

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 11 DECEMBER 2014

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

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

PART ONE

41 DECLARATIONS OF INTEREST

- 41.1 The Mayor noted that Councillors Bennett, Brown, Buckley, Cobb, Fitch, Gilbey, Janio, Peltzer Dunn, Phillips, Rufus, Shanks and Wells had declared a personal and pecuniary interest in Item 53, a report of the Executive Director for Finance & Resources, concerning Council Tax Empty Property Discounts 2015/16, as they were landlords. The Mayor noted that each councillor had applied for and been granted dispensation to speak and vote on the item by the Monitoring Officer.
- 41.2 No other declarations of interests in matters appearing on the agenda were made.

42 MINUTES

- 42.1 The minutes of the last ordinary meeting held on the 23rd October 2014 were approved and signed by the Mayor as a correct record of the proceedings; subject to the addition of a tick in the table at paragraph 39.23 against Councillor Mears' name to indicate that she had voted in favour of the motion. It was noted that the amendment made no change to the actual result shown.

43 MAYOR'S COMMUNICATIONS.

- 43.1 The Mayor informed the Council of the recent deaths of former councillors Andy Durr, Brighton and Brighton & Hove, and Joan Mont, East Sussex County Council and asked Members to join him in a minute's silence as a mark of respect for former colleagues.

- 43.2 The Mayor stated that he would like to congratulate the Customer Services team on gaining their Customer Service Excellence award and invited Janine Cox, Revenues & Benefits Manager and Councillor Sykes to come forward to receive the award.
- 43.3 The Mayor then informed the Council that he had attended the Conde Nast Traveller Readers' awards in London and collected the award for the best UK City for restaurants and Bars. He invited Councillor Bowden, as Chair of the Economic Development & Culture Committee to come forward to receive the award.
- 43.4 The Mayor then offered his congratulations to the Social and Education Services Team of Legal & Democratic Services on their 2014 Children's Services and Education award at the National Local Government Legal Awards held on the 29 November. He noted that the judging panel commented that Brighton & Hove City Council had won the award as "an exemplar of best practice for other local authorities, showing a valuable standing both locally within the Family Justice Board, the local law society and nationally in advising government departments and writing legal articles." He then invited members of the SES Team and Councillor Shanks to come forward to receive the award.
- 43.5 The Mayor then stated that he wished to take the opportunity to offer the Council's thanks and best wishes to Catherine Vaughan on her last day with the council. He stated that Catherine had made a significant contribution to the Council over the last 13 years and in particular as Director of Finance & Resources for the last 10 years. He then invited Members to join him in wishing Catherine all the very best for the future and in her new role at the Land Registry.
- 43.6 The Mayor informed the Council that he had received a letter from the Abraham Lincoln Presidential Library & Museum concerning the celebrations to mark the 150th anniversary of the death of Abraham Lincoln. He had been requested to send a letter explaining in what ways the legacy of Abraham Lincoln had affected leaders and citizens of the city and wished to inform the council that he intended to send such a letter on the City's behalf. He noted that the museum already had a letter of condolence from the Mayor of Brighton in 1865 and intended to put all such letters received at the time and those now requested on exhibit as part of its Abraham Lincoln anniversary celebrations in 2015.
- 43.7 Finally, the Mayor stated that he would like to remind councillors that the Mayor's Civic Reception was taking place on Friday 19th December from 6.30pm in the Royal Pavilion and The Mayor's Civic Carol Service was on Sunday 21st December, 6.30pm at St Nicholas' Church, Dyke Road, Brighton. He was also pleased to say that Jamie Oliver had agreed to sponsor the Mayoral reception for Looked After Children on the 18th December, and he was hoping it would be a flavoursome event. He also noted that Councillor Shanks had kindly agreed to collect any donations should councillors wish to make a contribution.

44 TO RECEIVE PETITIONS AND E-PETITIONS.

- 44.1 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.

- 44.2 Ms. Tracy Hill presented a petition signed by 410 residents requesting that Hollingdean Sure Start Centre should be opened at weekends as a community hub.
- 44.3 Councillor Lepper presented a petition signed by 99 residents concerning the need for a bus shelter in Stanford Avenue.
- 44.4 Councillor Farrow presented an e-petition signed by 46 residents, requesting yellow lines in Goodwood Way.

45 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 45.1 The Mayor reported that one written question had been received from a member of the public and invited Mr. Furness to come forward and address the council.

- 45.2 Mr. Furness thanked the Mayor and asked the following question;

“I have recently noticed a number of white crosses painted on paving stones in Courtney Terrace and Victoria Terrace, among other places, in Central Hove. Am I to presume, Councillor West that these slabs are to be replaced rapidly in order to use up what funds remain in the pavements budget before the end of the Financial Year?”

- 45.3 Councillor West replied;

“I can assure you the Council conducts inspections on all roads on a frequent basis and depending on the level of busyness they can be inspected from once a month to as infrequently as every six months. Additionally we respond to potential hazard reports from members of the public, ward councillors or others that report to us and those are investigated.

In the case of Courtney Terrace and Victoria Terrace I understand that they had their monthly inspection on the 28th of November and any safety defects that were found would have been marked up for remedial action to be taken within 7 to 28 days depending on the degree of urgency. There is no rush to use up funds as you suggest. The safety defect repairs are carried out as required and in line with the Department of Transport guidance. I am sure that you will be pleased to learn of our successful bid to the Department of Transport pot-hole repair fund of £230,000. This will be used over the winter to respond to the impact of severe weather, such as excess rain and sub-zero temperatures.

The best protection against crumbling roads and pavements is good routine maintenance and investment in renewal. I am dismayed that the Government have reduced the Local Transport Plan funding that we receive towards road maintenance. Nationally I understand there is a £12,000,000,000 backlog in road maintenance yet the government is choosing to squander £30,000,000,000 on building new roads which will just create more traffic and result in more road miles to maintain.”

- 45.4 Mr. Furness asked the following supplementary question;

“Is it not true, the people who are putting these white crosses around should go to Specsavers?”

45.5 Councillor West replied;

“If you would like to actually report the specific issue then I will be able to get a response to you. You mentioned about other roads in addition but you did not cite where they were, so if you have reports of problems in those roads we would be interested to hear. There is a lot of damage to pavements, and we spend close to £1,000,000 on pavement repair which is often due to cars parking on and obstructing the footway for people, who need to get about particularly elderly and disabled people, and I saw a report in the Argus about a person in my ward who cannot even get out of his front door because people were parking in front of it with no thought about what they were doing. I will be interested to know what issues you are having but would not be surprised if the damage is caused by pathways over-run by vehicles.”

45.6 The Mayor thanked Mr. Furness for attending the meeting and asking his questions and noted that concluded the item.

46 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

46.1 The Mayor noted that no deputations had been submitted for consideration at the meeting.

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

47.1 The Mayor noted that the next item dealt with the nominations for the Mayor and Deputy Mayor-Elect and that a report from the Monitoring Officer had also been circulated with the agenda.

47.2 The Mayor then sought nominations for the position of Mayor-Elect for 2015/16.

47.3 Councillor G. Theobald nominated Councillor Hyde, and Councillor Peltzer Dunn formally seconded the nomination.

47.4 The Mayor noted that there were no other nominations and therefore put the motion that Councillor Hyde be appointed as Mayor-elect for 2015/16.

47.5 The motion was **agreed**.

47.6 The Mayor then sought nominations for the position of Deputy Mayor-Elect for 2015/16.

47.7 Councillor Randall nominated Councillor Bowden, and Councillor Buckley formally seconded the nomination.

47.8 The Mayor noted that there were no other nominations and therefore put the motion that Councillor Bowden be appointed as Deputy Mayor-elect for 2015/16.

47.9 The motion was **agreed**.

48 WRITTEN QUESTIONS FROM COUNCILLORS.

48.1 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:

48.2 (a) Councillor Simson

“What is the percentage of minor planning applications that have been refused by officers over the past twelve months under delegated powers and the percentage of those applicants that have subsequently appealed and the original decision overturned?”

Reply from Councillor Mac Cafferty, Chair of the Planning Committee.

The number of minor applications determined between 01/11/2013 – 30/11/2014 were:

Number of minor applications determined under delegated powers	937
Number of minor applications refused	281
Percentage of minor applications refused	29.99%
Number of minor applications refused and subsequently appealed	32
Percentage of minor applications refused and subsequently appealed	11.39%
Number of minor applications where the original decision overturned – appeal allowed	12
Percentage of minor applications where the original decision overturned – appeal allowed	37.50%
Number of minor applications where the appeal was dismissed	18
Percentage of minor applications where the appeal was dismissed	56.25%
Number of minor applications where the appeal was withdrawn	2
Percentage of minor applications where the appeal was withdrawn	6.25%

49 ORAL QUESTIONS FROM COUNCILLORS

49.1 The Mayor noted that notification of 7 oral questions had been received and that 30 minutes was set aside for the duration of the item. He then invited Councillor G. Theobald to put his question to Councillor West.

(a) Impacts of the Lewes Road Triangle Parking Scheme

49.2 Councillor G. Theobald asked; “Councillor West will know that the Brighton Sea Cadet Unit has its premises in Brewer Street and have been there since the 1930s. That is within the new Lewes Road Triangle control parking zone, which our group voted against, since this new scheme was introduced the volunteers who helped run the unit and come from across Sussex have found it virtually impossible to park.

The Sea Cadets have been told by the parking department that there is nothing that can be done as they don't qualify for permits either as residents or as businesses even

though they are classified as a business for local taxation purposes. The Brighton Sea Cadet unit cannot be unique amongst voluntary organisations in the City in experiencing these problems with new control parking zones.

Given that we all presumably want to encourage community organisations across the City to flourish, will Councillor West please review the system of parking permits which seem to unfairly penalise such groups?"

- 49.3 Councillor West replied; "The Lewes Road Triangle is a scheme that members of the public there have asked for, for a very long time because of considerable parking problems both as motorists wishing to park and as pedestrians wanting to be able to get around on the pavements which are covered in cars. Emergency services have also had difficulty in accessing this area.

Members of the Environment Transport & Sustainability Committee have heard these points before, yourself included. We consulted on the scheme and 61% of people who responded at the first stage said they were in favour of the scheme. It is a vast improvement for the people that live in that area. If there is an issue you specifically want to address I would rather you put it to me in sufficient detail so that I could follow that up, and I would be very happy to do so."

- 49.4 Councillor G. Theobald asked the following supplementary question; "Would Councillor West recognise that this community body is having considerable difficulties and that they would have to close if the volunteers are unable to access the site?"

- 49.5 Councillor West replied; "If Councillor Theobald feels there is a problem with the parking policy, we had a citywide parking review in which we brought forward and there was an opportunity to look at all of the details at that time. If Councillor Theobald wants an aspect of the parking policy to be looked at in the light of peoples' complaints, then he can bring a letter to the Environment Transport & Sustainability Committee to trigger a proper discussion.

What he's doing here today is he's springing a question on me, while I've absolutely no idea what he's going to ask about, in order to try to show that I don't care and that I'm indifferent to looking at policy again. I think that is a shameful thing Councillor, you really need to go through the proper process if you are sincere about wishing this question to be looked at."

(b) Disputed Land to the West of the Hangleton Link Road

- 49.6 Councillor Hamilton asked; "There was a heavily wooded piece of land in my ward where the ownership is disputed. It lies between the Old Shoreham Road and Foxway to the west of the Hangleton Link Road. There are large trees and branches overhanging residents' gardens. The area is used for fly tipping and illegal encampments. There is public access but wire fences and gates but are damaged and not repaired. Please will you take necessary steps to resolve the ownership of this land as the current situation with nobody taking responsibility is unacceptable?"

- 49.7 Councillor Davey replied; "I didn't personally know this piece of land so it just the answer from the officer. The Legal ownership of the woodland adjacent to the western side of

the A293 has been unclear since the completion and adoption of the link road as part of the A27 Brighton by-pass which was completed in December 1991. Legal documents that establish ownership do not exist. Subsequently there is disagreement between the Highways agency and the Council who hold opposite views on the Legal entity of this land due to the potential liability for significant costs associated with maintenance of trees and vegetation and further costs dealing with fly tipping and illegal encampments.

To unblock this deadlock, Transport and Legal have held initial discussions, undertaken site investigations and are preparing a report for ELT to agree a way forward and recommend how this asset could be better managed and were the not significant costs should the Council agree to transfer of this land from the Secretary of State. It is worth noting that any additional costs would need to be found within existing Council budgets and will therefore be at the expense of other council services.”

- 49.8 Councillor Hamilton asked the following supplementary question; “This seems to have been going on for a very long time. I have been pursuing it for some time. Highway Agency say it’s the Council’s responsibility, and vice versa. There is an issue with illegal encampment because if there is an illegal encampment the owner I believe has to serve notice if the police won’t do it and who is there to do it at the present time, so all I can really ask is I would hope that this would be treated as a very important matter and it runs behind about 80 houses in my ward and clearly they don’t expect to have no-man’s land where nothing’s happening, so I do hope that in view of what Councillor Davey has said this will be treated as an urgent matter because this is something that does need resolution so please can he assure me that he will be doing his best to try and pursue it as quickly as possible.”
- 49.9 Councillor Davey replied; “Well it does go back a long, about quarter of a century, there have been an awful lot of political administrations proceeding this one though clearly not dealt with and it is being dealt with and I’m sure officers will as quickly as they are able to.”

(c) Stanmer Park

- 49.10 Councillor Summers asked; “For at least the last 14 months now the 10 Stanmer Park tenants of the Brighton & Hove Estate Conservation Trust which leases their properties from the Council as we know, have been reporting ongoing and worsening maintenance problems with their properties, some of which were like that when they moved in, but both the Trust and the Managing Agent, I won’t say who it is, Smiths Gore, not only fail to deal with them but instead increased the rent by up to 20%.

Now many of you will recall that the tenants did present a deputation in this chamber back in May as a last resort, documenting those problems including the failure of the Trust and the Managing Agent even to engage with them, and I subsequently dealt with these issues. So I ask Councillor. Randall if he could explain why, despite his own expressed horror in May at the reports from that deputation and his confirmation that an Officer review was already underway, why 7 months down the line virtually nothing has been done to address these maintenance issues, which are now so serious, that both the Farmhouses are experiencing daily rat infestation whilst the Managing Agent has yet again attempted to raise the rent.”

- 49.11 Councillor Randall replied; “There was a petition to Council on May 14th, concerning requests from tenants of the Trust that the Council will look into whether or not the trust is disrupting his landlord’s responsibilities appropriately and the Council did agree to investigate the matter. An initial report was produced by the Interim Head of Housing Angela Smithers for the Chief Executive and several options for the future are being looked at including one put forward by the residents. Geoff Raw the Executive Director for Housing met the trust on November 14th and he and the Chief Executive will report back on progress to the Council Leaders Group in January or February of next year.”
- 49.12 Councillor Summers asked the following supplementary question; “Well I think the tenants will dispute the fact they’ve been given any options at all. They don’t feel they’ve had a part in any of this. I would say that the problem here is there has been no formal decision making involving any committees or any elected Members and that’s despite an assurance by the Head of Law that a report would go to December’s Policy & Resources Committee. It didn’t happen. I have to say that to date, this whole process has been conducted entirely by officers who unlike elected Members we know are not accountable to residents and it’s been confirmed to me just this week by the Director of Environment, Development and Sustainability that this issue has been discussed with the Trust last month and the leaders of political parties, who have concluded that nothing is to be reported on this in the near future. That’s what I have been told.

Does Councillor Randall not think then that this all makes rather a mockery of our so called democratic process when residents can present such a compelling and worthy deputation only to find that as far as they know it didn’t make a blind bit of difference and does he not think that it is somewhat irresponsible and disrespectful in his own failure even to acknowledge emails that I sent him following that May Council as well as those of one of the tenants.”

- 49.13 Councillor Randall replied; “There have been discussions. The Trust has been consulted and nothing can be done without the agreement of the Trust. I have other concerns about this. My understanding is that 4 of the other tenants have other houses. It’s not my understanding that those houses in the village should be used as second homes or substitute homes for people who have homes somewhere and I would hope in the future the Trust will adopt a different allocation to policy to the one it has at the moment.

This matter will come to Council leaders again in January and February. There has already been several occasions when the Leader’s Group have looked at this I understand from the Leader of the Council. I also understand, certainly from the reaction of Councillor Mitchell as she left the room, that there is some question about the severity of some of the claims that are made.”

(d) Community and Voluntary Sector Funding

- 49.14 Councillor K. Norman asked; “I was wondering where we were told that whatever funding was achieved from that sale would be used for voluntary or community sector organisations but we still have no response or apparent record of how much was raised by that sale and can we now, today, be told how much that was sold for so that we are all fully informed of what sort of money is available to go to the voluntary and community sector.”

49.15 Councillor Sykes replied; "I can inform Councillor Norman that the sale of the CD1 Achieved £82,000 and I believe that ring-fenced for an advice centre based in Hove Town Hall."

49.16 Councillor K. Norman asked the following supplementary question; "Well that's really interesting, why didn't we know about that? Why weren't any of us told that? I had an idea how much had been raised from that sale, but it wasn't £82,000, but it's good to know. Is that really what it's going to be spent on? What is going on in Hove Town Hall that needs another £82,000? We should be going to the voluntary and community sector organisations, which are outside the Council. This is a very different thing all together. I'd like to know, is that really going to go in that direction, and if it is, it's not what was originally said that was going to happen with this money for the sale of this number plate?"

49.17 Councillor Sykes replied; "I can reassure Councillor Norman that these funds did go to the Community and Voluntary sector, mainly the Citizens Advice Bureau, the credit union and the money advice centre, comprising our new money works facility, which was set up earlier this year."

(e) New Development at the Junction of Portland Road and Schools Road, Hove

49.18 Councillor Pissaridou asked; "Can you confirm that the new development on the corner of Portland Road and School Road opposite Hove Infant and Junior School, still locally known as the Gala Bingo site, will be open in March 2015?"

49.19 Councillor Mac Cafferty replied; "I will need to provide Councillor Pissaridou with a full written response to the question."

49.20 Councillor Pissaridou asked the following supplementary question; "Bearing in mind that no new traffic plan was adopted when approval was given to go ahead with this development, can you say what is being done to address the traffic safety issues that will arise immediately with the opening of the new complex?"

- Specifically to take in to account the relocation of Wish Park surgery with 6,000 patients, including a relatively high case load of the elderly, which will bring many disabled, infirm and unwell people to the building by car, on foot and using mobility scooters, bikes and cars.
- To increase pressure on traffic and temporary on street parking associated with expanding numbers at West Hove School since the current traffic arrangements were put in place.
- The Co-op supermarket opening in 2014 on the South side of Portland Road, opposite the school.
- The occupation of 35 residential properties in the complex.
- The opening of a pharmacy in the complex.
- Frequent use of bus stops, 2, 49, 46 and 25s' going East, in front of the building.
- The pedestrian crossing on Portland Road, opposite the school is not traffic light controlled, but is only warning flashing belisha beacons.

All these safety risks and also a severe traffic disruption would seek to be especially heightened in the morning from 8-9am, when the surgery opens for booking appointments, residents from the complex leave for work, children come to school and the traffic load of passenger, commercial vehicles and buses in Portland Road also peak.”

- 49.21 Councillor Mac Cafferty replied; “The Members who were on Planning Committee when this application was refused and then refused again as it went to appeal twice and the appeal was eventually allowed. Those members flagged up the reasons, the rationale for their refusal. The first was, unacceptable overlooking. The second reason for refusal was massing and third, “the application failed to demonstrate how it would provide mitigation for the accumulative travel demand created by the development, especially at peak times.

Now because this went to appeal, the inspector determined on this, the local planning authority, local Councillors, their opinion didn’t matter. The planning inspector said this, “The traffic considerations that the planning committee considered do not amount to sufficient basis from me to conclude the scheme will cause increased dangers to users of the road and footways. I saw rather a good deal of nearby activity, especially by the school at the beginning of the day, but it does not necessarily follow that an increase in traffic and parking demand would reduce road safety.”

As a result, he attached a condition. He proposed a condition saying, “the development hereby permitted should not be occupied until the parking areas have been provided and in accordance with the approved plans and these areas shall thereafter have to be retained for that use and shall not be used for other than the parking of motor vehicles.”

That does not console me at this stage and I doubt it will console many of the Councillors who were on the Committee nor indeed will it probable console Councillor Pissaridou and I’m more than happy to consider what you said here today and I’m more than happy to see what I can to do sort out the issues because I do know that this is causing tension in your area and I do know that as councillors who were on that committee near the time that this would cause problems and I’m more than happy to follow it up because even though this happened before my time it’s to do with the belt environment and it’s to do with development and I care passionately about both.”

(f) Council’s Constitution and the Housing Committee

- 49.22 Councillor Mears asked; “I would like to ask Councillor Randall, as Chair of the Housing Committee, to confirm to chamber that he is committed to the Council’s committee system and that he will ensure that this applies to the Housing Committee information and agenda items and that Members of the Housing Committee are kept fully informed?”

We have already seen Members of the Housing committee being by-passed with the changes around supporting people and now with the closure of Oxford Street Housing Centre we see again that Members are ignored. As the Interim Head of Housing stated in one of her emails, conversations around Oxford Street have been ongoing for over a year even before she arrived in this authority. I would like the Chair of the Committee to endorse that he fully supports openness and transparency within this Committee?”

49.23 Councillor Randall replied; "Yes."

49.24 Councillor Mears asked the following supplementary question; "I have visited Oxford Street Housing Centre and I was really concerned. We looked at the windows and were told the state of the building. While taking photos I was stopped by a tenant to be told that she went in on 16 November and was told by Housing staff then that the offices were closing, although we didn't get an email as Members until 26 November.

I have asked for Health and Safety reports, I have also asked for the Health and Safety Audit reports and to date I have received no information. The Interim Head of Housing said it was viable, the Director said there is a Health and Safety Report. As Members of the Housing Committee we are entitled to see this information. I would like Councillor Randall to ensure, and I request a full answer, that it is important that we are very clear that this Administration is taking decisions that are open and transparent."

49.25 Councillor Randall replied; "The decision to close the Oxford Street Housing Office was made by the Interim Head of Housing and the Leadership Team at a meeting on 25th November and they then consulted me. This followed a report by John Currell from the Property & Investment Team which detailed significant Health and Safety concerns regarding the building. I have got a copy of that today; I will pass that on to you. It explains the problems principally with the front wall over the street and with the windows, which you mentioned. It was clear that it was unsafe for the staff, for the tenants and for the passers-by.

I share your concern that this wasn't dealt with earlier but I was unaware of how bad it was until it was presented to me. What I think we should say in addition to that is that I asked officers immediately to set out Interim arrangements at Bartholomew's House which they did within a working week. I too went along to the office to see the staff who were working there who did a fantastic job in that week after it shut in moving all of the records across.

I will send the report to all Councillors. It was a question of Health & Safety and it was taken late in my view and it should have been dealt with earlier but there is a Health & Safety report explaining why it has been done. In cases of emergency like that, we couldn't wait until next Housing Committee to make a decision so I will circulate the report."

(g) GCSE Results

49.26 Councillor Wealls asked; "This City's Green Administration's mid-term report listed amongst its many achievements as, Headline: 'Best ever GCSE results'.

49.27 Quote from your report: *'Education in Brighton & Hove, for so long a major concern to parents, is finally improving. The 2013 GCSE results were the best ever with Pass rates rising at a time when national rates are falling.'*

Yet in 2014, First entry 5 x A-Cs including English and Maths was only 52.6% versus the national average of 55.3%. The Best entry was 55.2% in the City against 58.2% nationally. So we are back to being between 3 and 4 percent below the national average

on our GCSE result in this city. When the Administration does its final report, will this now be included as one of the Administration's monumental failures?"

- 49.28 Councillor Shanks replied; "I am really pleased you are reading our interim report, there is lots of really good stuff in there and I do agree with you GCSE results were disappointing this year. Unfortunately there has been far too much political interference in our children's education such as changing the goalposts half-way through when children are doing exams. What the current Government did is to change the early entry policy so that only the first entry is counted by the school.

For example, this has led to BACAs results going from 49%, if it had not been the first entry counted, to 28%. I know the Government has changed the rules for the whole country and that is no excuse. Brighton & Hove for a long time has had very poor GCSE results; it does very well at Primary school and for A-Levels but the secondary schools have not been doing well in this city. I don't know if that is to do with the history of inequality we have in the City.

All the way back to 2006 we were getting 42% and England was getting 44% and we stayed below that even when England went up to 55% in 2010 we were only 49%. We were very pleased and excited last year I agree and this year we are disappointed, the goalposts did change, but the schools are still working hard. We are not complacent and we hope they do better."

- 49.29 Councillor Wealls asked the following supplementary question; "Only 21.8% of our City's most deprived children attained 5 x A-Cs including English and Maths against non free school meals of 58.2%, a gap of 36%. I remember one of my first Council meetings I was disappointed by the 20% gap that the Administration set for itself as a target; we are now at a 36.4% gap.

The coalition has ensured there is no insufficiency of resources for children on Free School Meals through pupil premium. Shouldn't the Administration hang its head in shame at these results and agree its credibility is shot to pieces when talking about the education of our poorest children?"

- 49.30 Councillor Shanks replied; "It does take quite a long time to turn things around, but we do have a Closing the Gap strategy which sets out our vision of the City. The secondary schools are autonomous and we don't rush in there all the time and sort them out. Anybody who is a school governor should be asking those questions of their school and making sure they understand their data and address this as the gap is really serious.

I agree with you that we need to do better for those children in our poor communities. Other factors are involved such as not having enough money to eat properly and not having secure housing are part of the impact of poverty on children. If you look at results you will see that poor children have always done worse and that's not saying that is an excuse for that it is just saying that is a fact. We really want to see more investment in our children and in our poorer communities and that will help to turn that around. Meanwhile our schools are working hard on this issue and they all know what they need to do."

- 49.31 The Mayor noted that the item had concluded.

50 CALL OVER FOR REPORTS OF COMMITTEES.**(a) Callover**

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

- Item 51 - Response to Scrutiny Panel on Homelessness
- Item 52 - Council Tax Reduction Review
- Item 53 - Council Tax Empty Property Discounts 2015/16
- Item 54 - Review of Code of Conduct for Members
- Item 55 - 6-Month Performance Update 2014/15

(b) Receipt and/or Approval of Reports

50.2 The Head of Democratic Services confirmed that Items 51 - 55 had been reserved for discussion.

(c) Oral Questions from Members

50.3 The Mayor noted that there were no oral questions.

51 RESPONSE TO SCRUTINY PANEL ON HOMELESSNESS

51.1 Councillor Wealls introduced the report which set out the recommendations of the Scrutiny Panel on Homelessness and the response of the Housing Committee. He stated that he wished to thank Councillors Robins and Sykes who sat on the Panel with him, all those who contributed to the review and especially the Scrutiny Officers who played a vital part in the process. He also wished to thank Councillors Daniel, Peltzer Dunn and Mears for their contributions at the Housing Committee meeting and hoped that the agreed actions would be implanted.

51.2 Councillor Robins stated that he found the review to be very interesting and worthwhile and noted that he had experienced a period of being homeless and was fully aware of the hidden levels of homeless having also spent time sleeping on a friends sofa.

51.3 Councillor Randall thanked the members of the review panel for their report and noted that homelessness was a problem throughout the city and one that required a number of agencies to work together to address it. He was concerned about the high level of young people who were homeless and welcomed the recent decision to provide homes at the old YMCA office in the centre of city. He also noted that the Housing Strategy also accounted for the need to address the various health problems that were associated the homelessness.

51.4 The Mayor stated that the report was before the council for information and moved that it be noted.

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

52 COUNCIL TAX REDUCTION REVIEW

- 52.1 Councillor Sykes introduced the report, together with the extract from the Policy & Resources Committee, which detailed the annual review of the council's local council tax reduction scheme and the recommendation that changes be made to the scheme with effect from 1st April 2015 as outlined in the report. He stated that the shortfall in grant funding from the government towards the scheme was still rising and it was recommended that the council's contribution towards this should remain at the current level.
- 52.2 Councillor Morgan moved an amendment on behalf of the Labour & Co-operative Group to the recommendations of the Policy & Resources Committee. He believed that an increase in the minimum contribution that working people paid to their council tax was fair and would provide additional funding for the council.
- 52.3 Councillor Hamilton formally seconded the amendment.
- 52.4 Councillor Hawtree stated that he could not support the amendment which was a huge increase.
- 52.5 Councillor Janio stated that he believed there was a need to balance the needs of the city and questioned the failure to reduce the number of managers within the council and that it appeared the workforce had grown from 8,000 to 9,000 employees in a period of austerity. He therefore could not support the amendment.
- 52.6 Councillor A. Norman stated that she would not have started from the current position and felt that decisions had been put off unnecessarily such as the development of trading companies etc. She hoped that this would change and referred to the response from the Executive Director for Finance & Resources listed at paragraph 91.7 in the extract from the minutes of the Policy & Resources Committee meeting.
- 52.7 Councillor G. Theobald also referred to the actions being taken by other local authorities to set up staff-led mutuals, trading companies and shared services and questioned why such options had not been explored within the council. He believed that the recommendations if approved would add to the budgetary pressures already faced by the council and therefore would support the amendment.
- 52.8 Councillor Bowden noted that the previous Green Administration's budget increase of 2% had been voted against by the other two Groups which had it been approved would have helped the current situation that the council now faced. If the amendment was approved he believed it would result in the poorest families in the city being further penalised.
- 52.9 Councillor West stated that the government had created the problem and queried how people were expected to find the money to meet the increase proposed in the amendment.
- 52.10 Councillor Littman stated that it would be irresponsible to approve the increase proposed and requested that a recorded vote be taken.

- 52.11 The Mayor noted that a sufficient number of Members had indicated their support for a recorded vote to be held.
- 52.12 Councillor J. Kitcat stated that a number of points made at the Policy & Resources Committee meeting were being repeated and noted that the council already had shared services in areas across the organisation. He questioned whether either the Conservative or Labour Groups who would be able to balance the budget and noted that the Green Group's proposals would do so. He would not therefore support the amendment.
- 52.13 Councillor Hamilton stated that there was a need to increase the level of payment in order to help meet the financial gap that would otherwise result and not be sustainable in the longer-term. He also noted that a number of people would be exempt from the increase.
- 52.14 Councillor Sykes noted the comments and stated that he believed the recommendations from the Policy & Resources Committee were appropriate and should be agreed.
- 52.15 The Mayor noted that a recorded vote had been requested in regard to the Labour & Co-operative Group's amendment and asked for the Head of Democratic Services to conduct the vote.

	For	Against	Abstain		For	Against	Abstain
Barnett			a	Marsh	√		
Bennett	√			Meadows	√		
Bowden		X		Mears	√		
Brown	√			Mitchell	√		
Buckley		X		Morgan	√		
Carden	√			A Norman	√		
Cobb			a	K Norman	√		
Cox			a	Peltzer Dunn	√		
Daniel	√			Phillips		X	
Davey		X		Pissaridou	√		
Deane		X		Powell		X	
Duncan		X		Randall		X	
Farrow		X		Robins	√		
Fitch	√			Rufus		X	
Gilbey	√			Shanks		X	
Hamilton	√			Simson	√		
Hawtree		X		Smith	√		

Hyde	√			Summers		X	
Janio			a	Sykes		X	
Jarrett		X		C Theobald	√		
Jones		X		G Theobald	√		
A Kitcat		X		Wakefield		X	
J Kitcat		X		Wealls	√		
Lepper	√			Wells	√		
Littman		X		West		X	
Mac Cafferty		X					
				Total	25	22	4

52.16 The Mayor confirmed that the amendment had been **carried** by 25 votes to 22 with 4 abstentions.

52.17 The Mayor then put the recommendations of the Policy & Resources Committee as amended to vote which was **carried** by 29 votes to 22.

52.18 The Mayor then adjourned the meeting for a refreshment break at 6.30pm.

52.19 The Mayor reconvened the meeting at 7.00pm.

53 COUNCIL TAX EMPTY PROPERTY DISCOUNTS 2015/16

53.1 Councillor Sykes introduced the report and moved the recommendations of the Policy & Resources Committee as detailed in the extract from the meeting held on the 4th December.

53.2 Councillor Duncan welcomed the increased revenue that would be achieved but having consulted with tenants, expressed concern over the proposal as it was likely to result in landlords passing on increases to tenants.

53.3 Councillor Sykes stated that he believed the impact to landlords over the year was not insurmountable and given the significant level of income that would be generated from the changes, the recommendations should be adopted.

53.4 The Mayor noted that the recommendations of the Policy & Resources Committee had been moved and put them to the vote.

53.5 **RESOLVED:**

- (1) That the reduction of the Class C (empty and unfurnished) Council Tax discount to zero (i.e. full withdrawal) with effect from 1 April 2015 be approved;

- (2) That the reduction of the Class D (uninhabitable) Council Tax discount to zero (i.e. full withdrawal) with effect 1 from April 2015 be approved;
- (3) That a discretionary Council Tax 4-week discount to cover exceptional circumstances be approved;
- (4) That appendix 1, which sets out the formal determinations and decisions for the financial year commencing 1 April 2015 and in subsequent financial years be agreed; and
- (5) That delegated authority be granted to the Executive Director of Finance & Resources to take all appropriate steps to implement and administer the recommendations in (1) – (3) above, including the publishing of any related data or information in accordance with statutory requirements.

54 REVIEW OF CODE OF CONDUCT FOR MEMBERS

- 54.1 Councillor Hamilton introduced the report and stated that a cross-party Working Group had reviewed the code of conduct for Members and he drew councillors' attention to the change to the declarations of interests procedure and recommended that the revised code of conduct be approved.
- 54.2 Councillor Hawtree noted the information and asked if clarification could be given in relation to paragraph 2.4 and what was meant by sensitive information.
- 54.3 Councillor Duncan stated that the revised code was an improvement but questioned the need for the code of conduct as he believed that councillors should be accountable to the law of the land rather than have a set of rules imposed on them that were not needed.
- 54.4 Councillor A. Norman commended the report and thanked the Monitoring Officer and Oliver Dixon in Legal Services for their work and advice to the Working Group. She believed that it was an improvement and noted that the Independent Member of the Audit & Standards Committee supported the revised code. She hoped that all Members would take the code on board.
- 54.5 Councillor Simson referred to paragraph 45.4 of the draft minutes and stated that she wished to clarify that she had suggested that where there had been a disclosure of information in the past, the excuse had been used that it had been in the public interest. She believed that if information was classified as confidential then it should remain confidential.
- 54.6 Councillor Hamilton noted the comments and stated that the revised scheme was an improvement and he believed that all Members should adhere to the 7 Principles of Public Life. In regard to sensitive information, he suggested that councillors contact the Monitoring Officer to discuss any concerns and actions that could be taken and he hoped that the recommendations would be supported.
- 54.7 The Mayor noted that the recommendations of the Audit & Standards Committee had been moved and put them to the vote.

54.8 RESOLVED:

- (1) That the draft revised Code of Conduct for Members referred by Audit & Standards Committee for implementation with immediate effect be approved; and
- (2) That the Monitoring Officer be granted delegated authority to take appropriate measures to implement the revised Code and to assist existing and new Members with understanding and applying its content.

54 6-MONTH PERFORMANCE UPDATE 2014/15

- 54.9 Councillor Sykes introduced the report which detailed the performance progress for the period 1st April 2014 to the 30th September 2014 and had been referred to the Council for information from the Policy & Resources Committee meeting held on the 4th December 2014. He noted that the report showed progress in relation to Key Performance Indicators and the delivery of priorities in the Sustainable Community Strategy and Corporate Plan.
- 54.10 Councillor Wealls stated that he wished to draw Members' attention to the figures detailed on page 25 of the report and the below average position in regard to young people's attainment. He believed that there was a need for the council to be more ambitious and to at least match the national average figures.
- 54.11 Councillor Duncan noted that the figures for greenhouse emissions on page 25 of the report had decreased and asked if that meant they had got worse.
- 54.12 Councillor Shanks stated that she was happy to review the targets in relation to young people and agreed that the council should aim to be better than the national average.
- 54.13 Councillor West stated that the target set for greenhouse emissions was a challenging one and improvements had been made in a number of areas; such as street lighting and communal lighting in council housing. He hoped that other aspects for reducing levels that had been put in place would have an impact; however it was going to take time.
- 54.14 Councillor Sykes noted the comments and moved that the report be noted.
- 54.15 The Mayor stated that the report had been referred for information and asked that it be noted.
- 54.16 **RESOLVED:** That the extract from the Policy & Resources Committee meeting held on the 4th December 2014, together with the report be noted.

55 NOTICES OF MOTION.**(a) HIV Diagnosis – Halve IT**

- 55.1 The Notice of Motion as listed in the agenda was proposed by Councillor K. Norman and seconded by Councillor G. Theobald.

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

“This Council resolves to:

- 1) Become a supporter of the Halve It Coalition whose aim is to halve both the proportion of people diagnosed late with HIV and the proportion of people living with undiagnosed HIV by 2020.
- 2) Request that the Director of Public Health brings a report to the Health & Wellbeing Board setting out what needs to be done locally in commissioning and provision of services by Brighton & Hove City Council and the Brighton & Hove Clinical Commissioning Group in order to achieve Halve It’s aims in this city.
- 3) Request the Health & Wellbeing Board to ensure that rates of late diagnosed HIV are specifically included as an indicator in its Joint Strategic Needs Assessment (JSNA).”

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

(b) End Right to Buy and Offer Help to Buy Preference to Council Tenants

55.4 The Notice of Motion as listed in the agenda was proposed by Councillor Randall and seconded by Councillor Hawtree.

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

“In view of the pressing circumstances faced by the city, this council resolves to request the Chief Executive to write to the Chancellor of the Exchequer and the Secretary of State for Communities and Local Government asking them to:

- (A) End the Right to Buy;
- (B) Top slice the Help to Buy budget to make help available to council tenants to buy homes on the open market, thus releasing their council homes for others in need, and to make extra help available to council tenants buying new homes for sale or shared ownership to support the building industry, creating jobs, apprenticeships and training - while not depleting the number of council homes.”

55.6 The Mayor confirmed that the motion had been **carried** by 21 votes to 17 with 12 abstentions.

(c) Devolution

55.7 The Notice of Motion as listed in the agenda was proposed by Councillor J. Kitcat and seconded by Councillor Shanks.

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

“This council welcomes the public debate on decentralising power and finances back to local government including numerous independent commissions and reports.

To further empower our area and promote local democracy, this council supports and endorses the Key Cities Charter for Devolution and asks that the Chief Executive write to the leader of every political party in Westminster, including a copy of the Charter, seeking their support for further urgent devolution to cities such as ours.

This council also supports the LGA's urgent call for an independent commission to agree such devolution following the Smith Commission's successes for Scotland and asks the Chief Executive to write to the Prime Minister supporting this call."

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

(d) Increasing the Availability of Apprenticeships in Brighton & Hove Schools

55.10 The Notice of Motion as listed in the agenda was proposed by Councillor Wealls and seconded by Councillor Hyde.

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

"This Council resolves to request that a report is brought to the next meeting of the Children & Young People Committee which identifies the obstacles to young people being offered and taking up apprenticeships in school-based vocational roles such as Teaching Assistants, Technicians and other support staff and identifies a work plan with partners to ensure the maximum take-up of such opportunities."

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

56 CLOSE OF MEETING

56.1 The Mayor thanked everyone for attending and wished them a Happy Christmas and noted that any donations for the looked after charity event should now be given to the Monitoring Officer rather than Councillor Shanks.

The meeting concluded at 8.40pm

Signed

Chair

Dated this

day of