agreed by Policy & Resources Committee and hoped that the council would approve the recommendations.
- 34.3 Councillor Meadows stated that it was a well thought out report and welcomed the recommendations. However, she also asked if the Scheme could be clarified in regard to the changes to the Local Government Pension Scheme as returning councillors would not be able to access the scheme and would need to make alternative arrangements.
- 34.4 Councillor Duncan welcomed the report but questioned the need for any increases in the allowances and suggested that they should remain at current levels.
- 34.5 Councillor Mears noted the report and stated that in view of the council's committee system, she did not agree with the recommendation to increase the Leader's Special Responsibility Allowance. If the council had retained a Cabinet model she could understand the increase but was not convinced it was warranted under a committee system.
- 34.6 Councillor G. Theobald welcomed the report and the overall reduction in the level of allowances. He still had reservations about the removal of allowances for Opposition Spokespersons but accepted the Panel's position and its recommendations.
- 34.7 Councillor J. Kitcat noted the comments and agreed that it would be helpful to clarify the position in relation to the local government pension within the new Allowances Scheme.



He noted that the Local Government Association was concerned about the changes and was seeking to find an alternative option for Members.

34.8 The Mayor then put the recommendations from the Policy & Resources Committee to the vote.

34.9 **RESOLVED:**

- (1) That the Council be recommended to adopt the new Members Allowances Scheme for the payment of allowances in 2015/16 with effect from the Annual Council Meeting in May 2015; subject to the implementation of the Basic Allowance from the 11<sup>th</sup> May 2015 as detailed in the IRP's report and the Scheme in appendix B;
- (2) That the Chief Executive be authorised to issue the Brighton & Hove Members' Allowances Scheme in accordance with the regulations following council approval;
- (3) That where there are any changes to any role listed as attracting a Special Responsibility Allowance under the scheme, and the revised role is substantially the same as the previous role in terms of the nature or level of responsibility; the Special Responsibility Allowance shall continue to apply to the new role. This is subject to the Independent Remuneration Panel being consulted and agreeing that it is substantially the same role;
- (4) That the allowance payable to each of the members of the Independent Remuneration Panel be increased by 1% in line with the Public Sector pay award with effect from 21<sup>st</sup> May 2015, in recognition of the time commitment and the role of the Panel.

**35 STANDARDS PANEL HEARING RECOMMENDATIONS**

35.1 Councillor Hamilton introduced the report which detailed the findings of the Standards Hearing Panel into misconduct and formally moved the recommendations.

35.2 The Mayor noted that the recommendations had been moved and put them to the vote.

35.3 **RESOLVED:**

- (1) That Councillor Duncan be removed for the remainder of the municipal year from the role of Deputy Chair of both the Licensing Committee (Licensing Act 2003 Functions) and the Licensing Committee (Non-Licensing Act 2003 Functions); and
- (2) That in regard to (1) above, the appointment of a Deputy Chair to both the Licensing Committee (Licensing Act 2003 Functions) and the Licensing Committee (Non-Licensing Act 2003 Functions), be referred to the committees to consider at their next meeting in November in accordance with Standing Orders.

**36 RESPONSE TO REPORT OF HEALTH AND WELL BEING OVERVIEW AND SCRUTINY PANEL ON ALCOHOL**

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

**37 RESPONSE TO THE BULLYING SCRUTINY PANEL RECOMMENDATIONS**

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

**38 LIBRARY PLAN 2014/15 - UPDATE**

38.1 **RESOLVED:** That the Libraries Plan 2014/15 be approved.

**39 NOTICES OF MOTION.****(a) Local Welfare Assistance Fund**

39.1 The Notice of Motion as listed in the agenda was proposed by Councillor Daniel on behalf of the Labour & Co-operative Group and seconded by Councillor Wilson.

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

“This Council is deeply concerned by the Government’s decision to scrap the Local Welfare Assistance Fund from April 2015 without any evaluation of the effectiveness of the fund; a move which has been condemned by the cross-party Local Government Association.

This Council supports those authorities, including neighbouring West Sussex and East Sussex County Councils, who have been lobbying for the fund to continue and requests that the Chief Executive write to Eric Pickles at DCLG seeking an assurance for the continuation of the fund in 2015/16 and for the Department to work with the Local Government Association and local authorities to review the future operation of the fund in subsequent years.”

39.3 The Mayor confirmed that the motion had been **carried** unanimously.

**(b) Establish a Community Fund**

39.4 The Notice of Motion as listed in the agenda was proposed by Councillor Simson on behalf of the Conservative Group and seconded by Councillor K. Norman.

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

“The Council requests that Policy & Resources Committee use the money saved as a result of local government strike action this financial year to establish a Community Fund which local community and voluntary sector organisations can bid to for one-off capital funding projects.”

39.6 The Mayor confirmed that the motion had been **lost** by 16 votes to 31.

**(c) 'ActionAid' Towns Against Tax Dodging Campaign**

39.7 The Notice of Motion as listed in the agenda was proposed by Councillor Littman on behalf of the Green Group and seconded by Councillor Wakefield.

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

"This Council resolves:

"To offer its support to the ActionAid 'Towns Against Tax Dodging' campaign, and, to that end:

- (1) Asks the Chief Executive to write to the Chancellor of the Exchequer to request an urgent review of the taxation system to remove all loopholes which currently allow for corporate tax avoidance; and
- (2) To write to all local MPs, asking for them to also pledge their support for this campaign."

39.9 The Mayor confirmed that the motion had been **carried** by 31 votes to 16.

**(d) NHS**

39.10 The Notice of Motion as listed in the agenda was proposed by Councillor Shanks on behalf of the Green Group and seconded by Councillor Hawtree.

39.11 Councillor Morgan moved an amendment on behalf of the Labour & Co-operative Group which was seconded by Councillor Robins.

39.12 The Mayor noted that the Labour & Co-operative Group's amendment had not been accepted by Councillor Shanks and put the amendment to the vote which was **lost** by 12 votes to 34.

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

"Brighton & Hove City Council calls for the last fifteen years of privatisation of the National Health Service to be overturned, and the NHS returned to being a public service funded by, run by and accountable to local and national government.

This council believes that the NHS should be a cradle to grave service that works in tandem with social care services. However this council is concerned that instead of proper funding from general taxation, desperately-needed budgets are being directed to overheads involved in schemes such as commissioning healthcare and PFI contracts. This negatively impacts residents of our city who use local NHS services, as well as social care services provided by this council.

Therefore this council opposes the legislation and changes introduced by current and previous governments, of the Health and Social Care Act, which forces those with commissioning responsibilities to put out virtually all services to tender.

We therefore also support campaigns such as Defend the NHS who campaign for markets for profit to be kept out of health care delivery.”

- 39.14 The Mayor confirmed that the motion had been **carried** by 30 votes to 16.
- 39.15 In accordance with Procedural Rule 17, Councillor Bowden moved a closure motion to effectively terminate the meeting.
- 39.16 Councillor Davey formally seconded the motion.
- 39.17 The Mayor stated that a closure motion had been moved and put the matter to the vote which was **carried** by 26 votes to 18 with 2 abstentions.
- 39.18 The Mayor stated each of the remaining items would need to be taken and voted on or withdrawn by the mover before the meeting was concluded. He noted that the remaining item was No. 39(e).

**(e) Christmas Parking and Roadworks Suspension**

- 39.19 Following the motion to terminate the meeting, the Mayor asked Councillor G. Theobald if he wished to withdraw the motion or for it to be taken and whether he would accept the Labour & Co-operative Group’s amendment that has been circulated with the addendum.
- 39.20 Councillor G. Theobald indicated that he wished the item to be taken and that he did not accept the amendment. He also asked for a recorded vote.
- 39.21 The Mayor noted that the Labour & Co-operative Group’s amendment had not been accepted by Councillor Theobald and put the amendment to the vote which was **lost** by 12 votes to 34.
- 39.22 The Mayor then asked for the electronic voting system to be activated and put the following motion to the vote:

“This Council resolves to

1. Request that officers bring a report to the appropriate Committee which, if agreed, would introduce free parking at Norton Road, London Road, Regency Square, High Street and Trafalgar Street car parks on Small Business Saturday (6<sup>th</sup> December) and the 3 Sundays before Christmas (7<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup> December).
2. Request that the Executive Director of Environment, Development & Housing seeks the suspension of all non-urgent roadworks in the city centre during December.”

- 39.23 The Mayor confirmed that the motion had been **carried** by 28 votes to 16.

	For	Against	Abstain			For	Against	Abstain
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<b>Barnett</b>	√			<b>Meadows</b>	√		
<b>Bennett</b>	√			<b>Mears</b>	√		
<b>Bowden</b>		X		<b>Mitchell</b>	√		
<b>Brown</b>	√			<b>Morgan</b>	√		
<b>Buckley</b>		X		<b>A Norman</b>	√		
<b>Cobb</b>	√			<b>K Norman</b>	√		
<b>Daniel</b>	√			<b>Peltzer Dunn</b>	√		
<b>Davey</b>		X		<b>Phillips</b>		X	
<b>Deane</b>		X		<b>Pissaridou</b>	√		
<b>Fitch</b>	√			<b>Powell</b>		X	
<b>Gilbey</b>	√			<b>Robins</b>	√		
<b>Hamilton</b>	√			<b>Shanks</b>		X	
<b>Hawtree</b>		X		<b>Simson</b>	√		
<b>Hyde</b>	√			<b>Smith</b>	√		
<b>Janio</b>	√			<b>Sykes</b>		X	
<b>Jarrett</b>		X		<b>C Theobald</b>	√		
<b>A Kitcat</b>		X		<b>G Theobald</b>	√		
<b>J Kitcat</b>		X		<b>Wakefield</b>		X	
<b>Lepper</b>	√			<b>Wealls</b>	√		
<b>Littman</b>		X		<b>Wells</b>	√		
<b>Mac Cafferty</b>		X		<b>West</b>		X	
<b>Marsh</b>	√			<b>Wilson</b>	√		
				<b>Total</b>	<b>28</b>	<b>16</b>	

#### 40 CLOSE OF MEETING

40.1 The Mayor thanked everyone for attending and closed the meeting.

The meeting concluded at 9.35pm

Signed

Chair

Dated this

day of

2014