



BRIGHTON & HOVE CITY

COUNCIL MEETING

Date: **30 January 2020**

Time: **4.30pm**

Venue **Hove Town Hall - Council Chamber**

Members: **Councillors:** Phillips (Chair), Robins (Deputy Chair), Simson, Allcock, Appich, Atkinson, Bagaeen, Barnett, Bell, Brennan, Brown, Childs, Clare, Davis, Deane, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Henry, Hill, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Lloyd, Mac Cafferty, Mears, McNair, Miller, Moonan, Nemeth, Nield, O'Quinn, Osborne, Peltzer Dunn, Pissaridou, Platts, Powell, Rainey, Shanks, C Theobald, Wares, West, Wilkinson, Williams and Yates

Contact: **Mark Wall**
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AGENDA

PART ONE

Page

62 DECLARATIONS OF INTEREST

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

If unsure, Members should seek advice from the Monitoring Officer or Democratic Services Officer preferably before the meeting.

63 MINUTES

9 - 62

To approve as a correct record the minutes of the last Council meeting held on the 19 December 2019.

Contact Officer: Mark Wall

Tel: 01273 291006

64 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

65 TO RECEIVE PETITIONS AND E-PETITIONS.

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

66 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 24 January 2020 will be circulated separately as part of an addendum at the meeting.

Contact Officer: Mark Wall

Tel: 01273 291006

67 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on the 24 January 2020 will be circulated separately as part of an addendum at the

meeting.

Contact Officer: Mark Wall

Tel: 01273 291006

68 CALL OVER FOR REPORTS OF COMMITTEES.

- (a) Call over (item 71) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.
- (c) Oral questions from Councillors on the Committee reports, which have not been reserved for discussion.

69 WRITTEN QUESTIONS FROM COUNCILLORS.

63 - 70

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

Contact Officer: Mark Wall

Tel: 01273 291006

70 ORAL QUESTIONS FROM COUNCILLORS

71 - 74

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

Contact Officer: Mark Wall

Tel: 01273 291006

6.30 - 7.00PM REFRESHMENT BREAK

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

REPORTS FOR DECISION

71 REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

75 - 112

Extract from the proceedings of the Audit & Standards Committee meeting held on the 14 January 2020, together with a report of the Executive Lead Officer for Strategy & Governance.

Contact Officer: Victoria Simpson

Tel: 01273 294687

Ward Affected: All Wards

NOTICES OF MOTION

72 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION: 113 - 124

- (1) **Impact of Climate Change Emergency.** Joint motion proposed by Councillor Hugh-Jones on behalf of the Green and Labour Groups.
- (2) **Child Refugees.** Joint motion proposed by Councillor Littman on behalf of the Green and Labour Groups.
- (3) **Madeira Terraces.** Proposed by Councillor Mears on behalf of the Conservative Group.
- (4) **Mary Clarke Statue.** Proposed by Councillor Janio, Independent Member.
- (5) **Food Poverty.** Proposed by Councillor Hill on behalf of the Labour Group.
- (6) **Fuel Poverty.** Joint motion proposed by Councillor Platts on behalf of the Labour and Green Groups.

73 CLOSE OF MEETING

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

Note:

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

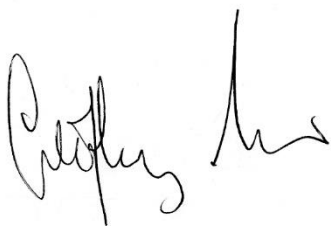
The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.
 - (c) *Following completion of the outstanding items, the Mayor will*

then close the meeting.

2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*
3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

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

Date of Publication - Wednesday, 22 January 2020



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

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The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. There is an accessible lift to the first floor and ramped access to the public gallery. However, the lift cannot be used as part of a managed evacuation and therefore anyone unable to use the stairs or transfer to an evac chair should not use the public gallery but seek assistance from reception.

We have made a number of adjustments to make the venue as accessible as possible and the seated spaces available in the public gallery can be used by disabled people who are not wheelchair users.

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

If you wish to attend a meeting but are unable to use stairs please contact the Democratic Services Team (Tel: 01273 291066 or Email: democratic.services@brighton-hove.gov.uk) in advance of the meeting to discuss your access requirements. We can then work with you to enable your attendance and also to ensure your safe evacuation from the building in the event of an emergency.

If the public gallery is full, Room G87 on the ground floor can be used as an inclusive space with video conferencing facilities and AV links to the council chamber, level access, and nearby WC facilities, including wheelchair accessible provision. From this room you can watch the meeting and take part in proceedings, for example if you have submitted a public question.

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

FURTHER INFORMATION

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

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 19 DECEMBER 2019****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Phillips (Chair), Robins (Deputy Chair), Allcock, Atkinson, Barnett, Bell, Brown, Childs, Clare, Davis, Deane, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Hill, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Lloyd, Mac Cafferty, Mears, McNair, Miller, Moonan, Nemeth, Nield, O'Quinn, Osborne, Pissaridou, Platts, Powell, Rainey, Shanks, Simson, C Theobald, Wares, West, Wilkinson, Williams and Yates

PART ONE**47 DECLARATIONS OF INTEREST**

- 47.1 Councillor Powell declared a personal but not prejudicial interest in Item 57, a report of the Executive Lead Officer for Strategy, Governance & Law concerning the proposed Corporate Plan 2020-23 as it referred to partner organisations and her daughter worked for Sussex Police.
- 47.2 No other declarations of interests in matters appearing on the agenda were made.

48 MINUTES

- 48.1 The minutes of the last ordinary meeting held on the 24 October 2019 were approved and signed by the Mayor as a correct record of the proceedings.

49 MAYOR'S COMMUNICATIONS.

- 49.1 The Mayor informed the council of the sad news of the death of Barry Sanders, a former Mayor of Hove Borough Council. She also offered the council's condolences to Councillor Hamilton whose mother, Olive Hamilton who was mayoress to Leslie Hamilton senior when he was Mayor of Hove Borough Council in 1978/79 and 1996/97.
- 49.2 A minute's silence was then held as a mark of respect.
- 49.3 The Mayor noted that the Council had recently agreed to sign-up to the TUC's Dying to Work Charter which sought to protect rights at work for those facing terminal illness.

She stated that she was pleased to welcome Laurie Heselden from the TUC to the meeting and noted that Laurie, along with Councillor Nancy Platts as the Leader of the Council, the Chief Executive, Sue Beatty from Unison and Mark Turner from GMB would also be co-signatories to the Charter. She then invited them to come forward to sign the Charter.

- 49.4 The Mayor stated that she wished to congratulate the council's Access to Education Team who, working with Public Health colleagues had won a joint national award from Modeshift for the SMILE Project.

She noted that the 'SMILE project' focused on journeys we make every day - in particular our journeys to nursery and to school. It helped children, parents and carers build activities into their daily lives to improve their mental health and well-being. The SMILE project' showed how we can do these activities on our everyday journeys.

'SMILE' was a child-friendly version of the '5 ways to well-being'. The '5 ways to well-being' were five evidence-based steps people can take to improve their mental health and well-being.

The Mayor then invited members of the teams involved along with Councillor Moonan to come forward to collect the award.

- 49.5 The Mayor then stated that she would like to offer the council's congratulations to the Brighton Table Tennis Club who won *Club of the Year* at the Pride of Sports Awards in November and to Whitehawk football Club who won in the category of *Active Sussex Club of the Year*. The annual event was organised by Active Sussex and recognised inspirational and ground-breaking heroes involved with sports and physical activity.

- 49.6 The Mayor stated that she also wished to personally thank the Deputy Mayor, Councillor Alan Robins and former Mayors, Councillors Dee Simson, Pete West, Garry Peltzer-Dunn and Carol Theobald for representing the Mayoralty during the election period.

- 49.7 The Mayor then reminded colleagues that the next gala dinner in support of the Mayor's charities was taking place on the 27th March. Anyone who would like to purchase tickets should get in touch with the Civic Office.

- 49.8 Finally, the Mayor stated that she was aware that the Council usually sought nominations for the Deputy Mayor-Elect at the December Council meeting and she had therefore agreed to take this as a late item as listed in the addendum papers.

(A) TO RECEIVE NOMINATIONS FOR THE DEPUTY MAYOR-ELECT FOR THE 2020/21 MUNICIPAL YEAR

- 49.9 The Mayor sought nominations for the Deputy Mayor-elect for the municipal year 2020/21; and called on Councillor Bell.
- 49.10 Councillor Bell nominated Councillor Mary Mears to be the Deputy Mayor-elect for 2020/21.

- 49.11 Councillor Wells formally seconded the nomination.
- 49.12 Councillors Gibson and Platts extended the Green and Labour Groups support respectively for Councillor Mears' nomination.
- 49.13 The Mayor noted that there were no other nominations and therefore put the motion that Councillor Mears be the Deputy Mayor-elect for 2020/21 to the vote which was carried unanimously.
- 49.14 The motion was agreed.

50 TO RECEIVE PETITIONS AND E-PETITIONS.

- 50.1 The Mayor invited the submission of petitions from councillors and members of the public. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 50.2 Councillor Yates presented a petition signed by 318 residents concerning the replacement of a bus shelter in Grand Avenue.
- 50.3 Mr. Hawtree presented a petition signed by 112 residents concerning the condition of pavements and curbs throughout the city.

51 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 51.1 The Mayor reported that one written question had been received from a member of the public and invited Ms. Sapat to come forward and address the council.
- 51.2 Ms. Sapat asked the following question;

Please can the Council provide us citizens the overall comprehensive transport strategy for Hove that takes into account the actual and proposed development in all areas where proposed development is possible. Can you please confirm that this transport strategy has actual and proposed traffic modelling underpinning the strategy, and accommodation for pedestrian crossings and achievable bike lanes that don't destroy existing trees and verges?

- 51.3 Councillor Pissaridou replied; Thank you for your question Bhavna, which is in a number of parts, so I apologise for the length of my answer, but I want to ensure that all your points are answered. The council's overall transport strategy for the whole city is set out in its Local Transport Plan and the council's strategy for all development in the city, including the Hove area, is set out in its City Plan. The development of the City Plan included a thorough assessment of the potential transport impacts of all of the proposed development up to 2030, including over 13,000 new homes, and identified how those impacts would be reduced to a satisfactory level. This work was based on traffic modelling and the results are included in a document that is called the Strategic Transport Assessment.

The City Plan was the subject of extensive public consultation and an independent examination over a long period of time before it was adopted in 2016. All of these documents can be found on the council's website. Because the assessment was for the whole of the city, it did not include details about pedestrian crossings and cycle routes. I suggest that I send you a full written response that will address these points.

51.4 Ms. Sapat asked the following supplementary question; Can the Council give the citizens of this neighbourhood, who are adversely impacted with a loss of amenity, adequate assurance with:

1. Public meetings to explain the proposed accommodation of traffic for these areas- Sackville Trading Estate and Toads Hole Valley;
2. That the Council will not give approval to the initial plans of Toads Hole Valley Development without showing the citizens how our neighbourhood will accommodate these developments and ensure the roads can accommodate the increase traffic without adverse impact;
3. Please confirm to us if Sackville Trading Estate Development dwelling residents have been offered visitor parking of 100 per year, and which zone they will be in.

51.5 Councillor Pissaridou replied; There has already been a public meeting about the Toad's Hole Valley site, which was arranged by your local councillors. It was held on at Aldrington Primary School in January of this year and there were many questions asked about traffic and transport. Representatives of residents' groups have also met with councillors and officers at Hove Town Hall to have their questions answered.

The council's Planning Committee will consider the planning application in a meeting next year that will be open to the public to attend. It will take into account all of the information and evidence that has been submitted, including representations from residents, before making its decision.

According to the council's website, only a small area of the Sackville Trading Estate is currently within the boundary of Parking Zone R. People who live in that zone can currently buy 50 visitor parking permits per year at a cost of £3.50 each. Only people in Zones L, P, S and W can buy 100 visitor permits. Final decisions will only be made about parking permits if the committee decides to approve the development.

51.6 The Mayor thanked Ms. Sapat for her questions and noted that concluded the item.

52 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

52.1 The Mayor reported that one deputation had been received from members of the public and invited Mr. Nigel Smith as the spokesperson for the deputation to come forward and address the council.

52.2 Mr. Smith thanked the Mayor and stated that: I have lived in Rottingdean for many years and am very familiar with bus and car travel along the A259 to the City. I am part of the A259 action group which is endorsed by Lewes District Council and East Sussex County Council. Together we are looking at ways to ease air and traffic

pollution on the A259 between Brighton and Eastbourne - and address the growing delays to our vital bus services.

This stretch of road was recently named as a Major Road Network (MRN) by the Government. As such, the A259 is now eligible for funding from central Government to improve how it transports people and provides access to the Strategic Road Network and Rail Network.

Lewes District Council is funding a £50,000 survey of this stretch of road. This detailed piece of work will form the evidence basis of future funding bids. I am here today because we have two main problems:

1. The surveyors need detailed and well-modelled information about the Valley Gardens scheme.
2. If the Valley Gardens phase 3 scheme ends up adding to local congestion, then this may undermine any bids for funds to improve our transport corridor.

I appreciate that Valley Gardens phase 3 is an issue that some of you are weary of - and that you want to just get on with it. However, put simply, the A259 Action Group is worried that our bids for funding will be jeopardised if the relevant bodies have the slightest concern about the calculations on which the VG3 plans are based.

Our consultants have already identified a number of errors in the business model for Valley Gardens phase 3. The queries they have are complicated and difficult for the non-expert to grasp. Four examples:

- The congestion "disbenefit" has been miscalculated. It should actually be £22m, possibly £26m, rather than £17million.
- The delay time given during the evening is too low, most likely as road widths were not factored into the traffic models and bus traffic has not been adequately assessed.
- VG3 does not tackle estimated "do nothing" congestion costs of c.£200m plus its associated carbon and Air Pollution.
- The benefits of VG Option 1 are difficult to reconcile with the data, raising suspicion that another accounting error of up to £4m is involved.

I hope you agree that we need to tackle congestion, delays, pollution and the high carbon footprint along the A259 corridor as well as in central Brighton.

To ensure that future funding of the A259 is not jeopardised, I am here to request that an independent audit of the source data and analysis that the Valley Gardens project is based on is undertaken, followed by open publication of their conclusions.

Ideally the Department for Transport should be asked to perform this audit.

- 52.3 Councillor Pissaridou replied, Thank you for your presenting your deputation on behalf of the A259 Action Group about the A259 and the Valley Gardens Phase 3 project, Nigel. As a stakeholder group, I am sure that the County and District Councils will have due regard to your comments and views about their projects and studies, such as the A259, alongside those of others. I have also noted your comments about the A259, as we also strongly lobbied with both East and West Sussex County Councils to

ensure that the A259 was recognised and included in the Government's Major Road Network.

We are aware of the A259 study that the county has chosen to put forward for funding as part of the Major Road Network programme. The city council's priority for money from that same fund is focussed on the essential reconstruction of the A259 Seafront Highway Structures (or Arches) that hold up the A259 in the central area of the city. It really is important that we take every opportunity to secure as much external funding as we possibly can to invest in our transport infrastructure.

Councillor Fishleigh recently asked a question about the A259 study at a council meeting in October, which I replied to. As I said then, once this council has a clearer understanding of the detail and extent of that study, we will be able to fully consider what information may be available that could help to inform it. We have not been approached for any information yet, and therefore your reference to the need for certain information about Valley Gardens appears somewhat premature.

I therefore can't accept your suggestion that the Valley Gardens scheme will undermine a funding bid to the Government for a large section of the A259 in East Sussex, because the study criteria and methodology have not yet been fully defined yet; there has been no consultation; and a scheme design has not been developed. However, should the Government ever require any further scrutiny or audit of the information that it requires to be submitted as part of its future funding processes, such as a complex computer-based transport model, then we would respond positively to such a request.

I am aware that the technical points that you have mentioned about the Valley Gardens project are the same as those within the ongoing correspondence that you are having with council officers, as I have also been in receipt of those e:mails. However, as you know (but I will repeat for the benefit of the councillors and members of the public here) the Business Case has been considered on several occasions by the Local Enterprise Partnership. This process has included an independent review, carried out at the request of the Local Enterprise Partnership, which has confirmed that it is robust, and this has therefore enabled the £6 million pounds worth of Local Growth Fund money to be allocated to the council.

We have carefully considered the design of the busy and dangerous Palace Pier junction on the A259 to ensure that it is more people-friendly, and not dominated by vehicles. This will help contribute to the council's ambitious target of achieving carbon-neutrality by 2030, by making it safer, more attractive and easier for people to walk and cycle. The new traffic signals will use the latest technology and enable us to manage movements and minimise congestion at peak times in the mornings and evenings, and at busy weekends or event days. Where air quality levels are poor, we will also ensure that legal levels are not exceeded.

I remain confident that we have done everything that is required of us to progress the final phase of the Valley Gardens project. Having secured the funding for it, I am looking forward to the next stage of the design process so that we can complete it project and start to see the regeneration and transport benefits that it will bring to the city centre and adjacent areas for years to come.

- 52.4 The Mayor thanked Mr. Smith for attending the meeting and speaking on behalf of the deputation. She explained that the points had been noted and the deputation would be referred to the 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.
- 52.5 The Mayor noted that concluded the item.

53 PETITIONS FOR COUNCIL DEBATE

- 53.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. She had been made aware of 1 such petition.
- 53.2 The Mayor then invited Mr. Charles Ross to come forward and present the petition.
- 53.3 Mr. Ross thanked the Mayor and sated that the petition was in no way a personal attack of either the Duke or Duchess of Sussex; but rather sought to highlight the unfair and hierarchical situation faced by citizens of the country. He had no objection to invitations to Harry and/or Rebecca Windsor being invited to visit the city because of their personal actions but not as members of the royal family. He believed it was time for the city to show its position as a republican city and noted that the petition was the third highest to come before the council for debate. There was no need to continue with the feudal system and he hoped that the city council would have the courage to set Brighton as open republic.
- 53.4 Councillor Platts thanked Mr. Ross for bringing the petition to the council meeting and stated that I am aware that there are passionately held views on either side of the argument about the monarchy which are legitimate. However, that is not a matter for local authorities and we obviously do not have the power to remove titles. That is a matter for the Crown
- 53.5 The Council has a number of pressing issues it has to prioritise, such as homelessness, climate change, the effects of austerity, ensuring we and the economic and social wellbeing of the City's residents. Although I fully respect the views held by people on both sides of the argument, given the more pressing challenges we have, I do not believe this would be a proper use of council time and resources to progress the proposals in the petition.

I would therefore ask the Council to note the petition and thank Mr Ross for presenting it.

- 53.6 Councillor Bell stated that he respected the arguments for both sides in relation to the issue and noted that the petition had only been signed by just under 4,000 people and the city's population was over 270,000. The title had been given by the Queen and as a Conservative Group he stated that they were proud to have the Duke and Duchess of Sussex and they would support the monarchy.

- 53.7 Councillor Mac Cafferty stated that the Green Party had a long-standing tradition of supporting republicanism and his own preference would be to have a report on the matter, although he was unsure what action the council could take.
- 53.8 Councillor Platts noted the comments and stated that she had nothing else to add.
- 53.9 The Mayor thanked Mr. Ross for attending the meeting and presenting the petition. She then put the recommendation to note the petition to the vote which was carried.
- 53.10 **RESOLVED:** That the petition be noted.

54 CALL OVER FOR REPORTS OF COMMITTEES.

(a) Callover

- 54.1 The following items on the agenda were reserved for discussion:

Item 57 - Corporate Plan 2020-23

Item 59 - Sussex Health and Care Plan – The Local Response to the NHS Longer Term Plan

(b) Receipt and/or Approval of Reports

- 54.2 The Head of Democratic Services confirmed that Items 57 and 59 had been reserved for discussion; and that the following report, Item 58 on the agenda with the recommendations therein had been approved and adopted:

Item 58 - Review of the Constitution.

(c) Oral Questions from Members

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

55 WRITTEN QUESTIONS FROM COUNCILLORS.

- 55.1 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 prior to the meeting as detailed below:

(1) Councillor West - Resident Parking Permit surcharges

- 55.2 What additional administrative cost is incurred from offering quarterly or half yearly residents parking permits? Given digital transaction costs are low, is the current and proposed surcharge justifiable? Low income households can experience cash flow difficulties which prevent their paying upfront for longer permit periods. Will the Budget proposal ensure the surcharge is minimised and only covers justifiable cost?

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

- 55.3 The unit cost of a resident permit is £5.22 which consists of direct material costs, direct staff costs, other apportioned direct costs and apportioned overheads. 4 quarterly permits per year costs £20.88.

The current proposal for 20/21 is to raise the price of an annual resident full scheme permit from £130 to £150 but keeping quarterly prices (£45) the same to reduce costs to those who find the upfront annual costs more difficult.

(2) Councillor West - Business Parking Permit Surcharges

- 55.4 Is the proposed 15% surcharge on quarterly business parking permits, over and above the proposed annual charge, justifiable on the basis of additional administrative cost?

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

- 55.5 The unit cost of a business permit is £5.22 which consists of direct material costs, direct staff costs, other apportioned direct costs and apportioned overheads. 4 quarterly permits per year costs £20.88.

The current proposal for 20/21 is to increase the price of business permits (£350 to £400 yearly and £100 to £115 quarterly) but also double the allocation of business permits from two permits to four permits.

This is a good value permit allowing use of resident / shared bays for a particular zone at any time (just over a £1 a day).

(3) Councillor West - Budget readiness for carbon neutrality

- 55.6 Transport makes up over a quarter of the city's carbon footprint, much of which relates to the use of the city's 100,000 private cars. Private car use needs to be reduced to help tackle air pollution, congestion and road danger in the city; freeing space and supporting more people to travel actively on foot and bike or by public transport. The Council has declared a climate emergency and is committed to the city becoming carbon neutral by 2030. Parking charges are a strong lever the council is able to use to encourage less car use. The Administration's draft budget proposes to raise income from parking charges by a very modest amount, is that sufficient? Will the budget as a whole show strong ambition in readying the city for carbon neutrality?

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

- 55.7 The proposed 2020/21 fees follow a review of parking demand in the city and the objectives set out in the councils Local Transport Plan, therefore changes to the tariffs will not reflect the assumed 2% standard budgetary inflation value.

A number of proposed increases have been made in high demand off street car parks as well as parking spaces on the seafront which are also at capacity in summer periods. In terms of paid parking charges within the wider Controlled Parking Zones the focus for 20/21 has been on increasing the price of various permits across the city where vehicles displaying these permits have been shown to park in a significant amount of shared parking spaces across the city. If the proposals are agreed this officers will then review these paid charges in Controlled Parking Zones for 21/22.

(4) Councillor West - Park and Ride and “EV Car Revolution”

55.8 Meeting the challenges of climate change requires bold, community-focused change. So, I am concerned the Chair of ETS is intent on including consideration of Park and Ride in LTP5. Park and Ride is not a solution, it merely shifts toxic car emissions from one part of our city to another – it will not cut congestion, reduce air pollution or make the option to travel by bike or on foot safer and more attractive. It’s also difficult and costly to implement. For decades successive Labour and Council councils have promised Brighton & Hove voters Park and Ride, yet never delivered it. Despite this truth, the Labour Party just can’t let go of their fantasy of a ‘big solution’. Just last week, we also read the Leader of the Council, Nancy Platts, stating that an ‘electric car revolution’ is on its way. Emissions from transport equates to more than a quarter of our local carbon footprint, with personal car travel a big contributor. There are 100,000 cars in the city, can that continue? Will changing them all for electric cars make much difference? Given the investment that would be required in electricity generation, transmission and charging infrastructure, as well as the high level of energy embodied in making the vehicles, the answer is probably no. We must acknowledge for many, cars are still the only accessible mode of transport – but that an RAC survey found that people would ditch the car, if public transport was cheaper and more available.

Let’s be clear: piecemeal solutions will not meet the challenge of climate crisis. If we agree there is an emergency, we need to shift our conversations towards supporting people to make positive changes. Whether it’s pushing for action on dirty air pollution, a boost to public transport, walking and cycling, or a Green New Deal to create jobs in renewable energy sectors, there are important and ambitious ways to create a positive change. We need our leaders to grasp the scale of the problem and lead the way on city-wide solutions – not put all their energy into promoting ineffective sticking plasters.

Will the Chair of ETS make clear that Park & Ride will not aid realising carbon neutrality by 2030, and therefore will not be progressed in LTP5?

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

55.9 It is correct to say that there is a need for a strategy and joined up to delivering a sustainable and active transport strategy for the city. Any consideration of Park & Ride therefore needs to be explored with the context of the city and wider region’s overall transport strategies,

We are currently reviewing the transport strategy for the city (the Local Transport Plan). It will include a new and exciting long-term strategy for transport and travel in

the city. It will probably look ahead as far as 2030 - that critical date for all of us in terms of the climate emergency – and it will be bold and ambitious.

It will need to address many issues – safety, accessibility, health and the economy, for example – and in doing so, it will recognise that our city is a place that has a diverse and wonderful mix of residents, workers and visitors. They all have many different needs and travel habits, so we have to plan for all of those in the short, medium and long term.

It is recognised that Park + Ride is not a panacea to the city's transport or wider problems, but it has worked effectively in other cities where it is integrated alongside other sustainable transport schemes and initiatives.

Park + Ride should also not just be viewed as part of sustainable transport solution for the city but could also serve the wider city region. The city has the South Downs National Park on our doorstep - a magnificent, nationally recognised landscape that we want everyone to visit and enjoy – but we don't want it clogged by cars and traffic. A Park + Ride site might help us and other authorities manage those issues in more economically and environmentally sustainable ways.

Electric vehicles are also part of our journey towards decarbonisation. It's happening nationally and globally, and we need to be a part of it to ensure that we are playing our part in reducing harmful emissions that affect people's health and our environment.

It is important that we engage with local residents and business on these issues. We also need to take action. We are in the process of one of the biggest roll-outs of electric vehicle infrastructure in the country, with over £1 million pounds of investment. Investment in infrastructure that will enable people to choose to use an electric vehicle and make our local air quality much cleaner and healthier for everybody. The current, limited availability of that infrastructure is preventing them from making those choices. It is also recognised that electric vehicles are not the only solution to a sustainable transport system but are one step towards a cleaner and more sustainable transport system.

- 55.10 Buses will also be part of the city's future transport strategy, and we fully intend to continue to work in partnership with operators to seek and secure more Government funding on our Road to Zero [Emissions] by bidding to become the country's first all-electric bus town. This will build on the fantastic level of investment that they have already put into their fleets. Likewise, walking and cycling be an essential part of our strategy and the current development of our Local, Cycling & Walking Infrastructure Plan will form a key part of future strategic approach.

(5) Councillor Heley

- 55.11 At the last full council meeting I was delighted that the Green New Deal Motion that myself and Cllr Hills proposed received unanimous, cross-party support. Will the Leader of the Council provide an update on the Green New Deal report that was requested in the motion, including details on:

- If any stakeholders are involved

- Who the lead officers are that have been assigned to this report
- What the proposed timescale is
- When the city can expect to see the final version.

Reply from Councillor Platts, Leader of the Council.

55.12 At the full council meeting on 24 October, I was also pleased that the council approved a Notice of Motion (NoM) on a Green New Deal. The NoM requested that certain issues relating to a Green New Deal be referred to P&R for decision.

A report on the Carbon Neutral 2030 Programme and Climate Assembly was taken to the following P&R Committee on 5 December. This included a Recommendation to note the Notice of Motion agreed at 24th October Full Council and agree that work on these measures be taken forward as part of the Carbon Neutral 2030 programme.

Through the programme we will be working with residents and a wide range of stakeholders to address the Climate Emergency. We are already working with the Greater Brighton Economic Board and its Infrastructure Panel to develop an Energy Plan. The overall aim of the Greater Brighton Energy Plan is to identify opportunities for energy infrastructure that will support the city region in achieving its objectives in terms of decarbonisation and economic growth. It is anticipated that the Energy Plan will be finalised in April 2020, and deliverables include a project pipeline and development models. The Greater Brighton Water Plan follows a similar approach and timetable and will identify water projects aimed at improving water efficiency.

We will also work closely with Coast to Capital LEP, particularly around the emerging Local Industrial Strategy, and regional collaboration to lobby government for funding for low-carbon, 'green' jobs and decarbonisation projects.

(6) Councillor Heley

55.13 Does the Administration have any plans to change existing emissions-based tariffs for residents parking permits, e.g. to expand beyond the 2 tiers of high and low emission vehicles? In order to tackle air pollution and to incentivise use of low emission vehicles, it would be good to have a further breakdown of emission levels with more being charged for higher emitting vehicles?

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

55.14 This is very complex and although the review has begun officers do need time to prepare a comprehensive emissions model. This would take into account Vehicle age, fuel type and engine size, in addition to CO2 emissions. This is also requires detailed discussions with our parking IT system operators to discuss any limitations with the current application systems and take into account future IT modernisation. Therefore, this is something that will be a focus for the financial year 2020/21, with intended implementation 2021/22 at the earliest.

(7) Councillor Ebel

- 55.15 Can you please give us an update on how many of the Non-British EU citizens in Brighton & Hove;
- have applied for Settled Status so far
 - have been granted Settled Status so far
 - have been granted Pre-Settled Status so far
 - have not yet applied for Settled Status
 - have used the service in Brighton Town Hall to scan their ID and documents to apply for Settled Status

The New European and other newspapers recently revealed that the Android app that is used to apply for Settled Status can be easily hacked and that sensitive information, such as passport information, passwords and facial scans can be stolen without circumstance. Can you please confirm that the scanners provided by the Council in Brighton Town Hall have been checked following these revelations and that the security flaws do not affect the scanners?

Reply from Councillor Platts, Leader of the Council.

- 55.16 Thank you for your question regarding the EU Settlement Scheme and the city's EU nationals.

Latest EUSS figures released by the Home Office on 7th November 2019 show that **9,750** EU nationals in Brighton & Hove had applied to the scheme between 28th August 2018 - 30th September 2019.

Of that number **8,070** applications concluded with:

- **4,860** granted settled status
- **3,140** granted pre-settled status
- **70** given 'other' status

Which leaves **1,680** that were still 'in-process' at the time the data was recorded.

Figures from the ONS in December 2018 estimated that there were **19,000** residents in Brighton & Hove who were born in the EU. This figure is presented with confident intervals of 7,000 either way which could mean many more or less actually live in the city, but these are presently the best estimates the council has. It is important to note that some EU residents may have been granted citizenship in the past. We presently don't have an exact figure of who in the city has not applied.

The service at Brighton Town Hall has so far assisted **361** EU nationals in accessing the scheme.

The Brexit Coordinator will seek assurances from the Home Office on the security of the ID Document Check android app but notes that the public statement by the Home Office in Nov 2019 says:

“We take the security and protection of personal information extremely seriously. The EU Exit: ID Document Check app is regularly tested by independent security firms against all known and emerging threats and adheres to industry best practice on security, performance and accessibility. Over a million people have used the app safely and we continually review our systems to ensure that it is kept safe.”

The document scanners being used by the Registry Office have regular technical updates to the app which are automatically applied, and the devices usually updated overnight – the assumption is that these are to improve performance and/or security. They are informed directly by email that an update is being applied and to ensure that it has completed.

(8) Councillor Rainey - Single-use plastics

55.17 Efforts to make Brighton and Hove single-use plastic free have been going on since 2017 when a petition and Notice of Motion from the Green Party, calling for the city to pledge to become plastic free, were passed at full council. Many of the city’s large events, and a number of businesses, have now committed to phasing out single-use plastics and earlier this year a campaign was launched for Brighton to achieve Plastic Free Community status.

This autumn Penzance was declared the UK’s first town to achieve Plastic Free Community status. This status involves the council eliminating all single use items from their premises and supporting Plastic Free Community initiatives across the town. In Penzance local businesses and communities have been engaged with, and 12 local schools have become plastic free.

Brighton and Hove has the ability to become the first city in the UK to be awarded Plastic Free Community status, and we have already committed to becoming plastic free. However single-use plastic is still being used by many businesses, communities and schools across the city. Please can we have an update on what has been successfully done so far, and when we expect to achieve plastic free status?

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

55.18 In my response to a similar question that was brought to committee in October I talked about the council’s commitment to the Plastic Free Pledge campaign and listed many areas of work to reduce single-use plastics that have been going on across council buildings, in our operations and across the city. This work continues to make progress and the council continues to work collaboratively with city partners in finding solutions and alternatives to single-use plastics and identifying opportunities to do this through our procurement process, contract management and through collaboration across departments and with city partners. It is great to see more and more individuals doing their bit to eliminate the use of single-use plastics in their day to day lives and seeing reusable alternatives becoming more of the norm.

55.19 With regards to the Surfers Against Sewage (SAS) Plastic Free Community status, there is a huge amount of work that has already been done in this regard, especially within the actions put forward by the council itself. The rest of the 'certification' is being led by volunteers within the Brighton & Hove community - and we are continuing to

carry on this work with the hope that we would be certified in 2020. The volunteers are already speaking to schools about plastic free status and this is being supported by council through the school's environmental education programme and through an emerging new cross-departmental schools project where the council is collaborating with a local marine plastics expert and Southern Water. Volunteers are also sending a letter to every councillor to see how they can engage their local community.

- 55.20 It should also be mentioned that Penzance is much smaller than Brighton and Hove. This is being recognised by SAS HQ, but we cannot compare the two locations!

(9) Councillor Clare

- 55.21 Amendments passed in the 2019-20 budget included £0.022m for City Clean to support Universities with a recycling project to minimise fly-tipping at the end of term. How has this been used?

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

- 55.22 A Council communications officer and projects officer have been working with the Universities of Sussex and Brighton to target students on fly-tipping and general waste.

A plan is being drawn up that will target the city's student population (of around 40,000) on recycling, cutting contamination and warning of Fixed Penalty Notices (FPNs) for littering and most importantly fly-tipping.

Student landlords will also be targeted on fly-tipping at the beginning and end of terms.

Joint communications will be carried out through liaison with the Universities' community ambassadors and targeted comms through direct mail, leaflets, face to face visits, and having a stall at student fresher's weeks and fairs.

The budget will be used for producing a suite of communications to help deliver the above including leaflets, pop-up banners, traditional and social media education campaigns, paid for advertising in university and other student-popular media.

- 55.23 The universities have advised the best time to target their students is in the New Year as new students are more settled in then.

(10) Councillor Clare

- 55.24 Could you supply me with the proportion of CTR recipients in council tax arrears per year from 2015-2019?

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

- 55.25 There is no straightforward percentage calculation, because the caseload is not static enough to measure like for like, with individuals starting and stopping CTR throughout the year. The following information gives an indication of the number of Liability Orders

produced during the year in question, where the individuals had a CTR claim in payment at some point during the year. Alongside this, there is a snapshot of the number of claims as at the fourth quarter of the relevant year, to give a rough idea of scale.

	Number of Liability Orders	Count of claims Jan-March
2015 to 2016	3,260	23,382
2016 to 2017	3,263	22,163
2017 to 2018	3,021	19,934
2018 to 2019	2,444	18,722
2019 to 2020	2219	18,076

(11) Councillor Clare

55.26 What proportion of events in the city have incurred fines for the state of land at the end of events and of these, are any on Hove Lawns?

Reply from Councillor Robins, Chair of the Tourism, Equalities, Communities & Culture Committee

55.27 Events are not fined as such. A reinstatement deposit is taken or, in the case of the very largest events, indemnification against any damage caused is agreed by contract.

A total of £19,241 has been spent by event organisers towards re-instatement in 2019. £1502 was spent on Hove Lawns and charged against the Ladyboys of Bangkok.

As stated previously 2019 has not been the best year for reinstatement. The unseasonably wet Autumn / early winter has resulted in some of the works not establishing themselves. It is the intention to have another round of works in the early spring in three key areas – Hove Lawns, Stanmer Park and Old Steine. The estimated cost of these works is £5000, again this will be charged to event organisers.

(12) Councillor Hugh-Jones

55.28 Since 1 April 2018, private landlords are no longer permitted to let domestic properties on new tenancies to new or existing tenants if the property's Energy Efficiency Certificate rating is F or G (unless an exemption applies). From 1 April 2020, this exemption will apply to all such properties even where there is no change in tenancy.

Enforcement is a matter for the local authority. Local authorities may serve compliance notices up to 12 months after a suspected breach has occurred. Where a local authority confirms that a property is (or has been) let in breach of the Regulations, it may impose a financial penalty up to 18 months after the breach and/or publish details

of the breach for at least 12 months. By way of example, penalties for renting out a non-compliant property for 3 months or more are up to £4000 per property.

- 55.29 In light of the above, what steps is the Council taking to prepare to enforce EPC ratings in the private rental sector after April?

Reply from Councillor Williams, Chair of the Housing Committee

- 55.30 The Housing Committee Work Plan 2019-23 seeks to improve private rented housing, including to:
- Develop the enforcement approach to private sector housing to reflect the full range of potential options available to improve management and standards.
 - Develop an action plan to set out how we will work collaboratively to ensure housing contributes to making the city carbon neutral by 2030.

November Housing Committee approved a Private Sector Housing Enforcement Strategy agreeing that procedures will be devised, and the policy implemented from April 2020.

- 55.31 As part of our development of these procedures, we will, in liaison with other regulatory departments in the council who may also have responsibility for this area of work, review and report upon our approach to EPC enforcement.

(13) Councillor Fishleigh

- 55.32 The i360 says that it will contribute £640million to the local economy over the next 25 years which amounts to £70,000 a day every day, can you give us a breakdown of this figure in terms of financial benefits to hotels and other accommodation, restaurants, cafes and bars, car parks, independent shops and other tourist attractions?

Reply from Councillor Robins, Chair of the Tourism, Equalities, Communities & Culture Committee

- 55.33 A copy of the Brighton i360 Economic and Social Impact Report can be found on the i360's website. This was an Independent report commissioned by the i360 and prepared by local economic development experts. The report includes further information on the breakdown of those figures. It is not the council's report and we do not hold the data that sits behind it.

(14) Councillor Hills

- 55.34 Following the motion put forward by Councillor Amy Heley at the last full council meeting, we've agreed as a council to work towards a Green New Deal policy framework, which means restructuring our economy to work towards eliminating carbon emissions and increasing biodiversity, while boosting local jobs. To do this effectively, we will need to train a high number of workers in a range of skills.
- I'd like to ask the leader of the council if the skills and specialisms needed for this transition have been identified and if so, could this be made public?

- What will the council do to make sure that we can recruit enough local people to take up these roles?
- What work is currently being done to ensure local colleges, training providers and employers can provide effective training for these new positions?

Reply from Councillor Platts, Leader of the Council

55.35 Skills demand and identification of skills gaps are a national, regional and local priority. The Coast to Capital Skills 360 Board was established to provide direction and strategic support to boost the productivity of our economy by giving people the skills they need to secure and maintain high quality jobs. Additionally, the Skills Board is undertaking the role of Skills Advisory Panel ([link](#)). The remit and responsibilities of Skills Advisory Panels is specified by the Department of Education, the panel brings together local employers and skills providers to pool knowledge on skills and labour market needs, and to work together to understand and address key local challenges existing and future skills gaps and employment priorities. Brighton and Hove representatives on the board include the Vice Chancellor of the University of Brighton and the Chief Executive Officer of the Greater Brighton Metropolitan College. The final skills report produced ([link](#)) which maps skill demand and supply was finalised in September. The Local Authority will need to work with the skills board with regard to the Green Deal Policy in 2020.

The specific skills required will be determined by the nature of the jobs, which are evolving or unknown. Where there is awareness of rapidly changing technical solutions, we will look at how the Council and Higher Education Institutions can respond. Brighton and Sussex Universities have established courses in sustainable design and materials solutions and in sustainable and ethical procurement and supply chain management which meet local need.

Nationally, the introduction of the T Levels, a 2 year technical education offer designed with employers ([link](#)) will dictate the post 16 provision offer (phased nationally from 2020). T Level's will be available in subjects including Design, Surveying and Planning, Building Services Engineering and On-site construction.

Apprenticeships developed by employers provide a wide choice of pathways from intermediate to degree level. The Institute of Apprenticeships and Technical Education detail a clear process for the establishment of new occupational standards especially where skills gaps have been identified. As an employer we have contributed to the creation of new apprenticeships including an apprenticeship in Planning at degree level.

The local provision offer has the flexibility to respond to identified demand subject to financial viability and the supply of skilled teachers.

During 2020 the National Retraining Scheme ([link](#)) will be rolled out across the UK. The programme will help adults retrain into better jobs, and be ready for future changes to the economy, including those brought about by automation. The scheme will also help to meet the needs of businesses for a multi-skilled workforce in the future.

The Council is currently working with stakeholders in the City in order to identify and address barriers to work and learning; provide an adult education and community learning offer with progression routes, and accessible information, advice and guidance support.

Across the city there is a need to raise skills, knowledge and awareness for this across key sectors particular in STEM subjects, and within the council itself.

As a council we continue to support staff to upskill in their roles through the apprenticeship programme which contributes to retraining and retention of staff, keeping key skills within the organisation. A female employee is currently undertaking Digital & Technology Specialist Professional (Data Analyst) L7 Apprentice.

- 55.36 Through the Council Apprenticeship Levy we are able to support SME's to take on new apprentices and develop existing employees. So far, we have allocated over £339,000, including Civil Engineering Degree Apprenticeships with Brighton University. The University of Brighton are one of the first universities to offer this apprenticeship and provides a useful platform from which to examine the issues associated with sustainable development.

(15) Councillor Nield

Varndean School has recently sent out plans to local residents showing its proposed expansion. Residents are concerned about the effects on local traffic of an increase in pupil numbers. There have already been serious accidents involving pupils on both Ditchling Road and Preston Drove, and parking at the top of Balfour Road at school pick up and drop off times can already be dangerous and chaotic.

Residents would like to know what plans the council has to mitigate the repercussions of increased pupil numbers on traffic and parking around the school, and what plans they have to improve the safety of those pupils who walk and cycle to both Varndean and the other schools which share the grounds of the Surrenden campus.

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

I appreciate your concerns about this location given that this is a very big campus already, with two colleges, two secondary schools, a primary school and it also has some busy local roads surrounding it.

Your question is about traffic, safety and parking, but it has been prompted by the planned expansion of the Varndean School. I have therefore discussed this response with Councillor Allcock, as the Chair of the Children, Young People & Skills Committee (which you also sit on) and he is happy that I respond on both of our behalves.

The decisions to expand the school to accommodate 30 more children were made in 2018, and it is expected that a planning application for this proposal will be submitted very soon. The application will include a transport assessment, which will assess the possible impact of the increased number of pupils on local roads and it will propose any appropriate mitigation measures that may be required.

I hope that residents, including those in your ward who have concerns, will look at the traffic information and make comments on the application when it is submitted. They will be able to do this on the council's website.

In addition, the Council has a rolling programme of capital investment through its Safer Routes to School programme which provides improvements in the areas around schools to ensure a safer environment for children where there are known safety related issues. Much like your suggestion of School Zones the Safer Routes to School programme looks to introduce a range of measures such as - safer crossing points, speed limit reductions, improved signage and road markings. To date the Council has introduced Safer Routes to School improvements at 18 locations across the city that has benefited 46 schools across the city. There is another scheme underway at West Blatchington Primary due for completion shortly. The assessment criteria to introduce Safer Routes to school is very much safety led and looks first and foremost at reducing accidents that have involved children and young people and to create an environment in which children feel safe to walk in. The council also has a rolling programme of investment to install new pedestrian crossing points to benefit all users, including children across the city.

There has been some past work done in the Varndean school area to make it safer. In 2012, the council developed a Safer Routes to School scheme for the Fiveways area and works were done in Ditchling Road and Preston Drove. We do monitor road safety data across the city, and last month the ETS Committee agreed to receive a report which will set out the ways in which the council can work in close consultation with schools and local communities about the creation of walking zones to improve safety.

Earlier this year, we also used the 'Streetwise' initiative to help keep children safe as they travel to and from school. Streetwise is a touring theatre production which is aimed at new Year 7 students starting at secondary school, and Varndean and Downs View were included.

- 55.37 A consultation will take place in early 2020 in the Surrenden area on a resident parking scheme. The results of this consultation will then be taken to an ETS Committee in Summer 2020. If there is strong support and the recommendation from ETS Committee is to proceed the next step would be to consult again with the residents with a detailed design.

<https://www.brighton-hove.gov.uk/content/parking-and-travel/parking/surrenden-area-parking-consultation>

(16) Councillor Hugh-Jones

- 55.38 When Boots and the Coop closed on London Road in preparation for the redevelopment of that site, it was anticipated that Boots would move across the road. There have since been reports that this has fallen through. Will the Health and Wellbeing Board be raising this serious failure of provision to local residents, particularly as this relates to prescription services?

Reply from Councillor Moonan, Chair of the Health & Wellbeing Board

A report was submitted to the Health and Wellbeing Board (HWB) 10th September 2019 as part of its Pharmaceutical Needs Assessment (PNA) responsibilities. The report updated the HWB following the previous information in July 2019 that the Boots in the London Road was moving premises from its current address to across the London Road.

The PNA is a comprehensive statement of the need for pharmaceutical services of the population in its area. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”) set out the legislative basis and requirements of the Health and Wellbeing Board for developing and updating the PNA as well as the responsibility of NHS England in relation to “market entry”.

NHS England holds the contract for community pharmacy. The provision of NHS Pharmaceutical Services in community pharmacies is a controlled market. If an applicant wants to provide NHS pharmaceutical services, they are required to apply to NHS England (NHSE) to be included on a pharmaceutical list. Since April 2013 pharmaceutical lists are compiled and held by NHSE. NHSE will use the PNA when making decisions on applications.

HWBs have the responsibility to carry out and publish a PNA for its population at least every three years and publish supplementary statements stating any changes to local pharmaceutical services.

At the July 2019 HWB meeting Public Health advised that this relocation did not represent a gap in provision because the relocation was 100 metres across the same road and would provide the same level of service and opening hours. Since July 2019 the situation changed. NHSE informed the Public Health team on 28th August 2019 that Boots had requested a temporary suspension from NHSE for the provision of its pharmaceutical services at 119-120 London Road, due to problems in obtaining alternative premises before the lease on their current premises was due to expire. They made this request under Section 29.4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulation 2013. NHSE have granted Boots a temporary suspension of provision for up to 6 months whilst they seek alternative premises, which is expected to be at a different address. The Boots at 119-120 London Road closed on September 20th 2019.

- 55.39 Brighton and Hove City Council Public Health team have remained in contact with NHSE who have confirmed that if Boots are not able to find premises within the six months of 20th September 2019, the contract will automatically terminate, and the pharmacy will be considered as closed. However, In the circumstance that they found premises at the last minute they could apply for an extension to the contract, to allow time for a relocation application to be processed. The Public Health team will continue to monitor the situation in relation to the HWB’s PNA responsibilities.

(17) Councillor Hugh-Jones

- 55.40 Also, on the subject of London Road, where can residents find information about the proposed redevelopment? The information on the Council's website appears to date from 2013.

Reply from Councillor Robins, Chair of the Tourism, Equalities, Communities & Culture Committee

- 55.41 Assuming that this question relates to the London Road shopping centre. There are various development proposals within and around this area. Information can be found in various places on the council's website.

Planning permission was granted earlier this year for the demolition of the former Boots and Co-op supermarket on the corner of London Road and Oxford Street. This building will be replaced with a five-storey building – with student accommodation above ground floor retail.

Just off London Road itself, the Longley Industrial Estate will be redeveloped by Legal & General for a mixed-use development of offices and 'build-to rent' residential apartments. This was granted permission earlier this year.

The planning applications containing full information on both of these developments can be found on the 'Planning' section of the council's website. New England House (next door to the Longley site) is owned by the council and is proposed for expansion and refurbishment. The most recent details on this project can be found in the agenda pack for the recent 5th of December Policy & Resources Committee. This information is also available on the council website. P&R granted permission for the next stages of design work.

- 55.42 Planning policy information relating to the central London Road area can be found in the council's City Plan (Parts 1 and 2) and the London Road Central Supplementary Planning Document. These documents are also available to view and download on the council's website.

(18) Councillor Mac Cafferty

- 55.43 Can you please tabulate the quantity of complaints about licensed premises for each street in Brunswick and Adelaide Ward per year in the past five years? In 2019 which licensed premises and the corresponding street; in 2018 which licensed premises and the corresponding street; in 2017 which licensed premises and the corresponding street; in 2016 which licensed premises and the corresponding street; in 2015 which licensed premises and the corresponding street.

Reply from Councillor O'Quinn, Chair of the Licensing Committee

- 55.44 We can provide the information requested and an officer will send it to you directly.

(19) Councillor Mac Cafferty

55.45 Can you please tabulate the quantity of fixed penalty notices for environmental offences of littering, littering from vehicles, dog fouling, graffiti, fly posting, unauthorised flyering, industrial and commercial waste receptacle offence, residential fly tipping, commercial fly tipping, disposing of commercial waste illegally, failure of business to produce a waste transfer note per year from March 2016 to December 2019. In 2016, how many FPNs and for which offence; in 2017 how many FPNs and for which offence; in 2018 how many FPNs and for which offence; in 2019 how many FPNs and for which offence. The last time I asked this question I was informed that the council didn't have data before March 2016, why is that given that we have had FPNs since the 1990 Environmental Protection Act.

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

	2016	2017	2018	2019
Littering/littering from vehicles/ spitting, urinating or defecating	1324	2581	3950	548
Dog fouling	3	4	6	1
Graffiti	18	1	3	6
Fly posting	7	43	16	13
Unauthorised flyering	53	79	66	21
Industrial and commercial waste receptacle offence/disposing of commercial waste illegally	295	166	6	323
Residential fly tipping	99	202	274	285
Commercial fly tipping		450	215	
failure of business to produce a waste transfer note	341	486	427	41

Please note, during the 3GS contract, Residential fly tipping and Commercial fly tipping were recorded separately. Since the service has been in-house (and pre-3GS) the offences have been combined.

55.46 Some explanations for variances:

- Littering: through environmental enforcement education, there has been an element of behaviour change.
- Industrial and commercial waste receptacle offence/disposing of commercial waste illegally: issuing of FPNs was put on hold in 2018 due to the uncertainty of successful prosecutions under the legislation that was used at the time. This has now been rectified.
- Failure of business to produce a waste transfer note: through environmental enforcement education, most commercial entities across the city are aware of their roles and responsibilities relating to waste management and now have the relevant

documentation. Officers frequently check a business's duty of care certificate should they commit an offence.

- There have also been fewer members of staff meaning there has been less coverage across the city. Recruitment has now been completed and all positions are filled.

55.47 It has not been possible to locate a complete set of data for the number of FPNs issued pre-2016.

(20) Councillor Mac Cafferty

55.48 As records have been kept only by ward since 2018/19, can you please tabulate new reports of, or enquiries regarding, ASB for each street in Brunswick and Adelaide Ward per month. This would mean each street will have a clear record of reports for each month for this period. As reports weren't kept per ward what was recorded prior to this, and how do I understand what incidents, reports or enquiries happened on the streets in my ward before this point?

Reply from Councillor Childs, Lead Member for Community Safety

55.49 We can provide the information requested. However due to the way that the information was captured prior to 2018/19 this may take a little while. Officers will provide the information to you directly in the New Year.

(21) Councillor Mac Cafferty

55.50 At last full council I tried to ask questions about:

- (1) the quantity of complaints about communal bin collections;
- (2) the quantity of complaints about the state of communal bins and;
- (3) the age of each communal bin,

on each street in Brunswick and Adelaide Ward for the past five years?

55.51 But was told that this information is not available as complaints have not been recorded in this way. As the area of the city where communal recycling was trialled in 2012 and as one of the first areas of the city with some of the oldest communal waste bins how am I to understand now, not after the audit, how the council understands

- (1) the quantity of complaints about communal bin collections;
- (2) the quantity of complaints about the state of communal bins and;
- (3) the age of each communal bin. Especially as the city does record quantities of missed collections for recycling and this is captured in the KPIs report.

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

Complaints about communal bin collections

- 55.52 Based on previous feedback from Councillor Mac Cafferty, the classification of complaints was amended and now include *issue with a communal bin*. Since this change in October 2019, there have been four complaints about communal bins. One was in the Brunswick & Adelaide ward.

Complaints about state of communal bins

- 55.53 Complaints about the condition of communal bins are very rarely received by the Corporate Customer Feedback Team. Since October 2019, there has been one complaint, and this was not in Brunswick & Adelaide.

Instead, complaints are received directly to Cityclean via telephone or email or to the Assistant Director. These are dealt with on a case by case basis with a site visit to inspect the bin to determine what action needs to be taken. The number of these complaints is not recorded centrally.

Age of each communal bin

- 55.54 This is currently unknown. Once the audit is complete, Cityclean will have a better understanding of which bins are the oldest.
- 55.55 The missed collections in the KPI report relate to kerbside missed collections, not communal missed collections.

(22) Councillor Gibson

- 55.56 Please provide a table showing the additional council homes provided for each year (or part year) 2015/16 through until the part year 2019/20 up till December 15th and for each year (or part year) show the additional annual rent income receivable for these homes at today's rents?

Reply from Councillor Williams, Chair of the Housing Committee

<u>Financial Year</u>	<u>Number of units</u>	<u>Full year effect of rental income £</u>
2015/16	29	178,220
2016/17	26	238,870
2017/18	108	860,790
2018/19	76	627,090
2019/20	43	331,190

(23) Councillor Gibson

- 55.57 For the home purchase policies operation up until December 15th 2019, please can you provide:

- the number of homes on which a purchase has been completed and of the number used as temporary and as general needs?
- A breakdown of the numbers charging social rents, 27.5% Living wage, 37.5% Living wage and Local housing allowance?
- A breakdown of the number of properties coming from the “first refusal” option when RTB homes are sold on and the numbers coming from other routes?

Reply from Councillor Williams, Chair of the Housing Committee

55.58

- 43 homes have completed – 25 for general need and 18 for temporary accommodation
- Of those 43: 0 have been charged social rents, 2 have been charged 27.5% living wage rents, 23 have been charged 37.5% living wage rents and 18 have been charged LHA rates
- Of the 43: 16 were right of first refusal and 27 were other routes

(24) Councillor Gibson

55.59 Please can you explain the “anomaly” experienced with the DWP indicating how this is hampering the councils collection of rent on behalf of seaside homes and when it is anticipated that this anomaly will be resolved (also some details on how the collection procedures are being reviewed and what (if any) changes are being implemented to improve on the 85.6 % collection rate reported to P&R)? (see answers to P&R – 5th December)

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

55.60 We can advise that Seaside Homes rents are currently subject to Universal Credit at Local Housing Allowance rates rather than being classed as Temporary Accommodation which is excluded from LHA. This is despite the council providing written information for tenants to submit with their application concerning our use of Seaside Homes as TA. We have also had issues with the DWP reflecting our most recent rent increase (Feb 2019) in UC payments, delays in UC payments being actioned and issues with applying for and receiving direct rent payments and payments for arrears.

We have secured a meeting with DWP, scheduled before Christmas, in which we hope to achieve an understanding and acceptance by DWP of Seaside Homes properties and how to treat them in future with the aim of resolving the current delays in assessment (which cannot be backdated).

In terms of rent collection, it has been widely reported that many housing organisations and landlords are seeing reduced income collection as a result of Universal Credit.

Moving forward to improve rent collection. We are recruiting additional staff resources to be in place early in the new year and increasing the focus of most of the existing officers in the temporary & emergency accommodation income team on Seaside for the last quarter of the current financial year (3 officers out of 5.5 Full Time Equivalent posts).

- 55.61 We are also undertaking a business process review across Housing to consider income collection across all types of accommodation and potential efficiencies to improve overall collection rates.

(25) Councillor Gibson

- 55.62 Of the borrowing taken out at 2.17% (average rate) what percentage of the assumed borrowing was actually taken up? (see written answers to P&R on 5th on December)

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

- 55.63 The original assumption was that the HRA would need to borrow approximately £32 million to fund investment in the projects in question. However, due to changes in the timing of HRA project investments, approximately £14m other HRA resources became available to be utilised for other projects instead of requiring borrowing. This ensured that the HRA did not incur financing costs unnecessarily and it is anticipated that borrowing will therefore be required in the future to fund the capital investment programme. Currently, this means that the HRA has utilised £18m or 56% of the assumed level of borrowing at an average rate of 2.17%.

(26) Councillor Gibson

- 55.64 As of 15th December, how much of the £1m rent reserve created in the 2019/20 budget to support social rents and 27.5% Living wage rents has been spent, and how many additional homes at social rents and 27.5% living wage (living) rents is it projected will be supported during the rest of the current financial year?

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

- 55.65 It was approved at the September Housing Committee to consider the use of the rent reserve (£1.050m) to reduce rents for the properties being purchased through the Home Purchase Policy. Officers are currently considering the most efficient way to apply this reserve to properties which are offered to the council from September 2019 as the application of this reserve needs to consider how to optimize the use in order to lower the rents on the maximum number of properties possible. The intention to use this on properties being offered from September is likely to mean that purchases using the new methodology will take place from December/January onwards. The number of homes supported will depend on the varying level of subsidy for each home.

In addition, January Housing Committee is considering a report on Rent Policy for new council homes to maximise the number of council homes replaced at social or living wage rents which will inform rent setting going forward.

(27) Councillor Gibson

55.66 What is the proposed (2020/21) CPZ permit increase per week for a full scheme permit and the proposed cost of “surcharge” per week on each of 2nd and 3rd permits?

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

55.67 These are the current proposals:

- Raise the price of the basic annual resident full scheme permit from £130 to £150 (about 38p a week) but keeping quarterly prices (£45) the same to reduce costs to those who find the upfront annual costs more difficult.
- Raise second/additional full scheme by means of an additional surcharge (annually £80 and quarterly £20 which works at about £1.54 a week).

(28) Councillor Gibson

55.68 As of December 15th, 2019;

- How many council homes have been sold under the RTB during this financial year?
- What is the current level HRA borrowing and how much is this under the previous borrowing cap?

Reply from Councillor Williams, Chair of the Housing Committee

55.69

- As at 15th December there have been 24 sales under the RTB during 2019/20.
- The current level of HRA borrowing at 15th December is £129,291m this is £27,509m below the previous HRA borrowing cap.

(29) Councillor Osborne - Possibilities to claim extra support and how the Administration is encouraging this?

55.70 With the complicated means-tested benefit system that we have in the UK there are millions of people each year that don't realise that they are due extra support and fail to claim. As a result, there is extra demand placed on council run services.

1. What extra support is available for residents to apply for in terms of benefits, tax relief etc both from the council and nationally?
2. What are the take-up rates of these various possible support schemes in terms of number of eligible people vs actual number of claimants (in Brighton and Hove)? How does this compare with other local authorities?
3. Are these figures regularly tracked to see if there are any trends emerging?

4. What actions are the administration currently taking to promote the availability of these schemes and how are they supporting people when applying?
5. Are there any further plans to support people when applying in the future and to help to increase their uptake?

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

55.71

1. Examples of help include Universal Credit, Employment Support Allowance, Carer's Allowance, Tax Credits, Personal Independence Payments... locally we offer a Council Tax Reduction scheme, alongside Discretionary Housing Payments and the Local Discretionary Social Fund. There are a number of websites that explain in more detail the possible benefits and help that residents can apply for nationally and locally, including the [gov.uk website](http://gov.uk), and there are online benefit calculators that can give an indication of what someone might be entitled to depending on their circumstances.
- 2 and 3.
The number of potentially eligible people city-wide is unknown, due to the complexity of the various schemes, the complexity of individual lives and circumstances, and the fact that we do not have data about residents' personal circumstances unless they are already known to us. However, in our Council Tax Reduction report to Policy and Resources Committee on 5 December ([Council Tax Reduction Review 2020-21 and Working Towards a New Welfare Framework](#)), we outlined plans to develop a new Welfare Board, and one of the early pieces of work will be to undertake some mapping work to analyse demand for help with financial and welfare benefit support. Another of our aims is to ensure that all support services within the council are better able to identify the key signs of when somebody might be missing out on financial assistance, and then either signpost them to the appropriate service, or support them directly. Many teams and officers already successfully highlight potential eligibility to people who they support, so this is an ongoing exercise. We will be exploring new models of data analysis, using existing data to identify households most at risk in terms of financial resilience. We would also be working with our partners in the voluntary sector to understand and interpret data that we identify concerning financial and welfare benefit take up in the city.
4. In terms of promoting availability of benefits and financial support, our website has information about our local Council Tax Reduction, Discretionary Payments and Local Discretionary Social Fund (LDSF) schemes. Residents are advised about the schemes if they present in financial difficulty (for example if they have rent arrears, or council tax arrears). Colleagues in housing regularly assist their clients to access the LDSF. We also provide training on Welfare Benefits for other council officers and colleagues in the voluntary sector, so that they can recognise when vulnerable residents need more targeted and specific intervention. We have a Welfare Rights team that can advise residents on their potential entitlement to benefits, and we proactively work with residents whose Benefit entitlement has been capped by the government, so that they can either find work, find more suitable accommodation, or we assist them in claiming PIP, if they have a health

condition that would mean they qualify. When we are made aware that somebody has claimed Universal Credit, we advise them to claim CTR, either whilst speaking to them, or in writing. On an ongoing basis, our partners in the Jobcentre have been working with us and other organisations on how to support individuals with complex needs. The city's voluntary sector also plays a crucial role both in promoting the help available and supporting people in accessing that help.

5. We are embarking on a development programme with the Local Government Association, alongside five other Local Authorities. We want to explore how to join up our services strategically and operationally, and find innovative ways of supporting our residents with their financial resilience. The intentions and next steps for this work are outlined in a report to Policy and Resources Committee on 5 December: [Council Tax Reduction Review 2020-21 and Working Towards a New Welfare Framework](#)

(30) Councillor Osborne - Universal Credit

- 55.72 The national government embarked on an overhaul of the welfare system when they started the transition towards universal credit. There have been several delays in the roll out of this but how far through the roll out are we as of December 2019 in terms of the % of claimants who now receive universal credit? When do we expect all claimants to be moved onto this system?

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

- 55.73 Universal Credit is a combination of six legacy benefits and we do not hold information about the residual caseloads of national benefits. Migration is ongoing and the DWP's programme is not expected to be complete until at least 2023. In terms of Housing Benefit caseload, since January 2017, some 2,500 cases have naturally migrated across to the DWP, where their Housing Costs are paid as part of Universal Credit. Cases usually transfer where somebody makes a new claim, or where they have had a change of circumstances. The transfer rate currently averages 60 per month. Combined with those making new claims directly to Universal Credit, it means that the overall Housing Benefit caseload has reduced from 24,000 to 18,000. Nationally, since July 2019 the DWP has been testing the next phase of migration with a pilot in Harrogate, moving over cases where there has not been a triggering change of circumstances. However, the pilot is proceeding very cautiously and is understood to have migrated extremely low numbers while they test processes and support mechanisms. Even if the government achieves its current target of completing migration during 2023, there will be a significant number of cases still on Housing Benefit, for example pensioners and those in supported and temporary accommodation. There is no information on when or how the Harrogate pilot will expand, or when managed migration will happen in Brighton and Hove.

(31) Councillor Powell – Tree Planting

- 55.74 In July 2019, the BBC reported that "*Ethiopia has planted more than 350 million trees in a day, officials say, in what they believe is a world record.*"

How many trees were felled by BHCC in the last year? And how many trees were planted in the last year by BHCC? Crucially, what plan has this labour administration committed to (along with ideas such as Plant Your Postcode) to plant even more trees in the next few years, now that our council has declared a climate emergency?

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

55.75 The Administration is committed to increasing the overall number of trees in the city and working towards the Friends of the Earth suggested target of doubling tree cover by 2045. However, in light of ash dieback and other tree diseases we also need to commit resources towards preserving our existing tree stock.

The council has taken steps to reduce the decline in tree cover in the City. Exact figures for felling of woodland trees are not available however the Councils Arbotrak system shows 1105 fellings for this calendar year which will include some of the woodland trees, housing and cemeteries trees. It will include losses to elm disease and ash die back. Because of the way the figures are recorded it will include any tree work including the removal of self-seeded trees in the City. The council has also taken steps to improve the inspection and maintenance of our existing trees.

There are currently in the region of 500 confirmed tree plantings for this year which have either been completed or are in progress. We have also identified a possible 3 other sites where we are hoping to work with residents through 'Plant Your Postcode' to do some additional tree planting. As these are large areas we are hoping to get significant number of trees in and we will be aiming to ensure that there is no net loss of trees overall and ideally that we will be able to increase the overall number.

An additional £200 k has been allocated this year for street tree planting. To put this into perspective Cityparks annual budget for tree planting is £15k. This will help to reverse the trend of loss of street trees. In addition, an additional £300k has been put into maintenance and safety work on trees for this financial year.

Ash Die back has hit the country and will hit some of our woodlands badly and Elm Disease is increasing in the City. It is thought the increase in elm disease is due to poor control of the disease on non-council land in the City but the sources of infection have not been confirmed. Infection numbers do fluctuate but this year we lost 300 trees as opposed to an average of just under 200 for the previous 3 years.

We are working closely with residents and 'plant your postcode' in order to accelerate the number of tree plantings from next tree planting season. We will also be looking at opportunities to involve residents in tree conservation as tree warden alerting us at an early stage when there are problems.

There is a significant amount of public interest in tree planting and tree preservations. We recently had a workshop with 'Plant Your Postcode' and representatives from City Parks, Housing, Estates and Community Engagement attended. We do have issues with skilled technical officer capacity to deliver the increase in tree planting and we are exploring option for addressing this.

Our priority at the moment is preparing for next year's elm disease season failure to control the disease will lead to the loss of our elms which make up one third of our street trees. Unfortunately, there is nothing we can do to halt Ash Dieback which will hit the wooded area on the Cites edge hard. In terms of planting our aim is to use the additional funding identified for street tree planting to plant up some of the stump sites, on wider pavements, we have inherited in the Cities streets.

- 55.76 The consultation on our new Tree Strategy will commence in the New Year. We will be promoting this widely and will bring the results back to ETSC as soon as possible next year.

(32) Councillor Powell

- 55.77 Since the eligibility age for concessionary bus fares is set to rise to the age of 66 by October 2020, can the ETS Chair please confirm if this has in fact, already been actioned by BHCC? And if not, when?

And importantly, what specifically will the surplus income be used for, going forward? Could Companion Passes for those residents accompanying disabled passengers be an option, as in other authorities? As currently, BHCC do not offer these.

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

- 55.78 Eligibility for older persons passes has been gradually increasing since March 2019 to reach age 66 by October 2020. We have been issuing bus passes in-line with the raise of the pensionable age of the woman. Overall the amount of bus passes on issue has increased by 193 or by 0.5% in the period between March 2019 and 10th December 2019. Nationally and locally bus pass usage is declining. There were 380,000 bus journeys in Brighton made by passengers aged between 65-66 between November 2017-October 2018. Forecasted journeys for next financial year have taken in a number of factors including the age increase in eligibility.

Overall, we estimate there will be 8,730,992 journeys made in total next year, after an initial decrease we expect to see an increase of 0.22% from October 2020 totalling an overall annual decrease of 1.4% in journeys made. Potential savings are being investigated in this area. However, it is important to note that this includes a proposal to extend the concessionary travel scheme to allow 24hr travel for disabled pass holders. We are currently negotiating the reimbursement deal options with bus operators.

- 55.79 We have researched the possibility of issuing companion cards on the same basis as other local authorities and estimate we would issue 2279 cards, generating 622,187 journeys costing over £659,518pa. There are no current plans to recommend this option due to lack of available funding. We do however offer £70 of taxi vouchers to those residents who are not able to use their bus pass through mobility problems.

(33) Councillor Powell – Blue Badges

55.80 BBC in June 2019 reported: *“About 2.35 million people in the UK have blue badge permits because of physical mobility difficulties or are registered blind. People with hidden disabilities are now also being considered as the change came into force on 30 August 2019. Scotland and Wales have already implemented similar rules to include some mental health impairments, (but the criteria is yet to be altered in Northern Ireland). The government said it would provide an extra £1.7m to help councils cope with the expected increase in applications”.*

Has BHCC advertised this change, and informed Service users and community groups (as I am not aware of any such publicity)? And have they seen such applications increase? If not, will BHCC look into this matter forthwith?

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

55.81 A press release was issued by the communications team in conjunction with the Blue Badge team on the 20th August 2019 and was also picked up in local press. It was also advertised by central government and in received coverage from national press across June, July and August 2019. To date we have received over 400 applications for the new criteria which include applications from organisations and is a 100% increase in the amount of new applications received per month. There is currently no intention to advertise this further.

(34) Councillor DrUITT

55.82 Recently a small number of councillors from Labour & Green parties visited Tablehurst Farm in Forest Row and experienced what sustainable community farming looks like. By its own admission it was not a perfect example, rather they were ‘on a journey’. However, they haven’t used pesticides or herbicides for over 40 years; the quality of their soil and their biodiversity is outstanding; and the level of employment, community engagement and educational opportunity is second to none.

55.83 Bearing in mind most of our city’s water comes directly from our own downland estate and currently the (untreated) water quality in the city is amongst the worst in the whole South Downs, isn’t it high time we stopped allowing herbicides and pesticides on our land and managed the transition to sustainable, community farming practices that do not pollute the environment, have a much lower carbon footprint and offer far more in terms of employment, community engagement and education?

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

55.84 The question recognises both the challenges and opportunities that changing our Downland Estate existing farming practices could achieve in contributing to the council carbon neutral target by 2030 in addition to improving the environment and ground water quality.

It raises a number of current, topical and challenging issues that are being considered and developed in preparation for the council's Whole Estate Plan, which will be the successor document to the City Downland Estate policy, originally known as the Downland Initiative which was created in 2005/6.

Whilst ground water quality, sustainable farming and community farming are not mutually exclusive it would be inappropriate to say that only community farming or sustainable farming could deliver a reduction in our carbon footprint and the improvements in ground water quality we would all like to see, particularly within the challenging existing tenancy structure of the council's rural estate.

Clearly, there is significant opportunity to achieve much more in this area and with both the Agriculture Bill and Environment Bill making their way through Parliament the council is hopeful that there will be significant central government legislation and financial funding to support these changes and mitigate any future reduction in the Downland Estates income as we transition to a new land management approach.

At a local level the biggest opportunity to drive significant change in land use and its management is through the renewal and or granting of new tenancies when existing Agricultural Holding Act tenancies (restrictive by nature with three generation inheritance rights) and or newer more modern Farm Business Tenancies expire. This would enable the council to impose Sustainable Farming techniques to new occupiers who are willing to sign up to these, be they sole traders, farming partnerships, companies, Cooperatives or Community Trusts which as a consequence will ensure that over the longer-term ground water quality can only improve.

BHCC Officers and Agents have worked closely with tenant farmers across the Downland Estate to maximise up-take of environmental stewardship schemes available under European Agricultural Policy. We have successfully worked with the South Downs National Park, Natural England, Southern Water, the University of Brighton, the Environment Agency and other organisations, farmers and stakeholders in groundwater projects, particularly the on-going ChaMP project, seeking to reduce nitrate and ammonia inputs and encourage the uptake of sustainable farming practices.

We are in the process of making an investment in replacement septic tanks and sprayer-filling locations on farms, in collaboration with Southern Water and the capital grant schemes they are offering. This is a good example of a privately funded payment for eco-system services which forms an important part of emerging environmental legislation.

There is much that we have done, are doing and intend to do working towards delivering sustainable agriculture and as consequence sustainable food without detriment to ground water quality. The attached Appendix explains in more detail the context and challenges of the City Downland Estate, our achievements and successful collaborative working.

56 ORAL QUESTIONS FROM COUNCILLORS

- 56.1 The Mayor noted that 18 oral questions had received and that 30 minutes were set aside for the duration of the item. The Mayor then called on Councillor Mac Cafferty to put his question to Councillor Pissaridou.
- 56.2 Councillor Mac Cafferty asked the following question, We know from modelling done by the bus company and the council that transport at the clock tower can be drastically improved. We know from the KPI reports that air pollution on North Street remains at a toxic level. On top of that we know that in the immediate area around the clock tower and coming down from the station that there is too much graffiti and littering and that shows no signs of any abatement. My question is would you agree with me that the time has come to talk to our transport providers and city partners about how we can improve this part of the city centre?
- 56.3 Councillor Pissaridou replied, I do agree, and we are talking to our public transport providers, as you know as you are sitting on quite a few of those meetings. We are progressing, we have 201 electric charging points ready for the uptake of electric cars. The taxis are hoping to get electrified, so they will be applying for grants. We are also progressing Valley Gardens Phase 3 which will slow down the traffic and make it a pleasant place we don't just want it to be for people and cycles to pass through we want it to be a place for people to stop and enjoy that part of the city and enjoy what is going on and we hope a lot will be going on in the wonderful space behind the Pavilion.
- 56.4 Councillor Mac Cafferty asked the following supplementary question, On the topic of our city centre we know that through the decade of austerity we are seeing the signs of Tory government and they are now very visible that East Sussex earlier today reminded us that one in 75 people in the city are homeless. We also know that the majority of people who are on universal credit are in debt and that too many end up homeless as a result. Will Labour now publicly affirm their support for a council tax consultation to help some of the poorest households, despite that they previously failed to follow up a request from us in the summer to introduce the council tax reduction support.
- 56.5 Councillor Pissaridou stated that she did not have the information to hand and would provide a full written response.
- 56.6 Councillor Bell informed the Mayor that his question had been addressed outside of the meeting and he was therefore happy to withdraw it from the meeting.
- 56.7 Councillor Clare asked the following question and noted that she did not have a supplementary question., As my colleague has just said I recognise that thanks to savage Tory cuts to the council budget we are facing some difficulties and the administration must therefore propose some cuts to council services in the budget. I remain concerned about the proposed cuts to school improvement along with the governed support budget which carries the risk of not being able to support our city schools as well. Could I ask you to commit to looking again at this proposed cut?

56.8 Councillor Allcock replied, as you know, the council has a statutory role to monitor the improvement and standards of all schools and know its schools well. This is done by carrying out school visits to observe leadership and teaching and learning, and by bringing together a range data, alongside other information from a range of services across the council. This is analysed to work out how best to support and intervene with schools if needed. This is all done in partnership with the schools and the council has a statutory responsibility to intervene when schools are judged by Ofsted as 'Inadequate' or 'Requires Improvement', or are at risk of not being Good or of failing. We refer to these schools as Schools 'Causing Concern'.

The Council intervenes with a number of schools that are causing concern and also provides a service to all good schools to ensure we know our schools well and we prevent schools slipping and becoming a 'School Causing Concern'. Currently the Council is intervening with 10 schools that are in the 'Causing Concern' category. This is a small number of Schools which has reduced over time.

This number can change at any time due to a range of factors including changes in Ofsted judgment criteria and bench marking, or because of other challenges head teachers and governing bodies may face in a range of areas. There are increasing challenges with the introduction of the new Ofsted framework and its demands and particularly ongoing funding pressures for schools. It is these types of factors that can lead to an increase in the number of Schools Causing Concern at any time.

The council has a specific statutory role in supporting governance in schools. Governance is a key element of school improvement. The LA governor support service has an excellent reputation and is well thought of by schools. It is a small service provided by three Council staff. The service is traded through a service level agreement with governing bodies where they provide an annual fee to receive the training, advice and services they need from the team. As part of the statutory element of the governor support service the council currently financially supports the service delivery with a 29k contribution from general fund to this service.

The council also has a statutory role to promote high quality education. We have a strong relationship with the family of schools and wider education partnership which supports this work, leading with us on a range of improvement agendas including our disadvantaged strategy, school attendance, maths and writing.

A full range of other services are also provided by the council that support the schools on their improvement journey and to ensure they provide an excellent and rounded high quality education for all their children and young people with a particular focus on the most vulnerable.

The outcome of all this work is that in the last 5 years the percentage of good or better schools has increased from 84% in August 2015 to 91% December 2019. 100% of secondary schools are good. Other outcomes across all phases of education are at and above the national average and outcomes on attainment have also improved overtime.

As Chair of CYPS I am constantly impressed by the consistently high achievements of our Children and Young People, teachers and support staff in our City's Schools.

These achievements are in face of the everyday challenges and government-imposed austerity.

Madam Mayor all of us in this room should all be very proud of this. Particularly when considering Tory government cuts to School funding of 10% in real terms over the last 4 years

The current 2020/2021 budget savings proposals include two savings for school improvement activity:

- 25k (from a total budget of 342k) from standards and achievement
- 29k (from a general fund) from the governor support service.

These savings are felt to be low risk because:

- the total savings amounts identified are small;
- the current service outcomes are positive; and
- because we have a relatively small numbers of Schools 'Causing Concern' needing to be supported.

To make the saving in the standards and achievement service we would need to reduce the available funding to support Schools 'Causing Concern'. As we are currently supporting only 10 schools this would be on average approximately £2,500 per school.

- 56.9 Councillor Wares asked the following question, In respect of 'home to school transport' please could the chair of CYPS advise where the council is with labour's preferred consultant Edge Public Solutions given that documents we have received under 'Freedom of Information' clearly for the council to claw back fees or terminate if the savings are not achieved, with a £1m overspend materialising in the last few months suggests failure has already occurred.
- 56.10 Councillor Allcock replied, There is no grants conspiracy of silence, no fake news and no fake broadcasting. We want to ensure the integrity of our actions. As you know there is an independent review, stakeholders' involvement, open meetings. Transparency, accountability and a willingness to improve our service. Regarding the specific question about Edge I can't answer that because as officers have briefed you it is subject to confidential and commercially sensitive discussions at the moment. I will give you more information as soon as I can.
- 56.11 Councillor Wares asked the following supplementary question, We have indicated to both groups that we would be open to discussions. Some of actually know what the position is. The detail is confidential but what you are doing can be made public, so please would you answer the question.
- 56.12 The Mayor stated that it was not a supplementary question and called on Councillor Fishleigh to put her question to Councillor Robins.
- 56.13 Councillor Fishleigh asked the following question, Congratulations to officers for securing £214,000 for the Pavilion Gardens; I read that the council now plans to apply for another £3.4million from the National Heritage Lottery Fund so does that mean

that the council won't be applying again to the lottery for the restoration of Madeira Terraces?

- 56.14 Councillor Robins replied, this is indeed great news, and I personally congratulate all the officers involved, and in answer to your question – No.
- 56.15 Councillor Fishleigh asked the following supplementary question, I really hope that there will be a strategy so that the infrastructure projects across the city aren't competing against each other for funding. There are council infrastructure across the city that have stalled or are failing, Saltdean Lido, Black Rock, Madeira Terraces, i-360 and King Alfred. Do you think it would be a good idea to finish some of these before starting something new?
- 56.16 Councillor Robins stated that he was unsure whether these were council projects and would therefore provide a full written response.
- 56.17 Councillor Janio asked the following question, A few number of families have made life over many months intolerable for many residents across Hangleton & Knoll and yet a multi-agency approach to tackling many deep-seated issues has not yet been attempted. Can the Leader of the council confirm that she is aware of these issues and take the necessary actions to end the misery as soon as practicably possible?
- 56.18 Councillor Platts replied, Earlier in the year Housing staff were involved in multi-agency meetings regarding youths in Hangleton, there were proportionately less children in council properties involved in ASB at the time but a couple of households were highlighted and we have been working with the families since. We also recently had reports of ASB around the youth activities at St Richards Hall and youths hanging around after classes. We understand many were not local to the area. The West Area Housing Team sent letters to 20 houses surrounding St Richards Hall asking for information on ASB activity and supplied diary sheets to encourage people to report incidents. To date we have had nothing back from this.
- 56.19 Councillor Janio asked the following supplementary question, The problem has not subsided and is getting worse, it is now moving into the north of Hangleton and spreading across the whole ward and is getting out of hand. Can the Leader of the council commit to setting up a small multi-tasking agency be set up to have the sole objective to sort this out as it is getting worse and not being solved?
- 56.20 Councillor Platts replied, I think it would be better to talk outside of the Chamber as to the best way to address this, because I have very limited information and obviously some of this information is restricted and can't be shared generally. Perhaps we could have a more specific discussion at a private meeting and try and help solve the problem. I will certainly commit to try and solve the problem with you.
- 56.21 Councillor Deane asked the following question, For any Members who aren't familiar with this service 'Tell Us Once' After a death in the family the bereaved family then have to provide a death certificate to a number of different organisations. The 'Tell Us Once' service allows the local authority to let every public sector organisation know for the cost of just one death certificate. The cost of a death certificate nearly trebled

earlier this year from £4 to £11. This service is invaluable because it saves a lot of time when a bereaved family has a lot to do.

Is it not shocking that Brighton & Hove is the only council in the whole country not to offer this service?

- 56.22 Councillor Yates replied, In October officers from the DWP attended the council offices to discuss how we can implement 'Tell Us Once' and to give us more information about how offering works. Within that meeting we sent staff from Customer Experience, Life Events and IT&D. To make sure we are able to integrate into our current service delivery.

Brighton & Hove Council at that point was 1 of 3 authorities who hadn't implemented 'Tell Us Once' although obviously since then there is only one yet to sign up to the service. These are major authorities who have only just implemented the service despite it having been around for 3 or 4 years now. At the meeting officers had the opportunity to demonstrate the work we have been doing to improve the customer service and to improve our data management internally within the council as well as trying to join up the variety of different services and structures we have in place. All of that work is helping to give us a better picture of how to implement 'Tell Us Once', which turns out isn't necessarily as easy as one might think.

We have discussed the opportunities with the DWP now and they have given us information about other councils who have implemented automated services to be able to do exactly as you describe, to be able to take away the stress, strain and some of the complexity that dealing with a bereavement in the family actually can bring to those who are having to address directly at a time when they are not really that interested in the number of death certificates that they need or how many services they have to inform of the death.

The best option would be for us to have a direct link with the DWP and to link into their system to prevent re-keying in information, unfortunately that system isn't possible as the DWP can't give us that link so that means it will have to be manually undertaken, additional time spent manually re-keying in the same information into different systems in order to deliver what looks like a 'Tell Us Once' but we will end up doing it several times. It is not a very efficient way of trying to improve the service for us as a council or for those needing to access the service.

We were advised that both Norwich City Council & Enfield Council have carried out work enabling this automated link to the DWP system. We have made contact with those councils in an attempt to find out what the complexities are for us to deliver a service. We are still waiting to meet with those councils. We are also waiting for an additional meeting next month with DWP so that we can feed back. DWP are keen to get us on board.

- 56.23 Councillor Deane asked the following supplementary question,

Why is Brighton & Hove 'John come lately' in all this? Why is it taking so long and when is it going to be implemented in a realistic way that bereaved residents can actually use the service?

- 56.24 Councillor Yates replied, We will reconvene the meeting with the DWP in January. At that meeting it is the intention is to develop an action plan, so we can have a clear date as to when we can introduce the 'Tell Us Once' system.
- 56.25 Councillor Nemeth asked the following question, The Conservative position on the King Alfred is that it needs a 50-metre flexible pool, that it is kept on its wonderful position on the sea front and that its focus is primarily on sport rather than housing. Given the huge support for a 50-metre pool from the public and the swimming community alike and not forgetting that such a pool costs less than building 2 or 3 separate pools would the Leader of the council please set out the administration's current thinking on whether or not the next development should include a 50-metre pool?
- 56.26 Councillor Platts replied, I would be interested to discuss the evidence you have for a 50-metre pool. The Sea Lanes are also looking at having a 50-metre pool, although that will be an open-air pool.
- 56.27 Councillor Nemeth asked the following supplementary question, There has been agreement now for a few months that there should be a King Alfred project board. Why has a date not been set for its first meeting?
- 56.28 Councillor Platts replied, As you are aware, this went to the last Policy & Resources Committee and we agreed that we would start to set up a project board. My understanding is that we are asking the different political groups to put forward their nominations for who will be on the project board so that we can move forward, and we will get dates for a schedule of dates as soon as we can.
- 56.29 Councillor Shanks asked the following question, I hope the administration agree with me that pavement parking is both anti-social and dangerous and would you commit to consult and identify areas where we can bring in temporary TROs so that we can actually enforce against some of this very dangerous parking. I am sure most of us across the city would be able to identify areas in our wards where we could use this.
- 56.30 Councillor Pissaridou replied, You will be aware that the Commons' Transport Select Committee has recommended in the short-term allowing councils outside London to enforce against 'unnecessary obstruction', which you talk about, to combat the worst incidents of pavement parking. Longer term it has recommended that central government should work towards introducing a complete pavement parking ban unless signed to allow pavement parking.

In advance of any pavement parking ban the council would need to carry out a survey of all streets in the city to decide in which streets pavement parking was to be allowed in the city. Consultation with residents in streets where pavement parking is widespread would also be necessary before a decision on whether the pavement parking ban would apply to that street.

- 56.31 Councillor Shanks asked the following supplementary question, It is my understanding that we could at the moment in areas where it is particularly bad enforce a TRO, I will leave that with you it is not really a question. It is a power the council has so people could identify those pavements.

- 56.32 Councillor Pissaridou replied, Just to add a little more information, so ahead of the legislation, enforcement officers currently issue warning notices to vehicles parked on the pavement where a Penalty Charge Notice cannot be issued to discourage pavement parking, they don't have the authority at the moment.
- 56.33 Councillor Theobald asked the following question, It is regarding the bad state of grass and weeds growing through the pavements, especially in Patcham, the whole of the city and even outside Hove Town Hall. Is this going to happen next year? Secondly regarding graffiti, I know there has been a consultation on this and I believe there is a request for private property to remove it. But will the council be removing graffiti on their own property?
- 56.34 Councillor Pissaridou replied, As you know this year spraying did not take place spraying did not take place while we looked to non-pesticide methods. Therefore, residents and Members may have seen an increased number of weeds across the city. A manual approach was adopted, using hoes and by brushing and ripping weeds.

We have recently ordered three new sweepers which should perform much better than the existing sweepers and they will be ripping up the weeds as well as cleaning the streets. We will be reviewing the decision to suspend the spraying, that is in place for one year and then we will review next year to see how it is going.

On graffiti as reported to Environment, Transport & Sustainability Committee on 8 October in the Modernisation Update report, the Graffiti Reduction Strategy action plan is being delivered.

Recent action includes:

- Reviewing options for mobile CCTV to support the identification of culprits.
- Establishing a community clean up service for community groups, charities and schools to access supplies to paint out graffiti.
- Creating a paint repository to receive unused paint which residents and businesses can access to paint over graffiti in their neighbourhoods.
- Commissioning Phoenix Arts to create a mural in an area where there is excessive tagging.

We have started a programme of painting out graffiti on street bins. The crossover – Queens Road, West Street, Western Road and North Street – has been completed, but it is a constant battle with taggers. We are trying to keep on top of this area and then will work on other areas.

I took a taxi across the city last week and the taxi driver and I were talking about graffiti and I said 'the tagging looks dreadful' and he said 'I personally don't mind it, one person's tagging is another person's street art'.

We are also planning some clean up days in locations across the city whereby businesses, residents, volunteers, students and council staff and members of this administration work together to remove graffiti. This will follow the same approach as the Tidy Up Team which has been very successful in City Parks and is now being rolled out on to the streets.

56.35 Councillor Theobald asked the following supplementary question, This does need addressing now and residents and myself are ashamed of the city at the moment as it does look a disgrace. When you said about CCTV in the paper a while ago it mentioned that somebody who had 18 different offences of graffiti and all they got was about 2 months community service, they should be made to pay for and clean it up themselves. Do we really need a consultation?

56.36 Councillor Pissaridou replied, The consultation resulted in over 1000 responses, which is really high. We are encouraging businesses and people with graffiti on their own properties to clean it off and we are helping them.

We are shortly going to be installing a section of green wall on the upper Madeira Terraces to cover up some of the worst graffiti which cannot be removed and is repeatedly targeted by taggers. If this is successful we will be looking to extend this along this section of the terraces.

56.37 The Mayor noted that the 30 minutes set aside for oral questions from Members had been reached and therefore the remaining eight questions would be carried over to the next meeting.

57 CORPORATE PLAN 2020-2023

57.1 Councillor Platts introduced the report which detailed the proposed Corporate Plan for 2020-23 that outlined the Council's ambitions to deliver real change over the period of the Administration. There were six key themes within the plan and these would be highlighted by the respective Chairs of Committees as part of the debate. However, she noted that the organisation's staff were its greatest asset and without them it would not be possible to deliver the plan. She wanted to also take the opportunity to thank those staff who had help to develop the plan over the last few months and recommended it to the Council for adoption.

57.2 Councillor Moonan referred to the theme of A Healthy and Caring City and noted that other themes would all contribute to this. She felt that it was an important objective and hoped that all parties would contribute to its development and achievement.

57.3 Councillor Janio questioned the substance of the plan and suggested that there was a need for the Administration to consider how it would work with the newly elected Conservative Government and realign the plan's objectives accordingly.

57.4 Councillor Williams stated that there was a need to look at how well the council was doing already and noted that the opening of the night shelter that would operate 365 days a year. She also noted that the council was improving its housing targets and 800 new homes had been added. The private rented sector was improving with the introduction of the licensing scheme that was fully supported by private landlords.

57.5 Councillor Fishleigh stated that she would abstain in the vote and queried how it fitted in with the aims of Brighton & Hove Connected whose leaders had not met since October 2018. The plan failed to outline any costs or revenue streams and did not

have a time-line. She referred to page 17 where it said the council would work with its partners, but it failed to say who they were. It also stated that the council would work with the two universities but again failed to link that to the need for affordable housing. She also questioned how the skills of the City's MP's and MEP would be utilised and offered to help with the needed re-write and editing of the plan.

- 57.6 Councillor Allcock referred to the theme of A Growing and Learning City and noted how terrific the city's schools were and how they were working together to address the need to raise standards for those children who were in need and to improve the attainment gap.
- 57.7 Councillor Pissaridou referred to the theme of A Sustainable City and noted the 2030 target for a carbon neutral city. She noted that work was underway to look at hydrogen as an alternative energy resource and that there was a need to find solutions in relation to the South-East being a water stressed area. She also noted the success of the Bio-Sphere and related projects.
- 57.8 Councillor Fowler noted that regeneration projects were underway, and others being brought forward which would contribute to addressing the climate change crisis. She hoped that the Members Working Group and officer group would be able to progress matters and build good working relations with the Coast to Capital LEP.
- 57.9 Councillor Evans noted the need to work on the Community Wealth Building and Social Value projects to make the local economy fairer and inclusive. She noted that a Working Group had been established to take the project forward.
- 57.10 Councillor Gibson welcomed the plan and the opportunity to combine the objectives of both the Labour and Green Parties manifestos. He stated that there were challenges to be faced such as homelessness and the provision of new affordable homes across the city. He hoped that councillors could work together across all groups to meet the objectives and improve the city for all.
- 57.11 Councillor Powell welcomed the plan and stated that it was a positive document, although she had some concerns in regard to the proposed budget cuts to much-needed service areas. She hoped that these could be reconsidered, and alternative solutions found by working together. She also expressed concern over the potential impact that the newly elected government may bring.
- 57.12 Councillor Yates noted that this was the first corporate plan produced by a Labour Administration for some time; having inherited the previous one. However, it was at the start of the Administration and he noted how the city was the only one outside of London to have a 5G test-bed. He believed that the council had good working relations with the Greater Brighton Economic Board and Coast to Capital LEP, which meant that the plan could be taken forward on a collective basis.
- 57.13 Councillor Shanks welcomed the commitment to the youth services and the aim to improve attainment levels as there was a correlation with their economic situation which also needed to be addressed.

- 57.14 Councillor West noted the comments and stated that he felt the plan was thin and lacked the data it was based on. He suggested that it would be beneficial to have that included. He was concerned over the lack of action, e.g. the target of carbon neutral by 2030 was listed but there had been nothing done in the last 6-months to start to achieve that and issues such as the lack of compatibility between being carbon neutral and having park and ride. To maintain a park and ride scheme requires an infrastructure that supports the use of the car and yet to be carbon neutral the use of the car should be discouraged.
- 57.15 Councillor Robins suggested that there was a need to consider the positives and the contribution of the visitor economy and voluntary sector. The city was the sixth most generous one in the country and had a number of listed buildings that had to be protected. He had recently received a delegation from Bali who had wanted to learn about how well the city managed its visitor economy.
- 57.16 Councillor Druitt drew attention to the need to consider the small business economy and find ways to support social enterprises and independent traders who were struggling and losing funding. There were key to the diversity of the city's economy and there was a need to find ways to support them in practical terms and not just written aims in a document.
- 57.17 Councillor Platts welcomed the comments and contributions and stated that she was proud of the plan and that it had been developed on a collaborative basis. She accepted there was a need to bring to fruition and hoped that party politics could be set aside for the benefit of the city and that everyone could work together to achieve a real difference.
- 57.18 The Mayor noted that the recommendations had been moved and put them to the vote which was carried.
- 57.19 **RESOLVED:** That the Corporate Plan 2020-23 be approved.
- 57.20 The Mayor then adjourned the meeting for a refreshment break at 6.30pm.
- 57.21 The Mayor reconvened the meeting at 7.00pm.

58 REVIEW OF THE CONSTITUTION

- 58.1 **RESOLVED:**
- (1) That the proposed changes to delegations in respect of Planning Committee and to relevant Protocols be agreed as indicated in paras 4.1 to 4.3 and Appendices 2-4;
 - (2) That the proposal at para 4.12 to amend the Council Procedure Rules in respect of the arrangements of the council's Urgency Sub Committees be agreed;
 - (3) That the proposal at para 4.15 for a gender-neutral Constitution and the proposal for a BME invitee to attend Policy & Resources Committee meetings as referred to in paragraph 4.9 be agreed;

- (4) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes; and
- (5) That the proposed changes come into force immediately following their approval by Policy & Resources Committee or adoption by Full Council, as appropriate.

59 SUSSEX HEALTH AND CARE PLAN -THE LOCAL RESPONSE TO THE NHS LONG TERM PLAN

- 59.1 Councillor Nield stated that the report had been referred for information in order to draw Members' attention to the issue and the need for further consideration and consultation on the proposals. She was concerned that the council was being railroaded into accepting the changes and that there would be pressure on the CCG to close the financial gap. This would result in more savings being required from the council. There was already pressure on GP's and primary care and this was likely to increase. She accepted that there were positive elements within the proposals but felt that more time was needed to understand the implications and to consider alternatives.
- 59.2 Councillor Janio noted that the Queen's speech had made reference to the health service and suggested that a cross-party solution was needed for the city. He noted that there was no mention of Toads Hole Valley in the plan and felt that was a missed opportunity to identify a location for needed GP surgeries and associated services. He hoped that the council would take the matter forward and ensure that services were maintained for the city.
- 59.3 Councillor Moonan noted that the National Health Bill had been referred to in the Queen's speech and hoped that further information would be forthcoming following the Green Paper. She also noted that concerns about the proposals in the Plan had been raised at the recent Health & Wellbeing Board meeting and that these and other considerations would be put to the CCG as part of the continuing dialogue. She acknowledged that the consultation to date had not been as extensive, but it was ongoing and there were positive proposals for Brighton and Hove.
- 59.4 The Mayor stated that the report had been referred for information and therefore moved that it be noted.
- 59.5 **RESOLVED:** That the report be noted.

60 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION:

(1) Moulsecomb Primary School Sponsor

- 60.1 The Mayor noted that an updated notice of motion had been circulated with the addendum papers and that Councillor Knight would like the revised version to be considered. She therefore sought confirmation that the Council was happy to accept the amended version of the motion for debate.

- 60.2 The Mayor noted that the Council had agreed to accept the amended motion for debate and noted that there was an amendment from the Green Group which had been circulated as part of the addendum papers. She then invited Councillor Knight to move the motion.
- 60.3 Councillor Knight formally moved the motion and noted that the sponsor for the proposed academy had withdrawn from the process and stated that it clearly showed the need for the school to remain as part of the City Council's structure. She hoped that the motion would be supported, and that voices of the staff, parents and children would be heard, and the uncertainty brought to an end.
- 60.4 Councillor Childs formally seconded the motion and noted that three sponsors had now withdrawn from the process and the school now needed to be fully supported. It had already made significant progress, and this needed to be recognised and the support given by the council maintained to enable it to continue to improve.
- 60.5 Councillor Clare moved an amendment on behalf of the Green Group and noted that there was cross-party opposition to academisation. She also noted that the Green Party did not support the existence of Ofsted and therefore the amendment sought to achieve the same goal as the motion but in a different way. The proposed academisation of Moulsecoomb Primary was not right for the school and it should remain with the City Council.
- 60.6 Councillor Hills formally seconded the amendment and stated that the Green Group opposed the concept of academies and questioned the idea of having a further Ofsted inspection given the pressure it brought on the school. The power to revoke the Order lay with the Secretary of State and they should visit the school to see how well it was doing under the local authority's remit.
- 60.7 Councillor Yates stated that it was government policy that was the issue which was failing and not the school. The process had failed to find a suitable sponsor, and this should be recognised. The school was at the heart of the community and was working hard to deliver results. It should be left with the council to continue with its overall improvement.
- 60.8 Councillor Brown stated that the levels of achievement had been low and the need to enable the school to improve had been identified with the process of academisation. She was concerned that the anti-academy views expressed would damage relations with the existing academies in the city. There was a need to support the parents and for a further response from the School Commissioner to be made so that matters could be taken forward.
- 60.9 Councillor Janio stated that there was a need to move forward and suggested that the Groups should recognise this and work together for the benefit of the school.
- 60.10 Councillor Grimshaw stated that the parents were united as a community and should be supported to ensure that the pupils received the education they deserved.

60.11 Councillor Knight stated that she understood the Green Group's position but could not accept the amendment and felt that the parents needed to be supported and therefore the motion should be agreed.

60.12 The Mayor noted that the amendment had not been accepted and put it to the vote which was lost.

60.13 The Mayor then put the following motion as listed in the agenda to the vote:

This council asks the Chief Executive to write to the Secretary of State for Education to outline the following points regarding the proposed academisation of Moulsecoomb Primary School:

- 1) This Council notes that the proposed sponsor, New Horizons Academy Trust, having been selected without any consultation with the governing body or parents, has now decided to withdraw.
- 2) Given the Trust's prior record and in light of uncovered documents showing that NHAT has already acknowledged that Brighton & Hove Council and current Headteacher at Moulsecoomb are rapidly improving the school¹, this is a welcome development.
- 3) This Council reaffirms its commitment to the school and condemns the negative comments and scaremongering in the press release of NHAT.
- 4) This Council continues to stand with and respect the views of the parents, carers, teachers, unions and children of Moulsecoomb Primary. We respect their voice and their opposition to the academisation plan, as evidenced by the 96% parental ballot rejecting it and the subsequent industrial action.
- 5) This Council notes the local cross-party opposition to these academisation plans.
- 6) This Council urges Ofsted, as a matter of urgency now, to reinspect the school, to provide an opportunity to evidence the improvements it has made since the previous inspection and to end the uncertainty for the staff, families and pupils of Moulsecoomb Primary.
- 7) This Council urges the Secretary of State to revoke the academisation order.

60.14 The Mayor confirmed that the motion had been carried.

(2) NHS Health and Social Care Decision Making: Democratic Deficit

60.15 The Mayor noted that an updated notice of motion had been circulated with the addendum papers and that Councillor Shanks would like the revised version to be considered. She therefore sought confirmation that the Council was happy to accept the amended version of the motion for debate.

60.16 The Mayor noted that the Council had agreed to accept the amended motion for debate and invited Councillor Shanks to move the motion.

60.17 Councillor Shanks formally moved the motion and stated that there was a need to review the role of the Health & Wellbeing Board which had not worked and to have

accountable local decision-making. She therefore hoped that the motion could be supported.

- 60.18 Councillor Nield formally seconded the motion and reserved her right to speak.
- 60.19 Councillor Moonan welcomed the motion and noted that a review of the role of the Health & Wellbeing Board was underway with the intention that a broader representation could be achieved. A report would be brought to the Board in the new year and it may be that a Health & Social Care Sub-Committee would be established to enable the Board to have a strategic oversight and the sub-committee to address matters affecting the council.
- 60.20 Councillor Bell stated that the Conservative Group were happy to support the motion and wanted to find ways to improve the lives of residents across the city. He hoped that the all Groups could work together to achieve this aim.
- 60.21 Councillor Evans stated that there was a need for local democratic oversight and hoped that matters could be taken forward and improvements to the lives of all residents made.
- 60.22 Councillor Deane noted that the NHS Long-Term Plan would come to the Health Overview & Scrutiny Committee in January and that it was an NHS plan. She also noted that the plan made repeated references to the need to work with partner organisations and she hoped that this would be the case for the council. She was concerned that the level of funding to the council from the CCG was less than in other areas and felt that this needed to be addressed and that partner organisations had a greater say in the development of the plan.
- 60.23 Councillor Nield noted that the issues she would have raised had been and therefore did not need to add to the debate.
- 60.24 Councillor Shanks stated that there was a need for cross-party support and noted that the previous vote at the Health & Wellbeing Board had been carried by non-elected members and this needed to be reviewed.
- 60.25 The Mayor then put the following motion to the vote:

This council:

- Notes that the majority of the NHS England budget is allocated to Clinical Commissioning Groups (CCGs), not local authorities;
- Notes the outcome of the NHS Five Year Forward View, which seeks to give CCGs more influence over the NHS budget;
- Notes that currently, half of the voting members of this council's Health and Wellbeing Board are non-councillors; and
- Notes the opportunity to address this through the comprehensive Health & Wellbeing Board review.

This council requests that as part of the planned review into the Health & Wellbeing Board function, that:

- (1) The terms of reference of this Board are amended, to reflect options for providing greater democratic oversight of Health and Adult Social Care decisions;

That this council requests that the Chief Executive write to the Prime Minister's Office:

- (1) To ask that the newly elected government commits to adequately fund adult social care in line with need, and further; and
- (2) To ask that the pledge to work with all parties be upheld to develop a plan for Adult Social Care funding and provision, including through liaison and consultation with the Local Government Association.

(3) Party Houses – Short-Term Lets

- 60.26 Councillor Janio raised a point of order and sought clarification on whether any Members should declare an interest in the matter, having regard to the fact that they may have properties that they let.
- 60.27 The Monitoring Officer confirmed that declarations of interest were made by individual Members and whilst they could seek advice from him or other officers, the decision to make a declaration lay with them.
- 60.28 The Mayor noted the information and that there was an amendment to the motion from the Green Group as detailed in the addendum papers. She then invited Councillor Evans to move the motion.
- 60.29 Councillor Evans formally moved the motion and stated that in the run-up to the local elections in May she had found the issue of 'party houses' to be a topic of concern. She hoped that the motion would enable a way forward to be found to tackle the issue and that this would have cross-party support.
- 60.30 Councillor O'Quinn formally seconded the motion and stated that the letting of properties was becoming a business for many people and there was a need to make them responsible. The increase in such property lets was also affecting the property market and adding to the pressure on available homes for families.
- 60.31 Councillor Osborne formally moved the amendment on behalf of the Green Group and stated that it was seeking to add to the motion that the Group fully supported. He noted that the CE of AirBnB was willing to work with the council and stakeholders to take matters forward and he hoped that a constructive dialogue could be achieved and that contact with the LGA could be made with a view to developing a White Paper on the issue.
- 60.32 Councillor Mac Cafferty formally seconded the amendment and hoped that further action could be taken to help tackle the issue. He noted that in Cambridge planning regulations had been used to prevent the use of houses for such purposes as it was regarded as a business and an unauthorised change of use. There was an opportunity to look at such examples and hopefully develop a policy for the city.

- 60.33 Councillor Robins stated that he had met with the Head of Policy at AirBnB along with Councillors Osborne and Wares and they had indicated a desire to work with the council in a positive way.
- 60.34 Councillor Wares noted that the matter had been raised at the previous Tourism, Equalities, Communities and Culture meeting and that a report was due to come back to the committee. He was therefore unsure of the need for the motion and that it was more important to ensure that residents were able to contact the council to report matters. As it stood it was difficult to navigate your way around the council and know who should be contacted e.g. Field Officers were supposed to be the point of contact, but he was unclear whether residents were aware of this.
- 60.35 Councillor Rainey stated that she had received numerous complaints in relation to noise, drunken behaviour etc. due to houses being let out to groups of people. She noted that it was difficult to take any action for example the preparation of a warning notice took time and the people concerned would have left by the time it could be issued. There was a need to relook at the matter and find ways to tackle the problem.
- 60.36 Councillor Evans noted the comments and thanked councillors for their contributions. She welcomed the approach from AirBnB and confirmed that she was happy to accept the amendment.
- 60.37 The Mayor noted that the amendment had been accepted and put the following motion to the vote:
- (1) This council notes with concern the ongoing issues raised by residents in neighbouring properties to 'party houses', many relating to alcohol abuse, noise disturbance, littering and vandalism. Whilst the vast majority of visitors to our city enjoy themselves without these issues and are very welcome here, we hear residents' concerns and wish to build on previous work conducted by the council in order to take action against the exceptions.
 - (2) This council recognises that it currently does not possess the powers to intervene and regulate these properties, and that this is a problem faced by many local authorities across the country.
 - (3) This council deems it reasonable to request sufficient delegated powers to regulate the commercial lets market in the interests of residents, particularly in tourist destination authorities like Brighton & Hove.

Therefore, this council

- (1) Asks the Chief Executive:
 - (a) to write to AirBnB welcoming the consultation on registration, stipulating that council will participate; and to request AirBnB and short-term holiday let companies to consider creating a shareable register of reliable hosts,
 - (b) to write to the Secretary of State for Housing, Communities and Local Government to request:
 - (i) government revisit the planning Use Classes Order with potential introduction of a 'Holiday Lettings Class';

- (ii) charging business rates to landlords of HMOs, party houses and AirBnB properties
- (iii) the delegation of additional powers to local authorities, in order to allow the regulation of commercial short-term holiday lets, often known locally as 'party houses.'

(2) Requests that Tourism, Equalities, Communities & Culture Committee commission a report exploring the principle in planning caselaw from Richmond, Kensington & Chelsea and Cambridge, which stipulates a material change of use had occurred in party houses; and outlining the potential significance for BHCC.

60.38 The Mayor confirmed that the motion had been carried.

(4) Proportional Representation and Voter Trials

60.39 The Mayor noted that an updated notice of motion had been circulated with the addendum papers and that Councillor Mac Cafferty would like the revised version to be considered. She therefore sought confirmation that the Council was happy to accept the amended version of the motion for debate.

60.40 Councillor Wares requested that the matter be put to the vote as it was felt that the amended version simply added to the original one rather than actually updating it.

60.41 The Mayor noted the request and put the proposal to take the revised version of the motion to the vote which was lost by 19 votes to 25.

60.42 The Mayor then invited Councillor Mac Cafferty to move the notice of motion as listed in the agenda papers.

60.43 Councillor Mac Cafferty formally moved the motion and stated that there was a need to consider reviewing the electoral process and drew attention to the results in the recent General Election which had seen MPs being elected with varying degrees of the overall percentage of the vote. He noted that overall in 2001 the Labour Party had secured 40.7% of the vote and gained 413 seats and yet in 2017 with 40% of the vote they gained 262 seats. He believed the first past the post system needed to be replaced and an alternative form of proportional representation such as the single transferable vote (stv) brought in and if that was not going to be at a national level it should be at a local level.

60.44 Councillor Clare formally seconded the motion and stated that the current system created unwinnable seats which tended to be held by men. This actively prevented a greater diversity of elected Members and needed to be addressed to enable a better reflection of the community. She also noted the Government's intention for Vote ID to be brought in and questioned its effectiveness given that during the recent trials significant numbers of people had been turned away and then not returned to vote.

60.45 Councillor Platts stated that the Labour Group were supportive of the original motion but had not been comfortable with the amended version. She acknowledged that a review of the electoral system was required and that it would be for the national parties to take forward. In regard to the introduction of Voter ID, she believed that further

consideration was required before it was rolled out and more information provided to ensure it would be effective.

- 60.46 Councillor McNair noted that a number of European countries used a form a proportional representation (PR) but questioned whether that meant it was a good system. He noted it tended to result in minority or coalition governments which generated more uncertainty and suggested that without PR it was very unlikely that the Green Party would gain more MPs or form a government. With the First Past the Post system a candidate had to secure the support of their electorate and tended to give a result with a party in power and he felt that was a better option to have.
- 60.47 The Mayor congratulated Councillor McNair on his maiden speech on behalf of the Council.
- 60.48 Councillor Janio stated that he believed the First Past the Post system was the most robust and appropriate system to have. He questioned the ability for a system of PR to provide an Administration with overall control and noted that voter fraud was already an issue and as such Voter ID was important and needed to be introduced. He could not support the motion.
- 60.49 Councillor Hill stated that she favoured a move to PR as it would reflect the percentage of vote that each party was able to achieve and was therefore more democratic. She believed that people would be more receptive to coalition government and that it did work elsewhere.
- 60.50 Councillor Bell stated that it was an interesting debate, and would no doubt continue but he believed in the First Past the Post system and therefore could not support the motion. He also supported the introduction of Vote ID and questioned the opposition to it given the intention to safeguard the electoral process.
- 60.51 Councillor Littman stated that there was a clear need to review the electoral system and referred to the Danish model where there was a Parliament where people across political boundaries actually talked to each other. He hoped that more democratic system would be brought in both at a national and local level and urged councillors to support the motion.
- 60.52 Councillor Mac Cafferty noted the comments and stated that in respect of Voter ID further thought needed to be given to how those who did not have formal ID would not be disenfranchised. There were some 11 million people in the UK without a passport for example. He hoped that if people became aware of the possibilities of PR then there would be more support for it.
- 60.53 The Mayor noted that motion had been moved and put the following motion to the vote:

The council notes:

- (1) Recent legislation published by the Welsh Government, paving the way for Votes at 16 and Single Transferable Vote (STV) in local elections and notes further that Wales follows the voting method for elections in Northern Ireland and Scotland.

Wales, Scotland, Northern Ireland and the London Assembly all now use proportional systems;

- (2) England remains the only country in the UK where local elections are undertaken using the First Past the Post (FPTP) voting system, and, that England is the only country in Europe to use such a system.
- (3) The damaging Voter ID trials undertaken earlier this year in the local elections, and plans announced in the Queen’s speech to introduce a Photographic ID requirement. Of 44.6M votes in 2017, electoral fraud resulted in 1 conviction or 0.000063%

This council therefore, requests that the Policy & Resources Committee, considers calling for a report detailing the implications of Voter ID on residents in the city and that the report explores the impact of the FPTP electoral system on local elections in Brighton and Hove and how this compares to the popular vote.

60.54 The Mayor confirmed that the motion had been carried.

61 CLOSE OF MEETING

The meeting concluded at 8.37pm

Signed

Chair

Dated this

day of

2020

WRITTEN QUESTIONS FROM COUNCILLORS

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

(1) Councillor Theobald

For the last few years the Council has published the fact that over the Christmas period Thursday's refuse collection (this year the 25 December would take place on the following Saturday (this year the 27 December). This has always failed for some or most of the roads. Please list the roads where the Council failed to collect the Thursday refuse on Saturday 27 December and the number of days from Thursday 18 December the last collection to when the refuse was eventually collected. Will the Council consider a different approach for those whose refuse collection day is on a Thursday for next Christmas?

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

(2) Councillor McNair

Brighton & Hove City Council has oversight of the education delivered by schools in the city, in particular of pupils in its care. It also has a responsibility to ensure all children, no matter their religion, gender, race, family income or nationality have as good an education as possible. 13.4% of state-funded secondary school pupils in Brighton & Hove are eligible and claiming for Free School Meals. This is above the average of 9.5% for the Southeast (<https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2019>). According to UCAS, the average salary for graduates is 30% higher than for non-graduates aged 25-30. <https://www.ucas.com/undergraduate/student-life/why-choose-higher-education>. Helping the poorest and most disadvantaged pupils in Brighton & Hove attend university is therefore likely to help raise both pupils' and the city's standard of living. While Brighton & Hove has a higher than an average number of pupils claiming Free School Meals, it also happens to be fortunate in having two excellent universities, and potentially an excellent route for its poorest students to escape poverty.

In order to feel reassured that Brighton & Hove City Council is making the most of its relationship with its two universities, and is providing the very best service to its poorest and most disadvantaged children, could the Leader of the Council:

- 1) Provide a breakdown of data of pupils by background (ethnicity, religion, income, gender, free school meal) attending university (Russell Group and other) from Brighton & Hove state schools?
- 2) Detail how local schools and the Universities of Brighton and Sussex, in partnership with the Council, are helping Brighton & Hove's poorest and most disadvantaged students (with reference to ethnicity, religion, income, gender and free school meals) reach university?

- 3) Outline methods, and lessons learned from other Local Authorities, to increase progression of Brighton & Hove's most disadvantaged pupils to university which are due to be implemented by Brighton & Hove?

Reply from Councillor Allcock, Chair of the Children, Young People & Skills Committee

(3) Councillor Deane

Between 1st April and 31st December 2019, how many collections of illegal fly tipping have been made by the CityClean team, and what is the estimated cost to the city clean service of collections of illegal fly tipping?

For the same time period, how much income has been generated through the council's 'bulky waste collection service,' for residents – (i.e. not commercial collection?) and through fines issued?

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

(4) Councillor West

At the October ETS Committee, Members agreed a Green Amendment to "Commission a report on the feasibility of the Council establishing a carbon reduction scheme, to enable local residents and businesses to invest in woodland planting, energy schemes and other local carbon reduction and carbon capturing projects."

The Council has declared a climate emergency, and in response Labour and Greens are agreed on the need for the city to be carbon neutral by 2030. This will be a challenging task and the availability of Government funding to make the extensive changes needed is not apparent and may not be forthcoming. However, the high level of public concern about the climate emergency suggests there is good opportunity for the Council to "crowdfund" investment for local carbon reduction from local people and businesses. This could be offered as a way to off-set current carbon foot-prints while households and businesses make their own carbon reductions. The funds raised could be offered to local carbon reduction projects as grants or recycled as loans from a local green bank. These local projects would not only off-set investors carbon but also support everyone in the city to be better able to effect their own carbon reductions.

I believe the LEP are considering a scheme to harness investment to help fulfil the Sussex Natural Capital Investment Strategy developed by the Sussex Nature Partnership. This could be just one channel for carbon reduction investment raised by Brighton & Hove.

Founding and promoting a carbon reduction fund for the City will require start-up and operational funding. £50,000 would perhaps be of the right order to get this going. What budget provision is the Administration making for this initiative within the 2020/21 budget?

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

(5) Councillor Gibson

For the period from 1st of April 2019 to 1st of January 2020 what was:

- a) The number of bus lane PCNs issued and what has been the associated fine income?
- b) The CPZ permit income?
- c) The civil parking enforcement cost?

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

(6) Councillor Gibson

For the period from 1st of April 2019 to 1st of January 2020 what was the number of properties sold under the right to buy scheme?

Reply from Councillor Williams, Chair of the Housing Committee.

(7) Councillor Gibson

For the answer provided to my question to council on Thursday 24th October to concerning the borrowing costs please can you provide the annual repayment costs for repayment periods of 5, 7, 10, 15, 20 and 25 years (on loans of 5, 10, 20, 25, 30, 35, 40 and 50 million pounds)?

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

(8) Councillor Gibson

How much rent (expressed as a percentage) due to seaside homes for 2019/20 had the council collected as of 31st December 2019? Given that the council is required to pay a minimum of 91% of rent due to seaside if this collection rate continues how much will BHCC be required to pay under the rent guarantee agreement for 2019/20?

Reply from Councillor Williams, Chair of the Housing Committee

(9) Councillor Hugh-Jones

I refer to my question to Full Council in December 2019. The response I received referred to the Private Sector Housing Strategy adopted by Housing Committee in November 2019. Having looked again at the Strategy, I can find no specific reference to enforcement of EPC ratings so:

- 1) Can you please confirm that the Private Sector Housing Enforcement Strategy will cover this;

- 2) Indicate what resources the Council is allocating to implementation of this Strategy from April and specifically what resources will be allocated to enforcement of EPC ratings in the private rental sector;
- 3) Indicate (i) how many private rented sector properties in the city are currently F and G rated and (ii) provide an estimate of how many of these properties will be subject to an exemption because the cost cap of £3500 is insufficient to improve the property's rating to EPC E and landlords are unable to secure third-party funding to cover all or part of the cost of improving their properties to EPC E.

Reply from Councillor Williams, Chair of the Housing Committee

(10) Councillor Fishleigh

In the upcoming 2020/21 budget, how much additional money will be set-aside for the restoration of Madeira Terraces?

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

(11) Councillor DrUITT

It's now two and a half years since the Council unanimously passed the Green Notice of Motion on a Cycling Strategy (attached). Can we please have an update on:

- what has been done since
- what, if anything, was attempted but not achieved
- what is still outstanding pending officer time or financial resources, and what is the plan for this
- what, if anything, it has been decided not to pursue

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

(12) Councillor Mac Cafferty

Across the entire council workforce, how many staff in which departments are currently engaged in a redundancy consultation process?

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

(13) Councillor Mac Cafferty

The city council's target budget management has identified repeat overspend in agency costs at Cityclean. In this financial year what is this sum for the overspend itself and what is the sum allocated for dealing with such overspend; what is the nature of the overspend (times/ occasions etc); and what work is

being done through the council's audit processes to monitor this expenditure to prevent this re-occurring?

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

(14) Councillor Mac Cafferty

Further to its successful adoption at budget council in February 2019, can the Administration inform me what has happened to the £0.333m resource allocated to a newly formed Community Clean-up Fund (in Green Group amendment 2- general fund) to be used for anti-graffiti materials for community groups. And as additional resource was allocated to this, can there be an explanation as to why wipes etc are no longer provided for community tidy ups?

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

(15) Councillor Mac Cafferty

Further to its successful adoption at budget council in February 2019, can the Administration inform me what has happened to the £0.022m resource allocated to support student volunteers and belongings at the end of the student term (in Green Group amendment 3- general fund). Further can I be informed when such assistance will start to become available?

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

(16) Councillor Mac Cafferty

An astonishing 1 in 6 people in the city wait a whole week to see their GP with too many waiting longer; 10 GP surgeries in Brighton and Hove have now closed in the last couple of years. What representation has the Administration made about this intolerable situation to the Clinical Commissioning Group and when are these waiting figures going to decrease? A year ago, I asked this same question. Can progress in that period be documented please?

Reply from Councillor Moonan, Chair of the Health & Wellbeing Board

(17) Councillor Powell

Could the Leader of the council please clarify if both council chambers, all meeting rooms in Hove Hall, Brighton town Hall, Barts House and others, are fully accessible to residents, and staff with a range of disabilities?

- How often, and to what cost have the lifts broken down?
- How often have the accessible toilets been out of order, and what timescale is given to getting them back functioning again? Who is responsible for ensuring toilet rolls and soap? I have, on more than one occasion, had to go and report the lack of facilities to the reception at the town Hall.

- Could you clarify if all hearing loops are functioning adequately, and if a given number of staff know how to actually work them? If not, can this be put in place please?

Reply from Councillor Platts, Leader of the Council

(18) Councillor Hills

While I'm aware that a large number of taxis in the city are now wheelchair accessible, wheelchair users have reported waiting up to 2 hours for taxis. What can be done to ensure all our residents can access taxis within a reasonable timeframe?

Reply from Councillor O'Quinn, Chair of the Licensing Committee

(19) Councillor Hills

It is mandatory for all Brighton and Hove taxi drivers to undertake disability training as part of the Blue Book requirements. Yet, I've been told by wheelchair users that taxi drivers do not always position wheelchairs correctly/strap wheelchair-using passengers safely into their vehicle before a journey begins.

What can be done to ensure all licensed taxi drivers ensure the safe positioning of wheelchairs on all journeys?

Reply from Councillor O'Quinn, Chair of the Licensing Committee

(20) Councillor Osborne – Council Homes

There are around 11,500 residential properties in the city owned by the council-how many bedrooms are there in total in these properties? How many bedrooms in these council homes aren't occupied? Has the council done any work, outside of the mutual exchange offer which tenants can apply for, on engaging with tenants to find out if they might wish to downsize or swap homes to one with less bedrooms?

Reply from Councillor Williams, Chair of the Housing Committee

(21) Councillor Osborne - Allotments

How many hectares of land is designated for allotments within the local authority? How many people in total are on the allotment waiting list and what is the expected waiting time for someone on this list to get an allotment?

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

(22) Councillor Osborne – Storage Facilities

Does the council own any of its own storage facilities? Where are they located and how well used are they? How much spare room is there in these facilities?

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

(23) Councillor Osborne – Usage of Lawn Mowers and Leaf Blowers

Lawn mowers and leaf blowers have a detrimental effect on air quality- are these used by the council and, if so, how many are used and what is the overall cost of the equipment?

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

(24) Councillor Osborne – Pest Control

How many pest control inquiries has there been to the council over the past year? How many of these inquiries has the council followed up? How do both of these figures compare to previous years?

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

(25) Councillor Osborne – Dog Poo Fines

How many fixed penalty notices have been issued by the environmental enforcement team as a result of catching dog owners not picking up after their dogs? How many of these FPNs have been paid and therefore how much income has this generated for the council?

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

ORAL QUESTIONS FROM COUNCILLORS

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

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

(1) Councillor Mac Cafferty

Subject matter: Communal Bins After Christmas

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

(2) Councillor Bell

Subject matter: Local Businesses

Reply from Councillor Robins, Chair of the Tourism, Equalities, Communities & Culture Committee

(3) Councillor Hills

Subject matter: Voluntary Payments to the Council

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

(4) Councillor Mears

Subject matter: Housing Repairs

Reply from Councillor Williams, Chair of the Housing Committee

(5) Councillor Janio

Subject matter: The Future of Democracy

Reply from Councillor Platts, Leader of the Council

(6) Councillor Fishleigh

Subject matter: A259

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

(7) Councillor Rainey

Subject matter: Brighton Youth Centre

Reply from Councillor Allcock, Chair of the Children, Young People & Skills Committee

(8) Councillor Wares

Subject matter: Duke's Mound

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

(9) Councillor Ebel

Subject matter: Brexit

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

(10) Councillor Peltzer Dunn

Subject matter: Monarchy

Reply from The Mayor, Councillor Phillips

(11) Councillor Heley

Subject matter: Recycling

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

(12) Councillor Barnett

Subject matter: Basic Services

Reply from Councillor Platts, Leader of the Council

(13) Councillor Hugh-Jones

Subject matter: Equality Impact Assessments

Reply from Councillor Grimshaw, Lead Member for Equalities

(14) Councillor Nemeth

Subject matter: King Alfred

Reply from Councillor Robins, Chair of the Tourism, Equalities, Communities & Culture Committee

(15) Councillor Gibson

Subject matter: Budget Commitments to Achieve Council Priorities

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

(16) Councillor Powell

Subject matter: Equalities

Reply from Councillor Grimshaw, Lead Member for Equalities

(17) Councillor Druitt

Subject matter: Progress Towards a Net-Zero Economy in the City

Reply from Councillor Platts, Leader of the Council

Council

30 January 2020

Agenda Item 71

Brighton & Hove City Council

Subject: **Review of the Code of Conduct for Members** – Extract from the proceedings of the Audit & Standards Committee meeting held on the 14 January 2020

Date of Meeting: **30 January 2020**

Report of: **Executive Lead Officer for Strategy, Governance & Law**

Contact Office Name: **John Peel** **Tel: 01273 291058**
E-mail: john.peel@brighton-hove.gov.uk

Wards Affecte All

FOR GENERAL RELEASE***Action Required of the Council:***

To receive the item referred from the Audit & Standards Committee for approval:

Recommendation: That the changes recommended in para 3.4 of the report and reflected in Appendix 2 be approved.

BRIGHTON & HOVE CITY COUNCIL

AUDIT & STANDARDS COMMITTEE

4.00pm 14 JANUARY 2020

HOVE TOWN HALL COUNCIL CHAMBER

MINUTES

Present: Councillors Littman (Chair) Appich (Group Spokesperson), Hamilton, Hugh-Jones, Nemeth, Peltzer Dunn and West.

Independent Members present: Dr David Horne and Helen Aston

MINUTE EXTRACT

PART ONE

43 REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

43.1 RESOLVED:

- (1) That full Council be recommended to approve the changes proposed in para 3.4 of the report and reflected in Appendix 2; and
- (2) That the proposed changes to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct recommended at para 3.5 of the report and reflected in Appendix 3 be agreed.

43.2 RESOLVED TO RECOMMEND: That Full Council approve the changes recommended in para 3.4 of the report and reflected in Appendix 2.

Subject:	Review of the Code of Conduct		
Date of Meeting:	30 January 2020 14 January 2020 – Audit & Standards Committee		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Victoria Simpson	Tel: 01273 294687
	Email:	Victoria.Simpson@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 This report seeks to update Members on the work done by the cross party Member Working Group which this Committee set up on a ‘task and finish’ basis to review the Council’s arrangements in light of the best practice recommendations of the Committee on Standards in Public Life’s [Review of Local Government Ethical Standards](#). This Committee’s approval is sought in relation to proposals to amend certain aspects of this authority’s arrangements, including the Code of Conduct for Members which forms part of the Council’s Constitution and which requires full Council approval.

2. RECOMMENDATIONS:**Audit and Standards Committee:**

- 2.1 That this Committee recommend to Full Council that it approve the changes proposed in para 3.4 and reflected in Appendix 2
- 2.2 That the proposed changes to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct recommended at para 3.5 below and reflected in Appendix 3 be agreed.

Full Council:

- 2.1 That Full Council approve the changes recommended in para 3.4 and reflected in Appendix 2.

3. CONTEXT/BACKGROUND INFORMATION**THE REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE (‘the CSPL’) INTO LOCAL GOVERNMENT STANDARDS**

- 3.1 The Committee on Standards in Public Life (‘the CSPL’) took evidence in 2018 and published its detailed Report in January 2019. The headline

recommendations included amongst other things making available the sanction of elected members being suspended for up to 6 months for a failure to declare a disclosable pecuniary interest. The CSPL also recommended that the law be changed so as to remove the requirement that councillor's home addresses be published on their register of interests and further proposed that a rebuttable presumption be created that a councillor's behaviour in public should normally be deemed to be in an official capacity, this although an individual's behaviour in private would remain outside the Code.

- 3.2 The recommendations highlighted in 3.1 above would require Parliament to enact legislation before the changes could be implemented. In light of this, the Members Working Group focused instead on the 15 best practice points which the CSPL also included in its Report with a recommendation that local authorities consider adopting them. These measures do not require legislative change to be implemented and the CSPL's recommendation is that authorities consider making those changes in the short term.

GAP ANALYSIS & PROPOSALS

- 3.3 Appended here as Appendix 1 is a gap analysis. It provides an indication of the process whereby the Working Group reviewed the best practice recommendations in the CSPL report against this authority's current arrangements and includes the position which that Group took.

- 3.4 It will be noted that many of the best practice points recommended in the CSPL report have already been implemented at least in part by this authority. Where that is not the case, the members of the cross-party Working Group were able to achieve consensus and to recommend some changes to the Code of Conduct for members. A tracked changes version of the current Code is appended as Appendix 2. The proposed amendments would incorporate the following changes:

- Explicit reference would be made in the Code to harassment over and above harassment which is based on a protected characteristic (which is already caught by the current Code).
- The inclusion of illustrative (but not limiting) examples of the sorts of behaviour which might be deemed to amount to bullying and/or harassment.
- That additional transparency be achieved in relation to any gifts and/or hospitality received by members. The change would provide that where any gifts and/or hospitality are received in any given year from a single source which are individually under the £50 threshold but together total more than £100, then those must be notified to the Monitoring Officer.
- Explicit reference to an expectation that a review of the Code be initiated when necessary, but in any event not less than every 3 years.

- 3.5 In addition, one change was proposed to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct by Members. This would ensure that it provides reassurance by making explicit reference to the arrangements which are put in place where potential or actual conflicts of interest arise during the determination of a complaint against a member. The

amended version of that document is appended as Appendix 3, again as a tracked changes document.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints. The current arrangements and the proposals in this Report reflect this. No alternative proposals are suggested.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 No need to consult with the local community has been identified.

6. CONCLUSION

- 6.1 Members are asked to note the contents of this Report, which aims to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from this report.

Finance Officer Consulted: James Hengeveld

Date: 09/12/2019

Legal Implications:

- 7.2 These are covered in the body of the report.

Lawyer Consulted:

Victoria Simpson

Date: 03/12/2019

Equalities Implications:

- 7.3 There are no equalities implications arising from this Report

Sustainability Implications:

- 7.4 There are no sustainability implications arising from this Report

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Gap analysis
2. Code of Conduct for Members (tracked changes)
3. Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members (tracked changes)

Background Documents:

1. Local Government Ethical Standards: A Review by the Committee on Standards in Public Life:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

Audit and Standards Member Working Group
21st and 27th November 2019
Review of the Best Practice Recommendations [the Report on Local Government Ethical Standards](#)
by the Committee on Standards in Public Life

References are to the Members' [Code of Conduct](#), the [Practice Note on the Use of Council Facilities](#), the [Procedure](#)

Best Practice Recommendation	Commentary	Proposal for consideration	Steer provided by WG members

Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

The CSPL have acknowledged that whilst there is no statutory definition of bullying, the Advisory, Conciliation and Arbitration Service (Acas) have codified a helpful definition: "Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient."

The CSPL note Newcastle City Council's Code :

You must not bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct. (Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating or

BHCC's Code of Conduct includes a prohibition on **bullying** at para 1.3: 'Members must not act in a way which a reasonable person would regard as bullying or intimidatory'.

BHCC's Code also includes express reference to the requirements of the Equality Act 2010, which prohibit **harassment** based on any of the protected characteristics only. So no express prohibition on harassment not based on a protected characteristic.

Whether a) specific reference to harassment not based on protected characteristics should be added to the Code of Conduct, and b) whether 'bullying' and/or 'harassment' might be defined or examples given in BHCC's Code.

Unanimous agreement that a) harassment not based on the protected characteristics should also be prohibited by the Code while b) Newcastle CC definitions of both bullying and harassment be inserted as examples (wording: 'including but not limited to').

The key importance of ensuring that the Code make explicit reference to the Council's Whistleblowing Policy (at p2 of the current Code) was noted.

<p>2</p>	<p><u>Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</u></p>	<p>The CSPLs recommendation aims to avoid councillors seeking to disrupt standards investigations; or misusing the process to make allegations against another councillor for the purposes of political gain.</p> <p>BHCC's Code of Conduct requires compliance with standards investigations:</p> <ul style="list-style-type: none">• 1.8. Members must not refuse or fail to – (i) co-operate with council investigations of any description, including those into alleged breaches of this Code; and/or (ii) provide full access to all material that, in the view of the investigating officer, may be relevant to such an investigation. <p>BHCC's Code does not however prohibit councilors from making trivial or malicious allegations against each other. Provision could be made if members wish it. A steer on whether to leave the interpretation of what is trivial and/or malicious to the discretion of the MO in consultation with the IP would be helpful.</p>	<p>Members to consider whether existing provisions are satisfactory or whether amends should be made to the Code of Conduct</p>	<p>The Working Group did not consider there was a need for specific provisions prohibiting trivial or malicious allegations</p>
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3	<p><u>Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</u></p>	<p>The CSPL took into account evidence that ‘many’ authorities hadn’t revisited their Codes of Conduct since the legislation changed; they preferred Codes which were in plain English and not those which were minimal and ‘Nolan-only’ codes.</p> <p>BHCC’s Code does not fall into any of the above categories. It goes above the minimum legislative requirement by amongst other things making provision for ‘Other Interests’ to catch some key interests which are not DPs. It is regularly updated, most recently in March 2019, although there is no formal expectation that this will be done annually or be the subject of external consultation.</p>	<p>Members to consider whether existing arrangements are satisfactory. If there is a desire to review the Code annually and/or to consult externally then a steer is invited re the degree of resource that members want to invest</p>	<p>Noted that BHCC’s Code has been the subject of regular review. Creating an expectation of a compulsory annual review was considered to be disproportionate. Decision instead to provide that the Code will be reviewed when necessary, and in any event at least once a term.</p> <p>Consideration is also being given to reporting on Standards as part of the annual AGS report.</p>
4	<p><u>An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.</u></p>	<p>This is provided to councillors as part of their induction process at the start of their term of office. It is then maintained in the Council’s Constitution.</p> <p>Insofar as accessibility to the public is concerned, the Code is published in the Council’s website plus there is a dedicated “Complaints against Councillors” webpage which is readily accessible from a google search and provides a description of the</p>	<p>Members are invited to agree that no further action is necessary</p>	<p>Agreed – no action necessary</p>

5	<p><u>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as pdf.</u></p>	<p>The CSPL have acknowledged that there is no legal requirement for Councils to maintain a gifts and hospitality register; and that not all Councils make reference to this within their Code.</p> <p>BHCC's Code requires members to register:</p> <ul style="list-style-type: none"> • Any gift or hospitality worth more than an estimated value of £50, which the Member has accepted by virtue of his or her office <p>The £50 threshold has been retained when the Code has been reviewed in the past on the basis that it encourages transparency. However one possible change could be to make provision for <u>gifts/ hospitality totalling £100 pa from any individual source</u> also be caught, in accordance with the recommendation 6 in the CPSL report.</p>	<p>Members are invited to consider whether any changes (including the 'totalling £100') are necessary</p>	<p>Proposal to change threshold to include gifts/ hospitality from a single source which exceed £100 in any year will be put to Committee</p>
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<p>6</p>	<p><u>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</u></p> <p>The CSPL have taken account of the practice of the standards bodies in Scotland, Wales and Northern Ireland in making the recommendation to publish a public interest test. They offer the Northern Ireland Local Government Commissioner for Standards public interest test as a best practice example.</p> <p>Northern Ireland Local Government Commissioner for Standards public interest test 1 'CAN' we investigate your complaint? • Is the person you are complaining about a councillor? • Did the conduct occur within</p>	<p>BHCC Procedure provides at preliminary assessment stage that the MO may decide not to progress the complaint having consulted with the IP amongst other things where it would not be in the public interest to do so. Similarly, resolving matters informally during the process remains an option for the MO if proceeding is not considered to meet the public interest.</p> <p>There is no explicit reference to proportionality however and this could potentially be included.</p> <p>BHCC's Procedure:</p> <ul style="list-style-type: none"> the Monitoring Officer may decide not to progress the complaint where – (i) the complaint is vexatious or frivolous in nature; (ii) if proven, the complaint would not amount to a breach of the code of conduct for members; or (iii) it would not be in the public interest to do so. 	<p>Members to consider whether existing arrangements are satisfactory, or whether to make explicit reference to proportionality/ other changes</p>	<p>Existing provisions considered to be satisfactory</p>
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7	<p><u>Local authorities should have access to at least two Independent Persons.</u></p> <p>In their recommendations to Government, the CSPL have also recommended that the requirement for Independent Persons to be appointed should be for a fixed term of two years, renewable once, and that the role be given additional protections. They have included a further recommendation to formalise the Independent Person's role in statute.</p> <p>The basis for their recommendations is ensuring that the Independent Person remains as an impartial advisor and their views are clearly taken into account.</p>	<p>BHCC has two IPs, which is considered to be the minimum number to enable to the process work effectively.</p> <p>It is considered that terms of four years plus have allowed the Independent Persons to develop considerable experience and knowledge to support the Council, Members and the Monitoring Officer in standards matters. The requirement that any IP be neither a member nor officer can mean that any appointee needs to acquire familiarity with all aspects of the brief from scratch.</p> <p>BHCC's longest serving IP will reach the end of his second 4 year term in October 2020, and a second IP will need to be recruited before then. BHCC's other IP was appointed in March 2019 on a four year term, potentially renewable by the MO for a further two years.</p>	No further action is suggested.	No action necessary
8	<p><u>An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial</u></p>	<p>The IP is very much embedded in BHCC's arrangements, which provide that they be consulted before the MO makes key decisions at all stages, even on request to appeal a Standards Panel decision.</p>	No further action is suggested	No action necessary

9	<p><u>Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</u></p>	<p>Currently a brief formal decision notice is published: a practice which is reflected in the Procedure.</p> <p>The IPs view is not however provided in the decision or otherwise recorded. The IP does not have a vote and the proposal to expose them in this way is considered to have the potential to impact on their profile with the parties to the complaint and with the wider public - plus possibly for relations with Panel members in the future.</p>	<p>If members are satisfied with current arrangements, no further action is required.</p>	<p>No action necessary</p>
10	<p><u>A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</u></p>	<p>This best practice point is considered to be met by the information published externally: https://www.brighton-hove.gov.uk/content/council-and-democracy/feedback-about-council-services/complaints-about-councillors</p>	<p>If satisfied with current arrangements, no further action is required.</p>	<p>No action necessary</p>
11	<p><u>Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</u></p>	<p>The CSPLs recommendation is based on Parish Councils taking corporate responsibility when there are allegations about a councillor, particularly involving an employee.</p>	<p>Members could direct the MO to bring this recommendation to the direct attention of Rottingdean Parish Council's clerk</p>	<p>the MO to action</p>

12	<p><u>Monitoring Officers' roles should include providing advice, support and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</u></p>	<p>The role of the Monitoring Officer is set by statute and confirmed within BHCC's (and RPC's) Constitution.</p>	<p>If satisfied with current arrangements, no further action is required</p>	<p>No action necessary</p>
13	<p><u>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</u></p>	<p>Current practices are based on informal arrangements whereby members of the Legal Services team assume different, separate, roles and maintain confidentiality by not discussing matters. This practice is relatively common in legal professional practice where conflict or the potential for it has been identified. In an appropriate situation, it would be an option for the Monitoring Officer to seek support from a neighbouring council, or an external party, where necessary. Some/ any of the above could be formalized in arrangements if members wish.</p>	<p>Members to consider whether existing arrangements are satisfactory, or whether there is a need to formalise existing practice.</p>	<p>Consensus that current approach is fit for purpose, and that it would be appropriate to make explicit reference to the existence of arrangements for dealing with potential or perceived conflicts.</p>

<p>14</p>	<p><u>Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual</u></p>	<p>The CSPLs have recognised that issues may arise within the partnership arrangements that authorities have and that separate bodies may not be fully transparent. The key principles are clear however the complexity of this and other councils' partnership arrangements is also noted. The council's current AGS is provided via the link below. https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Annual%20Governance%20Statement%202018-19.pdf</p>	<p>Members to consider whether existing arrangements are satisfactory or whether they wish to propose any changes.</p>	<p>The degree of the challenge – which is an ongoing one - was noted by all WG members, who felt the importance of achieving transparency.</p> <p>The Constitution Review Group recently considered the matter of reports to Full Council on outside body activity and decided to invite annual reports from East Sussex Fire and Rescue Service and the Police and Crime Commissioner only at this stage. The CWG could be asked to consider extending the scope of this, if members wish it.</p> <p>Consideration also to be given to providing additional information on this topic alongside the Annual Governance Report.</p>
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15	<u>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues</u>	This is covered as part of regular briefings to Group Leaders	No further action is considered necessary.	No action needed.
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SOCIAL MEDIA PROTOCOL REVIEW: UPDATE

16 The current Social Media Protocol for Members was also briefly reviewed by the Working Group. Group members considered that a practical resource with guidance specific to different available social media platforms would be helpful to assist those members who choose to use social media to carry out their business as councillors.

Work on that resource has been planned and it is proposed that it exist alongside a publicly-available Guidance document which will replace the current Social Media Protocol. The proposal is that indicates how the Code of Conduct for Members applies to communications made via social media. That Guidance will provide members with some tools to assist them in managing some commonplace expectations (for instance of a rapid response and ongoing communication chain) which those communicating with elected members may have.

The above Guidance will be circulated to Working Group members in draft form before being brought to the Audit & Standards Committee in due course for it to review and consider formally approving.

CODE OF CONDUCT FOR MEMBERS

Introduction

This Code of Conduct covers all elected members and co-opted members (together referred to in this Code as ‘Member’ or ‘Members’ as appropriate) of Brighton & Hove City Council whenever they are acting as a member or representative of the council or when they claim to act or give the impression of acting as a representative of the council. [The Code is reviewed regularly and in any event at least every three years.](#) The Independent Persons who are appointed to the Council’s Audit and Standards Committee are also expected to abide by this Code in terms of the standards of behaviour they observe and by voluntarily declaring any interests they have in any matter under discussion at any meeting.

The requirements outlined in this Code regarding the Declaration of Interests at Meetings apply to formal meetings of the Council, its committees and sub committees and its joint committees and sub committees. Members are however encouraged to voluntarily declare at all meetings, both formal and informal, any facts which they consider may be relevant to the perception of their decision-making, this although they are not required to do so.

The Code does not apply when Members are acting or appearing in the perception of a reasonable person to be acting in a purely private capacity.

When carrying out their public role, Members must adhere to the seven principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty, and leadership, as defined in Appendix B.

This Code of Conduct should be read alongside the Council’s corporate values – respect, collaboration, efficiency, openness, creativity, and customer focus, as defined in Appendix C.

All Members are bound by the requirements of the Equality Act 2010, which amongst other things prohibits discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. In addition, Members are expected to promote equality in their actions and behaviours.

When applying and interpreting this Code of Conduct, Members should have regard to the following policies and documents (as amended from time to time):

- (a) Council Procedure Rules
- (b) Arrangements regarding the Register of Members’ Interests
- (c) Practice Note – Use of Council Facilities
- (d) Protocol for Members regarding planning applications

- (e) Code of Conduct for Member/Officer Relations
- (f) Guidance on use of social media
- (g) Guidance on confidentiality
- (h) Anti-fraud and Corruption Strategy
- (i) Whistleblowing Policy

Behaviour

1.1. Members must behave in such a way that a reasonable person would regard as respectful.

1.2. Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

1.3. Members must not act in a way which a reasonable person would regard as bullying or intimidatory, and nor must they harass any person*.

1.3.1.4. Members must not seek to improperly confer an advantage or disadvantage on any person.

1.4.1.5. Members must comply with the Equality Act 2010, both insofar as the prohibition on discrimination on the grounds of a protected characteristic is concerned and generally, and must not do anything which may cause the council to breach any of its equality duties.

1.5.1.6. Members must only use the resources of the council in accordance with the Practice Note on Publicity and the Use of Council Facilities.

1.6.1.7. Members must not disclose information which is confidential or exempt from publication or where disclosure is prohibited by law.

1.7.1.8. Members must not refuse or fail to –

- (i) co-operate with council investigations of any description, including those into alleged breaches of this Code; and/or
- (ii) provide full access to all material that, in the view of the investigating officer, may be relevant to such an investigation.

1.8.1.9. Members must respect the impartiality of officers and not act in a way that a reasonable person would regard as bringing an officer's impartiality into question.

1.10 When reaching decisions on any matter, Members must have regard to any relevant advice provided to them by the council's–

- (i) chief finance officer;

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- (ii) monitoring officer; or
- (iii) chief executive and head of paid service

where that officer is acting pursuant to his or her statutory duties.

1.11 Where, following a complaint that a Member has breached this Code of Conduct, and the complainant and the Member complained of consent to resolve the matter informally by a particular means, the Member must co-operate and comply with the agreed method of resolution.

*NOTE to para 1.3: Behaviour amounting to bullying may include (but is not limited to) the following: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Similarly, harassment may be characterised amongst other things as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Registration of interests

- 2.1. Within 28 days of the Member's election or the co-opted member's appointment (where that is later), Members must notify the Monitoring Officer of their Disclosable Pecuniary Interests which fall within the categories set out in Appendix A. They must also notify the Monitoring Officer of those of their Other Interests which must be entered on the Register of Interests pursuant to para 3.2 of this Code.
- 2.2. Upon the re-election of a Member, or the re-appointment of a co-opted member, Members must within 28 days notify the Monitoring Officer of all of their registrable interests which fall within the categories of Disclosable Pecuniary Interests and Other Interests, defined in Appendix A and para 3.2 below, whether previously registered or not.
- 2.3. Members must notify the Monitoring Officer of any change to their registrable interests and/or of any new registrable interests as defined by Appendix A and para 3.2 within 28 days of becoming aware of the relevant interest.
- 2.4. While members must notify the Monitoring Officer of all of their registrable interests, the Monitoring Officer may agree not to make public any interest which s/he agrees is a 'sensitive interest'. A sensitive interest is one which, if made public, could lead to the Member or a person connected with the Member being made subject to violence or intimidation.
- 2.5. In the interests of being seen to take decisions in an open and transparent manner and in accordance with the principle of Openness which forms one of the Seven Principles of Public Life (see Appendix B), Members may voluntarily provide written notification to the Monitoring Officer of their membership of any private club, society or organisation (and of any subsequent change or addition to their membership).

2.6. Similarly members may request that facts be minuted at any meeting where they consider that their circumstances affect their relationship to the issue under debate, although they are not compulsorily required to declare them as Disclosable Pecuniary Interests or Other Interests under this Code.

2.7. While members may choose to make voluntary declarations to assist in ensuring transparency, paragraphs 2.5 and 2.6 are not to be read as creating additional obligations on a member to disclose voluntarily any matter which they are not otherwise obliged to declare under the terms of this Code.

Declaration of interests at meetings

A. Disclosable Pecuniary Interests

N.B. It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest (as defined in Appendix A), to take part in discussion or votes at meetings, or to take a decision, where you have a Disclosable Pecuniary Interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer in connection with the registration and/or declaration of interests.

3.1. Where a matter arises at a meeting of the Council, one of its committees or sub committees (or at a joint committee or sub committee), which relates to an interest in Appendix A, Members—

- (i) must declare their interest;
- (ii) may not participate in a discussion or vote on the matter;
- (iii) must, in accordance with council procedure rule 25.4, leave the room where the meeting is held, while any discussion or voting takes place.

B. Other declarable interests, or 'Other Interests'

3.2 Members may have an interest in a matter under consideration even where they do not have a Disclosable Pecuniary Interest. These other declarable interests are known as 'Other Interests' and may be subject to paras 2.1 to 2.4 inclusive in which case they must be notified:

Other Interests which must be notified to the Monitoring Officer:

- Any body of which the Member is in a position of general control or management, or
- Any gift or hospitality ~~worth more than an estimated value of £50,~~ which the Member has accepted by virtue of his or her office and which constitutes either a) a single instance of a gift or hospitality worth more than an estimated value of

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£50 or alternatively constitutes b) two or more instances of gifts or hospitality received in from a single source in any given year which taken together have a total estimated value in excess of £100.

Other Interests which need not be notified (but must be declared):

- Any interest of a financial nature of the Member, their spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they are civil partners which is not a Disclosable Pecuniary Interest.

3.3 Where a matter arises at a meeting which relates to or affects any Other Interest then (whether or not it is a compulsorily notifiable interest) the Member must declare that interest at the meeting.

3.4 Where the Member has an Other Interest as defined above then they must in addition consider whether a) their interest is affected by the matter under consideration more than the interests of the majority of people in the area affected by the matter, and if so, whether b) a reasonable member of the public would think the Member's judgement of the public interest would be adversely affected by the interest.

If the answer to a) and b) above is yes then the Member:

- (i) must declare the interest at the relevant time; and
- (ii) may not participate in a discussion or vote on the matter; and
- (iii) must leave the room where the meeting is held while any discussion or voting takes place.

3.5 Where the Member has an Other Interest pursuant to para 3.2 but they are permitted to continue participating in decision-making once they have declared it pursuant to para 3.3, then they will have a declarable **non-prejudicial interest**. Where they are not permitted to participate in decision-making either as a result of an Other Interest or because they have a Disclosable Pecuniary Interest then their interest will be a **prejudicial interest**.

3.6 Where a matter arises at a meeting which relates to a sensitive interest defined under paragraph 2.4, Members are not required to disclose the nature of their interest. However they must nonetheless disclose the fact that they have a Disclosable Pecuniary Interest and must follow the rules regarding non-participation.

C. Dispensations

3.7 On a written request made to the council's Monitoring Officer, preferably in advance of the meeting, the Monitoring Officer may – following consultation, where reasonably practicable, with either one of the Independent Persons or the Chair of Audit & Standards Committee – grant a Member a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the Monitoring Officer

believes 1) that the number of Members otherwise prohibited from taking part in the meeting would be so great a proportion of the relevant body as to impede the transaction of the business; or 2) considers that without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; or 3) considers that it is in the interests of the inhabitants in the council's area to allow the Member to take part; or 4) considers that it is otherwise appropriate to grant a dispensation.

- 3.8 Members are not required to register or declare an interest that is shared with ordinary members of the public living or working in the area (such as the payment of, or liability to pay, council tax, or having bins collected) or that arises simply from being a Member (such as Members' allowances); or where the interest is otherwise de minimis.
- 3.9 Accordingly, no Member will need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax reduction schemes, because it is a decision affecting the generality of the public in the council's area, rather than one or more individual..
- 3.10 It is at all times the responsibility of each individual member to monitor whether they have any disclosed or as yet undisclosed interests in matters under consideration and to declare these where necessary.

Appendix A – Disclosable Pecuniary Interests

The interests defined by regulations made under section 30(3) of the Localism Act 2011 are described in the table below.

N.B. Interests listed in this Appendix are those of the Member; or those of their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they are civil partners), where the Member is aware that their partner has the interest.

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from Brighton & Hove City Council) made or provided in the 12 month period preceding notification of this pecuniary interest in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between you or other relevant persons* (or a body in which the relevant person has a beneficial interest**) and the relevant authority –

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

*A “relevant person” is your spouse or civil partner; a person with whom you are living as husband or wife; or a person with whom you are living as if they were a civil partner.

** A “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

“Director” includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union.

See ‘Securities’ below for definition of ‘securities’.

Land

Any beneficial interest in land which is within the area of the relevant authority.

“Land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to the member’s knowledge) -
(a) the landlord is the relevant authority; and
(b) the tenant is a “body in which the relevant person has a beneficial interest” (see ** under ‘Contracts’ for definition) .

Securities

Any beneficial interest in securities of a body where –

- (a) that body (to the member’s knowledge) has a place

of business or land in the area of the relevant authority; and

(b) either -

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

See 'Land' in left column for definition of 'land'.

Appendix B – the Seven Principles of Public Life

Selflessness	Members should act solely in terms of the public interest.
Integrity	Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Members must act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.
Accountability	Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Members should act and take decisions in an open and

transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty Members should be truthful.

Leadership Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix C – the Council’s Corporate Values

Respect Embrace diversity with kindness and consideration, and recognise the value of everyone

Collaboration Work together to contribute to the creation of effective and successful decision making forums, working groups and partnerships across the council and beyond

Efficiency Work in a way that makes the best and most sustainable use of the council’s resources

Openness Share and communicate with honesty about the council and its decisions and activities

Creativity Have ideas that challenge the ‘tried and tested’; use evidence of what works; listen proactively to feedback from constituents and others

Customer Focus Do your part to help the council deliver its ‘Customer Promise’ to colleagues, partners and customers; the council aims to listen, to be easy to reach, to be clear, to treat everyone with respect, and to get things done.

Brighton & Hove City Council

Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members

1. Introduction and legal framework

- 1.1 This procedure is made in accordance with section 28(6) of the Localism Act 2011 which requires the council to have in place arrangements for investigating and determining allegations that a member or co-opted member of the council has failed to comply with its Code of Conduct for Members.
- 1.2 This version of the procedure supersedes all previous versions.
- 1.3 The Code of Conduct to which this procedure relates was originally adopted by the Council in 2012 in accordance with section 27 of the Localism Act 2011, has undergone minor revision since then, and is set out at 8.1 in the [Council's constitution](#)

2. Principles

The principles underpinning the procedure are:

- (i) a drive to engender member and public confidence that allegations of member misconduct will be dealt with effectively and efficiently;
- (ii) that Standards Panels reach their findings fairly and independently;
- (iii) that Standards Panel hearings be conducted openly, wherever possible

3. Making a complaint

- 3.1 If a person wishes to make a complaint about Member conduct, they should write to:

The Monitoring Officer
c/o Standards and Complaints
Brighton & Hove City Council

[231 Kings House](#)
[Grand Avenue](#)
[Hove BN3 2LS](#)
[Hove Town Hall](#)
[Hove](#)
[BN3 3BQ](#)

Or use the following Web link [Councillor Complaint](#)

- 3.2 The complainant will be asked to provide their name and a postal or email address. Only complaints from named individuals will be accepted.
- 3.3 Council officers wishing to complain about Member conduct are recommended to use the Code of Conduct for Member/Officer Relations but still have the option of using the complaints procedure set out here.
- 3.4 The Monitoring Officer will inform the complainant that their complaint will be assessed against the Code of Conduct for Members and that they may if they wish seek the views of one of the Council's Independent Persons.
- 3.5 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it, and will send the complainant standard information about the Council's policy on disclosing their identity, as set out in paragraph 4.2 below; and will require the complainant to confirm their agreement to this policy, in order for the complaint to proceed.
- 3.6 The Council aims to complete the complaint process within a maximum of three months from receipt.
- 3.7 Once a complaint has been filed with the Monitoring Officer, it may not be withdrawn without the consent of the complainant, the subject member and the Monitoring Officer.
- 3.8 At an early stage in communications, the Council will discourage all parties – both the complainant and the subject member, as well as any other parties - from seeking actively to publicise the matter before the complaint has been fully determined.
- 3.9 [The potential for a conflict of interest to arise will be considered when the complaint is first received in, and will be kept under subsequent review. If any potential or actual conflicts are identified, then appropriate arrangements will be made to prevent them impacting negatively on the process.](#)
4. [Information provided to the Member complained about](#)

- 4.1 The Member against whom the complaint is directed (the 'subject member') will be notified that a complaint has been received as soon as possible and in any event within 5 working days of the council receiving it, unless the Monitoring Officer considers that doing so may prejudice any investigation into the complaint.
- 4.2 The Monitoring Officer will provide the subject member with all documentation relevant to the complaint, including the identity of the complainant except where doing so might compromise the complainant's safety (see also paragraph 6.2 below).
5. Preliminary assessment
- 5.1 Subject to paragraph 5.2, the Monitoring Officer will, in consultation with one of the Independent Persons, carry out a preliminary assessment in order to determine what action should be taken.
- 5.2 The Monitoring Officer reserves the right to refer the preliminary assessment to the Standards Panel in respect of any complaint.
- 5.3 The Monitoring Officer will seek to complete his/her assessment within 10 working days of receiving a valid complaint, although the process may take longer if more information is required from the complainant or subject member (or both) for a proper assessment to be made.
- 5.4 Pursuant to paragraph 5.3, the Monitoring Officer may – having regard to the views of the relevant Independent Person – undertake small-scale preliminary enquiries directly related to the complaint, to help determine whether a formal investigation is required.
- 5.5 Based on the preliminary assessment, the Monitoring Officer may decide **not** to progress the complaint where –
- (i) the complaint is vexatious or frivolous in nature;
 - (ii) if proven, the complaint would not amount to a breach of the code of conduct for members; or
 - (iii) it would not be in the public interest to do so.
- 5.6 Where the circumstances in paragraph 5.5 do not apply, the Monitoring Officer may:
- (i) seek to resolve the complaint informally;
 - (ii) arrange for the complaint to be formally investigated;
- 5.7 An informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or some other action on their part. Where the Member makes a reasonable offer of informal resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. In any event, the Monitoring

Officer retains the discretion to resolve matters informally having consulted with the parties as well as with one of the Independent Persons.

- 5.8 Where the complainant and subject member have consented to resolve the complaint informally by a particular means (for example, by written apology), the member should co-operate with and adhere to that measure.
- 5.9 Complaints settled informally, whether at this stage or during the course of a formal investigation, will be reported to the Audit & Standards Committee but without naming the parties involved.
- 5.10 Where the parties attempt to resolve the matter informally but fail to reach a mutually agreeable outcome, the matter will, subject to 5.7 above, be referred for investigation. In the subsequent report to a Standards Panel, it will be stated that informal resolution was attempted but did not succeed. Details of the negotiations comprising those attempts will not be published.
- 5.11 If the complaint identifies conduct which, on the face of it, is a criminal offence or regulatory breach by any person, the Monitoring Officer may refer the matter to the Police and/or appropriate regulatory body as well as, or in lieu of, an investigation by the council.
- 5.12 On completion of the assessment, the Monitoring Officer will inform the complainant and subject member of his/her decision, with reasons.

6. Formal Investigation

- 6.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the council, an officer of another local authority or an external investigator. The Investigating Officer will, subject to any direction from the Monitoring Officer, have discretion as to how the investigation is carried out.
- 6.2 The Investigating Officer will ask the complainant and the Member to provide their explanation of events, and will identify what documents he/she needs to see and whom he/she needs to interview. In exceptional cases, it may be appropriate to keep the identity of the complainant, witnesses, or key documents confidential where disclosure might prejudice the investigation.
- 6.3 The Investigating Officer will produce a draft report and send copies, in confidence, to the complainant and subject member, to give both an opportunity to identify any matter in the report which they feel requires more consideration.

- 6.4 Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or that aspects of the report require revision or clarification, he/she may ask the Investigating Officer to reconsider his/her report.
- 6.5 Copies of the final report will be sent to the complainant and the member concerned.
- 6.6 At any point during the investigation, the Monitoring Officer may consult the parties as to whether they would accept an informal settlement rather than continue with the formal investigation. Having had regard to the wishes of the parties and the views of the Independent Person, the Monitoring Officer may halt the investigation and seek to resolve the matter informally. Should that course of action prove unsuccessful, the formal investigation would normally be resumed. However the Monitoring Officer retains the discretion to resolve matters informally having consulted with the parties as well as with one of the Independent Persons where s/he considers that doing so to be in the public interest.

7. Investigation Outcomes

- 7.1 On completion of a formal investigation, the findings available to the Investigating Officer in respect of each element of the Code of Conduct considered relevant are:
- (i) A substantive breach
 - (ii) A technical but minimal breach
 - (iii) No breach

7.2 **Substantive breach.**

Where the Investigating Officer finds that the subject member has substantively breached one or more elements of the code of conduct, the Monitoring Officer will normally refer the complaint to the Standards Panel for determination.

However where the Monitoring Officer considers exceptionally that it would not be in the public interest to refer the breach to a Standards Panel and has consulted with one of the Independent Persons, then provided that that Independent Person agrees, the Monitoring Officer may recommend to the parties that the matter be settled informally and invite the parties to make representations regarding whether or not they agree. While either the complainant or the subject member may request that the matter be referred to a Panel for determination, the

Monitoring Officer will retain the discretion to resolve matters informally having consulted with all of the parties.

7.3 Technical but minimal breach.

7.3.1 This finding reflects a set of circumstances where the conduct complained of does – on a strict interpretation – amount to a breach of the code, but little or no culpability attaches to the subject member. This could occur, for example, where the member had made an unintentional and minor administrative error on their declaration of interests by recording relevant information but under the wrong class of interest.

7.3.2 Where the Monitoring Officer, after consultation with one of the Independent Persons, considers that it would not be in the public interest to refer a technical but minimal breach to a Standards Panel, he will recommend to the parties that the matter be settled informally. While either party may request that the matter is referred to a Panel for determination, the Monitoring Officer will retain the discretion to resolve matters informally having consulted with all of the parties.

7.4 No breach

7.4.1 If the Investigation finds no breach of the code of conduct, and the Monitoring Officer considers – after consultation with the Independent Person – that there is no public interest in pursuing the matter further, he will contact both parties to ask if they accept the finding and are willing to end the matter there. If they respond in the affirmative, the Monitoring Officer will confirm to the parties in writing that the complaint will be taken no further. If either party rejects the finding or is not willing to conclude the matter, they may make representations to the Monitoring Officer as to why the complaint should nonetheless be referred to the Standards Panel. However the Monitoring Officer retains the discretion to decide to resolve the matter informally, without referral to a Panel.

7.4.2 Similarly the Monitoring Officer may, having consulted one of the Independent Persons, refer the complaint to the Standards Panel, even where the investigation finds no breach and the parties are willing to terminate the matter.

8. Standards Panel

8.1 As soon as reasonably practicable after referring a completed investigation to the Standards Panel for hearing and determination, the Monitoring Officer shall convene a meeting of the Panel.

8.2 The Monitoring Officer shall select the persons to comprise a Standards Panel, in accordance with the following criteria:

8.2.1 Membership of a Standards Panel is restricted to persons who –

- (a) are a member of Audit & Standards Committee; and
- (b) have attended the necessary training and re-training sessions specific to these Panels

8.2.2 The Panel shall consist of 3 or 5 elected members, appointed on a cross-party basis, plus one Independent Person who shall chair the Panel but not vote.

8.2.3 If more than the minimum number of qualified persons (pursuant to paragraph 8.2.1) are available for a particular Panel, selection will be based on (i) the criteria specified in 8.2.2 and (ii) in such a way that ensures a spread of experience across the Panel.

9. Arrangements for and Conduct of the Standards Panel Hearing

- 9.1 There is a presumption of openness with regard to Panel hearings. Hearings will be conducted in open session unless the Panel resolve that the public be excluded on one or more of the grounds permitted under Part VA of the Local Government Act 1972.
- 9.2 Where the hearing itself is open to the public, the Panel's deliberations following the hearing will be held in private.
- 9.3 Care is needed to ensure that the published report detailing the allegation and investigation does not unlawfully disclose personal or sensitive personal data of any party. Accordingly, the Monitoring Officer shall have discretion to redact material from the published report where necessary for data protection purposes.
- 9.4 Where the complaint concerns the use of an offensive word or expression, the wording will not be repeated in the Panel report more than is necessary and in any event placed within inverted commas, to indicate the words were those allegedly used by the subject member.
- 9.5 To coincide with the publication of the hearing report, the Council shall (unless the Panel is being advised to consider excluding the public from the hearing) issue a press release about the hearing, which shall include an explanation of the Independent Person's role. Advice will be sought from the council's Head of Communications as to the precise content of the release.
- 9.6 The Independent Person, in his/her capacity as Panel chair, may – after consulting the Monitoring Officer – issue directions as to the manner in which the hearing is to be conducted.

- 9.7 Adequate security must be in place throughout the hearing, to protect Panel members and other parties actively involved in the hearing against threats or intimidation.
- 9.8 Arrangements must be made to ensure the privacy of the Panel while in recess following the hearing.
- 9.9 Arrangements must enable the Panel to conduct their deliberations in recess without feeling pressurised to reach a decision within a set time.
10. Reaching a Decision
- 10.1 In accordance with statutory requirements, the voting members of the Panel must seek and take into account the views of the Independent Person before reaching their decision in respect of the allegation.
- 10.2 The Panel should, where possible, reach their decision by consensus and vote by acclamation. Where there is disagreement, the matter shall be put to a vote with Members voting for or against the proposal..
- 10.3 The decision of the majority of the Panel Members shall constitute the decision of the Panel. The Chair, being an Independent Person, shall not be permitted to vote or exercise a casting vote.
- 10.4 In the event that no majority decision can be reached (e.g. where one voting member felt unable to decide the allegation), the Panel will make no finding and a fresh Panel shall be appointed to re-hear the complaint.
- 10.5 The decision of the Panel should be owned collectively by all its Members and Panel Members should, as far as reasonably practicable, avoid statements or actions that undermine public confidence in the complaints process.
11. Range of decisions available to the Standards Panel
- 11.1 Having heard the allegation, the Standards Panel may –
- (i) find that the subject member **did fail** to comply with the council’s code of conduct for members in one or more respects;
 - (ii) find that the subject member **did not fail** to comply with the council’s code of conduct for members;
 - (iii) make no finding in respect of the allegation. It is open to the Panel merely to note the issues raised by the complaint and, if appropriate, to make recommendations which address them.

- 11.2 Even where the Panel finds a breach, it is not obliged to take action in respect of the member. In accordance with section 28(11) of the Localism Act, it must have regard to the failure in deciding *whether* to take action and, if so, what action to take.
- 11.3 Neither the Standards Panel nor any other body of the council has power to suspend or disqualify a member or to withdraw their basic or special responsibility allowance.
- 11.4 Actions the Panel may take in relation to a member who has failed to comply with the code of conduct include:
- (i) publishing its findings in respect of the member's conduct;
 - (ii) writing a formal letter to the member, which could include recommended actions such as an apology;
 - (iii) reporting its findings to Council for information; or recommending to Council that it takes one or more of the actions listed here;
 - (iv) formal censure;
 - (v) recommending to the member's Group Leader that he be removed from any or all of the council's committees or sub-committees;
 - (vi) recommending that the Monitoring Officer offer appropriate training

12. Publicising the Panel's Decision

At the end of the hearing, the Chair will state the decision of the Standards Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Standards Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Standards Panel, send a copy to the complainant and the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Audit and Standards Committee.

13. Right of Appeal

- 13.1 Subject to paragraphs 13.2 to 13.4, the complainant and subject member may each appeal the decision of the Standards Panel.

- 13.2 A request for an appeal must be made in writing to the Monitoring Officer and set out reasons for the request, with reference to the grounds set out in paragraph 13.4.
- 13.3 The appeal request must be received by the Monitoring Officer within 10 working days of the original Panel hearing.
- 13.4 The appeal request will only be granted if one or more of the following criteria are met:
- (i) the hearing was procedurally flawed; a relevant consideration was not taken into account; or an irrelevant consideration was taken into account;
 - (ii) new evidence or material has arisen with a direct and significant bearing on the allegation; or
 - (iii) the Panel's decision was irrational, meaning it was so unreasonable that no sensible Standards Panel, having applied its mind to the complaint, could have arrived at that decision.
- 13.5 The decision as to whether the appeal request does fulfil one or more of the above criteria, resulting in the request being granted, shall be in the sole discretion of the Monitoring Officer, in consultation with the Independent Person.
- 13.6 In the event that an appeal is granted, a Standards Panel composed of different members to the one that heard the original case will consider the entire case. The appeal Panel may dismiss or uphold the appeal. If they uphold the appeal, they may substitute the original decision with a new decision. If the appeal Panel considers that essential information was not included in the investigation, they may refer the complaint back to the investigation stage.
- 13.7 There is no internal right of appeal from the decision of the appeal Panel.

NOTICE OF MOTION**GREEN AND LABOUR GROUPS****IMPACT OF CLIMATE EMERGENCY**

This Council requests that the Chief Executive write to the Environment Secretary Theresa Villiers and Robert Jenrick (MHCLG)] urging the Government to:

- take a lead on preparing for and mitigating climate change nationally and internationally
- strengthen building standards and introduce funding mechanisms to make existing and new housing stock fit for the future
- put in place legislation and resources to allow local authorities committed to achieving zero carbon emissions ahead of the Government's 2050 target to achieve their goals
- measure UK emissions to include "offshore" emissions from imported goods, aviation and international shipping.

Proposed by: Councillor Hugh-Jones

Seconded by: Councillor Henry

Supporting Information:

Fossil fuels accounted for 43% of the energy used by the National Grid last year¹;

Since June 2018, the UK government has delivered only one of 25 critical emissions reduction policies, with no progress made on ten of the actions as of July 2019²;

The Committee on Climate Change ("CCC") has recommended the UK should lead international action on climate change;

The CCC suggested that leaving adaptation responses to local communities would not be effective without a strategic national plan and noted the absence of such a plan;

The need for the NPPF to be consistent with the achievement of the UK's carbon emissions targets;

The Council is preparing for a Climate Assembly and work to achieve carbon neutrality by 2030.

¹ <https://www.nationalgrid.com/britain-hits-historic-clean-energy-milestone-zero-carbon-electricity-outstrips-fossil-fuels-2019>

² <https://www.theccc.org.uk/publication/reducing-uk-emissions-2019-progress-report-to-parliament/>

NOTICE OF MOTION**GREEN AND LABOUR GROUPS****CHILD REFUGEES**

This Council requests that the Chief Executive:

- Write to the Home Secretary, restating our offer to house child refugees,
- Write to the Prime Minister, asking him to publicly avow his support for the basic principle of Safe Passage, and to state categorically that Brexit legislation will not be used to prevent children trapped in horrendous conditions in France, Greece, and Italy from reuniting with their families in the UK.

Proposed by: Cllr Littman

Seconded by: Cllr Allcock

Supporting Information:

- The Council has made an offer to central Government as part of a scheme to house vulnerable refugee children from conflict zones in the Middle East and North Africa
- This scheme has been running for three years, and was designed to resettle 3,000, and yet so far, a mere 20 unaccompanied minors have been allowed into the UK under it
- Parliament has jettisoned a commitment to safeguard asylum-seeking minors' rights to reunite with their families in the UK; as part of the Brexit Bill;
- On January 8th 2020 MPs voted 348 to 252 against an amendment to protect the right of refugee children to reunite with their families in the UK.

Reactions included:

Lord Dubs: *"..the first real act of the new Boris Johnson government is to kick these children in the teeth. It is a betrayal of Britain's humanitarian tradition and will leave children who are very vulnerable existing in danger in northern France and in the Greek islands."*

Caroline Lucas MP: *"Just for the avoidance of doubt, the Tories dutifully trooping through the 'no' lobbies right now are voting against an amendment that says its aim is to 'protect the right for unaccompanied child refugees to be reconciled with their family after Brexit.'"*

Baroness Bennett: *"This decision destroys a crucial route by which unaccompanied refugee children are able to join family members in the UK from other EU countries. Those children are some of the most vulnerable people on this planet – yet the government plans to abandon them."*

NOTICE OF MOTION
CONSERVATIVE GROUP
MADEIRA TERRACE

This Council resolves to request the Policy & Resources Committee:

- To call for a report to its meeting on the 19th March 2020 fully detailing all options available to the Council to fund the full restoration of Madeira Terraces including the disposal of assets.
- In respect to the disposal of assets, the report to suggest which assets could be disposed of to either fully fund the restoration or be of sufficient value to secure match funding from the National Lottery Heritage Fund or any other source.

Proposed by: Cllr. Mary Mears

Seconded by: Cllr. Dee Simson

**NOTICE OF MOTION
INDEPENDENT MEMBER****MARY CLARKE STATUE**

This council is honoured to have granted £10,000 to the Mary Clarke Statue Appeal - to provide a bronze maquette (model) of the eventual statue - and recognises the historical importance of this memorial statue and its social and educational potential as a symbol of democracy, equality and women's rights and should therefore continue to actively support and publicise this initiative.

This council requests the Chair of the TECC Committee ensures that officers bring a report to the next meeting of the committee that details ways in which the council, working across its departments and in liaison with the Mary Clarke Statue Appeal, can promote public awareness and help raise the remaining £60,000 required to fund the statue.

Proposed by: Cllr Janio

Seconded by: Cllr Grimshaw

Supporting Information:

Mary Jane Goulden, later Mary Clarke, was born in 1862 in Salford. She ran a shop with her sister Emmeline Pankhurst, was a co-founder of the Women's Social and Political Union (WSPU) and became Organiser for Brighton from 1909 to 1910.

Mary had escaped a deeply unhappy nine-year marriage to John Clarke, during which she experienced abuse, destitution and homelessness. Thereafter she dedicated her life to the struggle for women's suffrage and was deeply committed to the cause. Mary was imprisoned three times for minor offences and led at least one delegation to Parliament in January 1909, which led to her arrest and imprisonment.

During her time as WSPU organiser in Brighton Mary lodged with Minnie Turner in her boarding house 'Sea View' at 13 Victoria Road. From this address and the WSPU office at the Quadrant near Brighton's Clock Tower, she helped build the WSPU operation in the South East of England and in 1910 ran the General Election campaign.

Mary attended the notorious 'Black Friday' events on 18th November 1910, where, over a period of six hours, 300 women outside Parliament were brutally beaten and deliberately sexually assaulted by uniformed and plain-clothed police. She was arrested for breaking a window and imprisoned in Holloway Prison for one month. Despite her frailty, Mary went on hunger strike and was forcibly fed. Two days after release from prison, on Christmas Day 1910, she collapsed and died of a brain haemorrhage.

Mary's death never received the publicity of Emily Wilding Davison's violent end under the Kings' horse on Derby Day 2013. Nonetheless, her grief-stricken sister Emmeline understood the political significance of her death. She wrote to C.P. Scott of the woman she called her "Dearest Sister" and said "She is the first to die. How many must follow before the men of your Party realise their responsibility."

NOTICE OF MOTION**LABOUR GROUP****FOOD POVERTY**

This council asks the Chief Executive to write to the Chancellor of the Exchequer to make the following requests and points with regards to food poverty:

- 1) To express urgent concern in regard to the Trussell Trust research that shows three million children are at risk of hunger during the school holidays, with the rate of foodbank use in the UK;
- 2) To welcome the government's commitment to the UN Sustainable Development Goals, which apply international and domestic commitments to ending hunger by 2030;
- 3) To highlight the positive work done locally through the Food Partnership, the delivery of the Council's Food Strategy, its Community Composting Scheme, and Brighton & Hove becoming the UK's first silver Sustainable Food City, and endeavours to achieve gold status;
- 4) To welcome the government's commitment to delivering a white paper on food policy, and to urge the establishment of a Green Paper that receives input from local authorities;
- 5) That the Council reiterates its commitment to food justice and calls upon the government to establish a 'right to food' when developing the National Food Strategy.

Proposed by: Cllr Hill

Seconded by: Cllr Evans

Supporting Information:

There are 8 million people in the UK who have trouble putting food on the table according to the UN. Over 500,000 people used food banks in the UK last year. The Trussell Trust alone distributed over 1.3m three-day emergency food supplies of people in crisis in the financial year 2017-2018. 3m children are at risk of hunger during the school holidays. Around 10% of the NHS budget goes on treating type 2 diabetes and up to 1 million people live in food deserts in the UK.

The Cooperative Party is running a campaign on food injustice in conjunction with a range of Labour Councils across the UK.

The website for the Food Partnership is: <https://bhfood.org.uk/>

The link to the Food Strategy is: <https://bhfood.org.uk/resources/food-strategy/>

**NOTICE OF MOTION
LABOUR AND GREEN GROUPS****FUEL POVERTY**

This council resolves to request the Policy & Resources Committee to call for a report to a future meeting of the committee detailing a strategy to alleviate fuel poverty in the City of Brighton & Hove by 2030 and that the report includes proposals on:

- 1) Improving energy efficiency of Council / housing association housing stock;
- 2) Better enforcement of existing regulations on energy efficiency and property standards;
- 3) Publishing a statement of intent to access Energy Company Obligation funding via LA Flex;
- 4) Continuing the ongoing work to switch council properties over to the Your Energy Sussex scheme that ensures new tenants have access to cheaper energy tariffs, and resolving to continue exchanging pre-payment meters with credited smart meters, and offering this option to tenants;
- 5) Improving tenants' rights;
- 6) Providing information advice and guidance to those most in need;
- 7) Becoming a member of the End Fuel Poverty Coalition.

Proposed by: Cllr Platts

Seconded by: Cllr Mac Cafferty

Supporting Information:

At least 2.53m households are in fuel poverty in England alone ([BEIS](#)). In Brighton and Hove 11.7% of households are in fuel poverty, above the average for the South East region. endfuelpoverty.org.uk

Local authorities are able to take action to help alleviate fuel poverty directly:

- Improve energy efficiency / insulation on the Council's own housing stock with an aim to achieve net zero carbon emissions.
- Leverage funds to improve the energy efficiency standards of all housing tenures
- Declare a target (e.g. 2030) of making sure nobody in Brighton & Hove will suffer from a cold home due to fuel poverty or their inability to have the necessary insulation and heating.
- Enforce existing regulations around energy efficiency and property standards in private rental sector and houses of multiple occupancy (other local authorities have found this to provide income).
- Deploy [ECO Flexible Eligibility](#), to identify residents who may be in fuel poverty but may not fit under the current Energy Company Obligation funding criteria and sign a declaration for them making them eligible.
- Take action to lobby for powers to stop unaffordable rent rises and improve tenants' rights locally.
- Provide information advice and guidance to local residents about reducing fuel bills, improving energy efficiency, their rights to welfare benefits and to help them access available funding and grants.
- Put in place cross-departmental arrangements and partnerships with the health sector and other local agencies to achieve the above objectives

