BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 15 JULY 2010

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

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

PART ONE

1. DECLARATIONS OF INTEREST

1.1 Councillor G Theobald declared a personal but non-prejudicial interest in Item 17A South Downs national Park Authority, as he was a member of the South Downs Trust.

2. MINUTES

2.1 Councillor Kitcat referred to paragraph 58.5 of the minutes of the meeting held on the 18th March and suggested that his concern over the deferral of the report of the Independent Remuneration Panel be included; as he noted it was not on the agenda for the current meeting.

2.2 The Mayor noted Councillor Kitcat's request and put the minutes as written to the meeting for approval.

2.3 The minutes of the last ordinary meeting held on the 18th March 2010 were approved and signed by the Mayor as a correct record of the proceedings.

2.4 The minutes of the Annual Meeting held on the 13th May 2010 were approved and signed by the Mayor as a correct record of the proceedings.

3. MAYOR'S COMMUNICATIONS.

3.1 The Mayor reminded councillors that the use of mobile communication devices was expressly banned in the Council Chamber during Council meetings and asked that they be turned off and anyone wishing to use such a device should leave the Chamber beforehand.

3.2 The Mayor then reported the death of Pat Miles, a long-term stalwart of community involvement and tenant participation in the city. He stated that she would be remembered for her kindness to friends and neighbours and her courtesy and diplomacy at all times. Her respected voice at many meetings, including Housing Management Consultative Committee had contributed greatly to ensuring that the voice of residents' had been reflected in the development of housing policy in the city over many years. He asked for a minutes silence as a mark of respect.

3.3 The Mayor then drew council's attention to the successful Armed Forces Day event organised by the Democratic Services Team working in partnership with Sussex County Cricket Club. It had proved to be a very enjoyable day for all concerned with Sussex coming out on top against Bangladesh and over £5,000 being raised for the Help for Heroes Charity.

3.4 The Mayor noted that this was the last Council meeting for the Director of Environment; Jenny Rowlands who was leaving t take up the post of Chief Executive at neighbouring Lewes District Council. He wished to thank the Director on behalf of the Council for her support over the years and to wish her every success in her new role.

3.5 The Mayor then informed the meeting that he had agreed to take an additional item, Item 17A, South Downs National Park Authority, which had been approved at the Governance Committee meeting on the 13th July and concerned approval for the delegation of development control functions to constituent authorities.

4. REPORT OF THE CHIEF FIRE OFFICER FOR EAST SUSSEX FIRE & RESCUE SERVICE

4.1 The Mayor welcomed the Chief Fire Officer for East Sussex Fire & Rescue Service to the meeting and invited him to address the Council.

4.2 The Chief Fire Officer thanked the Mayor and the Council for the opportunity to attend the meeting and outline the work of the Fire & Rescue Service and its objectives in the year ahead. He noted that a lot of excellent preventative and community safety work was being undertaken in the city and welcomed the ability to work with the council in delivering some of that work. He also noted that the Fire & Rescue Service and Fire Authority were facing various pressures and that there would be a need to look at how services were maintained and provided in the future. However, he also wanted to reassure councillors that there was no intention to reduce the number of fire stations in the city.

4.3 The Chief Fire Officer stated that he had been discussing the potential to utilise the use of public buildings more effectively with partner organisations such as the Police and Ambulance services and that he wanted to explore this approach further with the City Council. He believed that all public services faced difficult times and the potential to use facilities across services was something that might help meet some of the pressures. He also acknowledged the environmental and sustainability work and aims of the council and stated that the Fire Service wished to support those aims e.g. by using compressed foam to tackle fires and seeking to enable fire vehicles to be more environmentally friendly. He hoped that the future would see more collaborative working between the Fire Service and the City Council and thanked the Council for enabling him to attend the meeting.

4.4 The Mayor thanked the Chief Fire Officer for attending the meeting.

5. TO RECEIVE PETITIONS AND E-PETITIONS.

5.1 The Mayor invited the submission of petitions from councillors. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.

5.2 Councillor Fryer presented a petition signed by 1526 residents concerning Dog Control Orders in Queen's Park.

5.3 Councillor Alford presented a petition signed by 30 residents concerning the protection of the grass verge outside of Carden Court.

5.4 Councillor Mitchell presented a petition signed by 27 residents concerning the resurfacing of the pavement in Great College Street.

5.5 Councillor Morgan presented a petition signed by 160 residents concerning parking meters in Whitehawk.

5.6 Councillor A Norman presented a petition signed by 34 residents concerning the extension of the Controlled Parking Zone A to Tivoli Crescent North.

5.7 Councillor Kemble presented a petition signed by 780 residents concerning the replacement of the climbing frame in Stoneham Park.

5.8 Councillor West presented a petition signed by 727 residents concerning Community Base.

5.9 Councillor Peltzer Dunn presented a petition signed by 516 residents, the majority of which being young people, concerning the replacement of the climbing frame in Stoneham Park.

5.10 The Mayor noted that two e-petitions had been submitted and invited Councillor Fryer to present the first e-petition.

5.11 Councillor Fryer presented an e-petition signed by 375 residents, concerning Dog Control Orders in Queen's Park and requesting that all areas of the park be returned to 'dog-free' status which they enjoyed prior to January 2009.

5.12 The Mayor then invited Mr. Mendlesohn to present the second e-petition.

5.13 Mr. Mendlesohn thanked the Mayor and presented an e-petition signed by 68 residents, concerning the reinstatement of the whole of Queen's Park for the use of dogs. He also presented a written petition signed by 265 residents supporting the e-petition.

6. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

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

6.2 Mr. Elkin asked the following question; "Now why have I been told by one of your employees that the trees around Hove are only looked at every two years? I would like to thank him for doing the two trees that I spoke about but the rest of the trees down Vallance Road and Vallance Gardens haven't been looked at for over a year?"

6.3 Councillor G Theobald replied, "Good afternoon Mr Elkin. You did telephone me about this and you appear to have been informed, judging by your question, that the frequency of routine pruning is based on several factors relating to the size and type of trees and the class of road, but generally trees are hard pruned either every two or every four years, with an interim inspection midway between each period, and with a percentage of the total stock being pruned annually.

Norton Road was pruned as it was due on the rota. The arboricultural staff are currently pruning low growth from roads in the New Church Road area. Vallance Road has been inspected and as the person to which you refer in your question has already informed you, low growth will be removed by the 23rd July, so it was going to be done and it will be done."

6.4 Mr. Elkin asked the following supplementary question; "You are in charge of the environment. Vallance Gardens is a Conservation Area and there is a tree there that was planted at the end of 2008. It is now overgrown, it is not a full grown tree but the leaves actually come down to the pavement. If it is not looked at very quickly you are not going to look at these trees for over four years. I am sick and tired of stupid answers to questions."

6.5 Councillor G Theobald replied, "As I have tried to explain to Mr Elkin on the telephone and I think officers have tried to explain to him, trees are regularly pruned according to when they need this and I have already said the timescale for doing trees throughout the city and we have a professional arboricultural staff who look at these things.

I have already said that as far as Vallance Road is concerned the trees to which you referred will be done because they are on the rota. Certainly I will ask the arboricultural staff again to have a look at this particular tree and if in their professional judgement it needs to be dealt with, then it will be dealt with but they are the professionals and I must

rely upon them to make decisions on trees. I am certainly not competent to actually judge whether a tree needs pruning or it doesn't need pruning but we do have staff who do this.

I can assure you that we are very, very keen on trees in this council and that we want trees to be there, to flourish and to give joy to all our residents. I will have a look at this tree or ask staff to have a look at this tree and as I have already said if it needs doing it will be done."

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

6.7 Mr. Hawtree asked the following question; "In view of the National Coalition's manifesto clause that will allow councils to bring back the committee system, would Councillor Mears please tell us what steps she is now taking to further this?"

6.8 Councillor Mears replied, "Before directly answering the question, I would like to give Mr Hawtree a bit of background to where we are. The Labour Party had been tinkering around with the council's governance arrangements for many years. After the major upheaval to create the Unitary Authority we have had an Executive Board in Waiting, a failed Referendum on a directly elected Mayor at a cost of tens of thousands of public money, then alternative fall-back arrangements which the whole council was quite happy with and now the strong Leader and Cabinet.

The Labour Government imposed the strong Leader and Cabinet model upon us but we worked with other parties to make what has been acknowledged as the most open and transparent Constitution in the country. To change again will require primary legislation, expected to be introduced in the Commons in December at the earliest. There is little prospect of it coming on to the statute books before next May.

Taking any steps at this stage would be a waste of council tax payers' money as there is no legislation in place to guide our actions. It is also unclear as to whether the statutory requirement to consult and other procedural steps under the 2000 Act will be retained. We need to see the legislation and any associated guidance so that we are clear as to what is required."

6.9 Mr. Hawtree asked the following supplementary question; "I am aware, of course, that with the 2007 Act there is that special clause about Brighton and the question isn't simply having it back straight away and so I am grateful for your highlighting those varying aspects of the matter. Being an optimist I like to hope that we can achieve this whether it's before or after next May as you suggest, so with this in mind, and as I say it's not a simple matter, can I ask you three key issues:

1) How do you envisage the committee system fitting in with the new system of Strategic Directors which is in progress?

2) How you would regard Graham Allen's recent stated aim that every local authority should be allowed to decide its own voting system through referenda?

3) What conclusion have the council's lawyers reached yet about David Cameron's assertion that top cities can have referenda on a directly elected Mayor once again?"

6.10 Councillor Mears replied, "If I could answer the last question first, we actually don't come into the first twelve in the country so we will not be having an elected Mayor.

The other questions that you've asked, Mr Hawtree, are quite detailed and you have asked questions of the lawyers. We will be looking obviously very closely at the legislation as it comes onto the statute books in December and your question around Intelligent Commissioning I believe, and I am sure that you have read all the papers, and as you can see it's very open and transparent and everything will fold into place as it goes forward."

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

6.12 Mr. Lowe asked the following question; "The barns at Stanmer Park which are owned by the council have huge historical value both locally and nationally. If restored they would greatly increase the number of visitors to the area and would provide local people and children with a living example of their heritage.

Villagers were promised a progress report and restoration plan for the barns, so could the Cabinet Member for Central Services tell us when this plan could come together, how much the restoration would cost and whether the council would be prepared to work with the various groups of Stanmer Park to find the money to do this?"

6.13 Councillor Alford replied, "The council has long recognised the historical value of the barns and has prepared a vision for the restoration, refurbishment and future use. The buildings are no longer economically viable for farming and their future use must be economically sustainable and self supporting to safeguard the buildings' ongoing maintenance and protection.

The council wishes to make use of the unique opportunity to fulfil the objectives of the Downland Initiative by providing a range of services and facilities to attract visitors to Stanmer, improve the enjoyment of the park and provide a gateway to the South Downs. A working group has set out a vision and objectives for the buildings. The vision is seeking to provide innovative, inspiring and sustainable facilities for all which will enable people to connect with Stanmer, the South Downs and farming.

Just to compress some of the proposals for you, I won't go through everything but there's a visitor and information centre, a functional space for school visits, local community groups, temporary exhibitions, there's commercial retail facilities on site, or potential space for, there's flexible workshop space for creative makers, there's office space, possible food outlets, public WCs, farm animal enclosures, basically leisure spaces for families and so on and so forth.

The proposal is aiming for an income generating, self supporting scheme that brings back into use these vacant historic buildings. The council is trying to progress towards this aim and has been seeking funding towards an overall feasibility study to consider

the restoration costs and plans. The costs of this feasibility study are estimated in the region of £50,000, coupled with this the costs of the restoration and refurbishment are not known but are put somewhere in the region of £1.5-2m.

The council has had initial discussions with SEEDA, the South Downs, Low Weald Leader Partnership, etc, regarding the possible funding of the feasibility study and is currently putting together a bid for this feasibility study to basically get under way. As part of the feasibility study the council will be exploring all potential funding sources and would consider working with the various groups of Stanmer Park to support this aim."

6.14 Mr. Lowe asked the following supplementary question; "When can we have the results of these initial discussions and basically have there been any discussions since?"

6.15 Councillor Alford replied, "Hopefully from my first response you will agree that there has been a great deal of time and effort put into trying to seek a satisfactory conclusion for these buildings. I would like to assure you we actually do take this project extremely seriously and I would like you to rest assured that the restoration is high on our agenda."

6.16 The Mayor thanked Mr. Lowe for his questions and invited Mr. Scoble to come forward and address the council.

6.17 Mr. Scoble asked the following question; "I note that there is to be a Village Street Party in St James's Street and yet residents and businesses alike in the area around St James's Street have not been consulted in accordance with the Council's Local Policy: 'Demonstration, parades & street parties' local residents of community groups can apply to close the road to hold street parties in their locality. The most important factor in arranging the party is that all frontages in the proposed roads both residents and businesses are canvassed for their opinion and a signed petition must be produced to be submitted to the council when requesting the road closure.

It would appear that the council and the Police have agreed to the closure of St James's Street by accepting the request of a few people to hold the event. Can I ask what right do these people have to achieve the closure of the street over the weekend at the detriment of the residents and businesses alike without taking into account the views of the said residents and businesses?"

6.18 Councillor G Theobald replied, "Your question actually relates to the Pride weekend. The reality is that people will gather in a controlled or uncontrolled manner in and around St James's Street on Pride weekend. The council together with the Police and other agencies has a duty to plan for a safe environment for this to take place.

The council's role in closing the roads is to maintain public safety, as we are planning for a known set of circumstances as Pride has been happening for some years and if we did nothing then we would be failing in our duty as the highway authority.

The advice given on the council website is aimed at a conventional residents' street party, rather than the St James's Street situation where several thousand visitors come into the city to celebrate Pride. However, we do recognise that the event has an impact on those members of the community who do not wish to participate, however the measures that we suggest are in the interests of residents and visitors alike.

Residents have been notified in writing by the event organisers that the road closures will be put in place and when they will be effective from, which is Saturday 6.00pm to 3.00am and Sunday 2.00pm to 10.00pm. As I have already stated the council's role here, working in partnership with the Sussex Police Authority, is to maintain public safety in the area where a known gathering is to take place.

The number of roads to be closed this year is nine in total, last year there were ten road closures. Rock Place has been taken out of the plan for this year's event and as I have previously said both the council and the Police Authority are working with tried and tested arrangements to ensure that this event takes place with public safety being the key consideration."

6.19 Mr. Scoble asked the following supplementary question; "I hear what you're saying, Councillor Theobald. The 4,000 plus residents that live in the area are entitled to the peaceful enjoyment of their homes as a statutory right. We have not been asked ever. It is equally so, I agree, health and safety is at risk; it is equally so that we can turn round to the council together with the Police and simply say 'No'.

Why can't this venue go down on to the seafront, which is a far better location? It would be self-funding, not requiring a grant of £10,000 of our hard-earnt money to pay rates and what additional costs are there incurred in council officers' time in servicing this party?"

6.20 Councillor G Theobald replied, "Your original question was to ask me about road closures which is within my remit and is my responsibility, so once an event is announced I have the responsibility with officers to ensure that road closures are done for the safety of the public. It is not within my remit to decide whether the events themselves take place."

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

6.22 Ms. Paynter asked the following question; "The historic formation of our new Coalition Government brings to mind questions in relation as to how or whether Local Government is now expected to mirror this arrangement.

In Brighton & Hove, the Liberal Democrats rarely vote with the Conservatives, more usually aligning themselves with Labour and/or the Greens. To what extent are the Conservatives and Liberal Democrats required by convention or Central Government to now collaborate and form policy together in Brighton & Hove?

I would like clarification from both the Conservative and Liberal Democrat Leadership on this."

6.23 Councillor Mears relied, "As you have stated, nationally we have a Coalition Government and as Conservatives we support our Government. Locally the situation is status quo and therefore continues as before but I just would like to add, as the Leader of the Council, I offer an extended opportunity for every Party to work with us for the best interests of the city and that includes the two Liberal Democrats."

6.24 Councillor Elgood replied, "I am very pleased to be able to answer but I perhaps wouldn't use the words status quo too readily at the moment. The coalition agreement applies only to the UK-wide Government, it places no restrictions whatsoever on local council groups of the Liberal Democrats, so our council groups remain free as before to take what political action we deem necessary in the interests of the city."

6.25 Ms. Paynter asked the following supplementary question; "It's all very well and good for each of you to say status quo as it were but the fact is there is going to be conflicts of interest at some point where what has been agreed at Central Government is expected to be taken through down here and surely this puts the Liberal Democrats particularly in a difficult position when it comes to perhaps not agreeing with what their own Party in Central Government is doing. Is it quite right for there to be this great split between Local Government and Central Government when it's the same Party, I mean it's a bit schizophrenic isn't it?"

6.26 Councillor Mears replied, "As I said earlier in my response, I believe that as Councillors we should work for the best interests of the city but I have made the offer across the floor to other Parties to work with the Administration. I truly believe, if they feel that the city should come first, they will do that. We have an item on the agenda today around budget cuts which has come down from Central Government and obviously it's a Government paper and it's a Government announcement, so I am very interested to see how the Liberal Democrats will deal with that and I am sure they will deal with that the same as Conservatives. It is a Government announcement and has to be dealt with accordingly."

6.27 Councillor Elgood replied, "Well, I spoke to our Local Government Team earlier today regarding this question and I was told quite frankly we can do as we see is right and we will be doing exactly what we think is right and if that means resisting the policies of the Government, we will do that. The precedent in this Chamber has been set by the Labour Party who often campaigned the hardest against their own Party in Government, so we will do what we believe is right."

6.28 The Mayor thanked Ms. Paynter for her questions.

7. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

7.1 The Mayor reported that two deputations had been received from members of the public and invited Ms Brace as the spokesperson for the first deputation to come forward and address the council.

7.2 Ms Brace thanked the Mayor and presented the deputation:

"Thank you councillors for the opportunity to present the case for the reinstatement of the dog-free zone in Queen's Park. This deputation has been prepared jointly by The Friends of Queen's Park and the Queen's Park Local Action Team on behalf of the users of the park and the residents in the local area.

This deputation this afternoon covers just an outline of our case and Sandra Magson, the Chair of The Friends of Queen's Park, has written to all of you separately setting out the case in full and with some supporting documents and if you haven't already read those papers I would urge you to do so and you will see why our community feels so strongly about this issue.

We are asking the council to re-establish the historic balance that existed prior to January 2009 between dog owners and other users of Queen's Park and we are asking you to do that by restoring the dog-free status to the south lawns, the cascade and pond areas, the wild and quiet gardens and the tennis courts. This is not an anti-dog proposal. There is no wish on our part to ban dogs from the whole of the park.

Since the mid-1970s and following a popular community campaign that Councillor Fryer referred to earlier the areas were designated as dog-free, leaving the whole of the northern lawns below West Drive as an area for exercising dogs. This arrangement operated very, very successfully for over 30 years. Both dog owners and other park users respected the arrangement which as a consequence was self-enforcing and achieved a balance between the needs of all park users.

In January 2009 new dog control orders came into force overturning this historic arrangement and making the whole park, with the exception of the play area, 'dog-friendly'. As a result an imbalance has arisen between the needs of those affected by dogs and those exercising their dogs where none previously existed. Most dog owners valued the previous arrangements which ensured them an area where they could exercise their dogs freely without criticism and without conflict. The new arrangements have introduced a previously unfelt tension in the park with people engaging in incompatible activities in a very small and heavily used space.

The new dog control orders can't compensate for the loss of our dog-free area. We have major concerns relating to dog excrement and the serious health issues around *toxocariasis* and other issues with that and the unpleasantness of fouling generally and also with issues regarding anti-social behaviour and dogs. Putting dogs on leads in any part and around the pond would not resolve this issue.

The park and the south lawns in particular, support a wide variety of activities over the year from organised events to individual usage. People from all over Brighton and Hove and from further afield visit and enjoy the park. In fact, it's listed as the 13th out of 30 attractions in Brighton on the National Trip Adviser website, so you can see it's a great asset to our city.

Some of the activities in the park include schools and nurseries in the area using Queen's Park for play, sport and education. Over 1,800 children attend schools and nurseries within 5/10 minutes walk of the park. Staff and parents have told us that they place a very high value on having such easy access to the park for a wide range of activities. Council staff organise fun days for young children during the summer months. Six-a-side football teams set up every Sunday for a supervised game. The Friends of Queens Park hold their annual picnic and we also have the 'Bark in the Park' for the dog owners as well, which was very popular last weekend. Over the last few years the Brighton Festival have chosen Queen's Park for various events on the south lawns,

installations and entertainments which have attracted thousands and thousands of people.

All of these activities are in jeopardy and one local nursery has already stopped using the park and is going now to Tarner Park instead of using Queen's Park because of the change there. One school has advised that it will no longer hold its school sports day in the park if it remains dog-friendly.

More generally, families and their friends use the south lawns as a gathering point for picnics; students study there; adults and children walk to work, to school, to nursery. Elderly people sit on the benches and just enjoy the park, the sunshine and the wildlife. People relax, they sunbathe on the grass, teenagers gather and chat. Grandparents take their grandchildren to the pond and other areas to look at the wildlife and just to play, to roll down the slopes on the grass, to play football, cricket, Frisbee. You name it, it happens in Queen's Park, including juggling and trapeze practice.

Park users value the park as one of the few in Brighton and Hove where they can relax in a dog-free area. The sort of activities that take place in the dog-free area rarely happen in the dog-friendly part of the park. It's often empty when the other part is full of picnics, parties and trapeze practice. Park users are entitled to and expect an environment that's clean and healthy.

The changes brought about in 2009 represent a loss of amenity to the park users that previously valued the peace, tranquillity and closeness to nature in Queen's Park and all of these are being placed in jeopardy.

Just to wind up, it's a very heavily used park with a wide range of demands. The idea of shared space in this park is impracticable but it works in larger spaces across the city. The reinstatement would incur no additional cost to the council as the area is already fenced and it would not need to have dog excrement bins placed, which it doesn't currently have, so there would be no additional cost.

We urge you to support the reinstatement of the dog-free area, take appropriate action to return balance and harmony to Queen's Park as soon as possible and the Action Team and the Friends would help you in any way that we can to do so."

7.3 Councillor Theobald replied, "Thank you very much for the way in which you presented the Deputation and for the letter which I know you have sent to all my colleagues.

The council reviewed the bye-laws, as you said in your Deputation, throughout the city in 2007/2008 because the previous bye-laws in Brighton and Hove were inconsistent, confusing and often difficult to enforce. There were two extensive consultations with national publicity. The media took a very keen interest and I have to say that I remember that very well indeed, having been the subject of TV and radio, etc, and there were marches one way or the other.

The consultation complied with best practice guidelines with, as I have already said, very extensive media coverage. There were no formal representations against the change in Queen's Park and no formal feedback either from residents or the elected Councillors for the area and indeed the council itself approved the new bye-laws at its

council meeting on 17 July 2008 without any Councillor querying the change in Queen's Park.

Actually, just one point, the children's dog-free play area is a bit larger than it was before and there has been massive investment in the park facilities. I am obviously reluctant to become embroiled in another issue where there are differences of opinion and this subject attracts strong views.

For example, there were two petitions today concerning dog controls in Queen's Park. One petition asking for a review of the dog control order presented by one of our colleagues and the other petition requesting that dogs are not banned from the southern lawns.

Any change to the current dog control orders will require another careful public consultation process and before embarking upon this I would need to be certain that this is the course of action that the vast majority of residents want. If the Ward Councillors, for instance, can come forward and show to me that there is consensus or that there is a very large majority in favour of change then I would consider the best course of action."

7.4 The Mayor thanked Ms. Brace for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Environment Cabinet Member Meeting 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.

7.5 The Mayor then invited Mr Howitt as the spokesperson for the second deputation to come forward and address the council.

7.6 Mr. Howitt thanked the Mayor and stated that:

"The provision of primary school places in the past two years has been one emergency measure after another, with this year seeing the creation of Benfield Infants in a matter of weeks, in a year in which we expected only a small rise in the number of children.

Action4kids and parents across Hove welcome the opportunity offered by the Connaught road site. Hopefully this is a permanent and fully funded option as suggested in today's press release and not a temporary measure as suggested in this Monday's CYPT meeting agenda. However, it is clear that even with this site and the proposed extensions to three schools in the city, we will still struggle to accommodate the intake for 2011 which will require places for at least 230 extra children.

Despite all the facts and history clearly defining this problem, we still do not have a blueprint or strategy from the council to outline how and when these problems will be addressed and funded, instead we just see more delays, more quick fix measures and further temporary ideas.

Today we see the consequences of these delays and indecision compounding the problem further as we face the scrapping of the 'Building Schools for the Future' programme and the further threat of cuts.

The council owes a great deal to families across the city who have had to endure a great deal of frustration, disappointment and hardship over the years as a direct result of the council's lack of planning and commitment.

It is time for the council to repay the debt it owes to parents, teachers, governors and schools in the city by giving a clear commitment to not only find the funds to provide the school places, but a blueprint, strategy and timetable so that all the affected parties can at least plan and prepare for the changes instead of finding decisions forced upon them.

I would like to thank the council today for their time and hope we can all work together in finding a solution to this problem."

7.7 Councillor Brown replied, "The provision of primary school places over the last four years has seen the delivery of planned expansions of Davigdor, West Blatchington, Balfour Juniors, Somerhill, Goldstone and Westdene. Additional expansion is now proposed for Queen's Park and a new, three form entry, primary phase provision ready for September 2011.

There are sufficient primary places across the city as a whole but there is a significant pressure in some areas. The proposed expansion of Benfield is to ensure sufficient places are available in the west of the city. As trends seem set to continue the council believes it is important to address this issue now rather than require a significant number of parents to transport their children to schools well away from their locality.

Once the expansions described above are confirmed and completed there will be a surplus of 191 reception places in the city for 2011. This takes into account the projected increase in reception numbers of 148 from 2010.

The council has projected numbers until 2020 based on assumptions that numbers will continue to rise. However, these projections are based on trends, as reception children beyond 2014 have yet to be born and registered with GP's, and the council must be cautious in committing its use of significantly limited funding in building additional places that may not be needed.

Details have been made regularly available through CMM reports identifying the expansions of schools and school places in a timely and prudent fashion. If all proposals are approved by the council, based on present trends the council will have sufficient reception class places until 2017. Officers have already begun discussions with primary schools to identify capacity for future expansions should the need arise. Officers also continue to explore possible sites for any future creation of new schools."

7.8 The Mayor thanked Mr. Howitt for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Children & Young People Cabinet Member Meeting 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.

8. COUNCILLORS QUESTIONS

8.1 The Mayor reminded the council that councillors' questions and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below.

8.2 **(a)** Councillor Kitcat asked:

"What progress has been made on the purchase and implementation of the transport model?"

Councillor G Theobald replied:

"Thank you for your two questions about the transport model. I will answer them together as they are connected.

The development of a new transport model, which is a very complex forecasting, computer-based, tool is a key priority of this Administration so that the council can accurately map and design our transport choices across the city. This will help us to look at the transport needs of the city as a whole rather than in isolated areas. The information we will need to collect will help us better understand how and why people move around the city at the moment and will allow us to test the potential effects of schemes such as junction improvements or road closures for special events. We can also use it to predict what will happen in the future more accurately therefore helping us to select the best option and justify any investment we make and enable us to assess the impacts of new developments or policies.

We are currently at one of the most important stages, which involves checking and updating the information which will be used to 'build' the model. More surveys will be needed later in the year to ensure that the model is fully up to date, will be robust, and provide us with accurate results. The main computer software has already been purchased.

We expect the model will be completed and available to be used by the end of this financial year.

In response to your second question; the transport model is a priority and the estimated cost of producing it remains in line with the budget allocation."

8.3 **(b)** Councillor Kitcat asked:

"What if any opportunities does the Administration have to reduce the budgeted amounts allocated for spending on the transport model and will they be making use of such opportunities?"

Note: Councillor G Theobald's response was included in the answer given to question 8(a) above.

8.4 **(c)** Councillor Kitcat asked:

"Can the Cabinet Member for Environment provide an update on recycling and composting rates in the city and the rate of change in recycling and composting rates over previous years?"

Councillor G Theobald replied:

"Between 2005/06 and 2008/09 recycling rates have increased from 24.5% to 29.5%. However, we are in a position where we will need to adjust our figures in the future because the Environment Agency has decided that re-using soil and hardcore to cap landfill sites is not 're-use' but waste. This common sense approach had been used across the country for many years.

Unfortunately, this means that 'virgin' materials may have to be used instead at landfills as we, with councils in East Sussex will need to find another market for our soil and hardcore - if it exists."

8.5 **(d)** Councillor Kitcat asked:

"Can the Cabinet Member for Environment provide a breakdown of the replacement rate for communal bins due to breakage, damage and maintenance and what this costs?"

Councillor G Theobald replied:

"We have about 700 communal bins and the original bins have been on site for over 5 years and this includes the communal bins on the seafront.

These seafront bins were looking scruffy due to salt and corrosion and along with some bins in the city centre, which were damaged; they were refurbished last year at a cost of £350 per bin.

The smaller lids on the newer version of the communal bins are being replaced, and this cost is being met by the manufacturer. Last year approximately £19000 was spent on repairing and refurbishing bins, this is in line with our budget."

8.6 **(e)** Councillor Kitcat asked:

"Can the Cabinet Member for Finance outline when the Administration propose to implement the Government's requirement to publish all council spending, contracts and tender documents over £500 and under what licence the data will be published?"

Councillor Young replied:

"The Administration has two options available to it with regards to publishing all council spend over £500. The first would be to generate a report from our creditor system which would consist of raw spend data extracted from invoices paid. We are in a position to do this now subject to ensuring that the appropriate data protection issues

are addressed (for example – the publication of individual carer details that currently appear on the system). However, raw data is sometimes difficult to interpret into meaningful information and the Administration want to ensure that the public have information that is easy to understand and means something to them. Therefore we are currently in discussions with an existing supplier who can provide an innovative web-based solution which has been designed to improve the accessibility and relevance of data. This solution will present the information in a user friendly way and data will also be categorised, therefore providing the public with information that will be useful to them such as spend per full time employee, spend with small and medium sized enterprises, spend relative to the number of households, working population, persons of pensionable age and number of children that make up the resident population. There is also the facility to make comparison between authorities of differing sizes. This solution would be accessed via the Council's website and will be free to the public. It is being offered to the Council at no cost. I am discussing the options with officers and hope to start publication shortly.

The publishing of tenders and contracts over £500 is much more complex however. We have a number of contract registers across the council and therefore it is a large resource intensive task to bring these together and identify the full list of documentation over this low level of spend. The need to have a comprehensive central repository of tender and contracts documentation has already been identified and the sourcing of this forms part of the Procurement work stream under the VFM project."

8.7 **(f)** Councillor Kitcat asked:

"Can the Cabinet Member for Central Services provide a progress report on when the council's website will receive its long overdue upgrade, and if it is still intended to be built on Microsoft software?"

Councillor Alford replied:

"It is worth noting that the existing website works well given existing demands, is fully and efficiently supported and it is currently being considered alongside other options for future upgrades in terms of functionality.

Decisions around the technology required (including the question raised around Microsoft) will be made after consideration of residents' needs and service area requirements.

Another consideration is the consolidation of systems to drive down costs. This is currently being driven through the Value for Money programme, which has already put in place governance processes to ensure good return on investment.

The work being undertaken by the Improving Customer Experience programme is essential to the overall website development. Officers working on the project are looking more broadly at how the website is used and how the services it offers can be improved.

Officers have already identified specific needs in a number of demographic groups across the city. These include increasing the number of council services that residents

can self serve and delivering information to residents in a way that is personalised to their needs and local area.

Any future development will focus on delivering information and council services in a way that residents want. We know from our research that a large proportion of residents have little contact with the council but when they do, they want it to be fast, efficient and at their convenience. For example, giving residents the option to register on-line for the electoral roll made it easier for many people, increasing the numbers registering and decreasing paperwork and administration. This ultimately had the effect of reducing unnecessary contact, enabling frontline services to focus on answering other queries.

Staff will ask the public what they think of the website experience and test the site to prioritise areas for improvement. It has been decided that improvements will initially be aimed at a core outcome for the urban environment, with services driving the change.

In September we will bring together the business cases for web transactions and all customer feedback. From this a new approach to delivering web services will be formed."

8.8 **(g)** Councillor Fryer asked:

"I have received 3 complaints in as many months from constituents who have felt that the council has acted inappropriately in employing bailiffs and taking legal action without warning to recover council tax which has resulted in both the council and the resident paying large sums of money unnecessarily. In one case this is despite the fact that the resident had not owned or lived at the property in question for over ten years and had contacted the Council tax department to tell them this. In another case the resident was very vulnerable and it was clear from payment history that the resident made a strong effort to meet most payments in time.

1. How many cases are there of residents of Brighton & Hove a) being threatened by bailiffs b) having legal action taken against them?
2. How much money has been spent on legal action and employing bailiffs?
3. In these cases, what efforts were made by the council first to engage with the resident to resolve the situation first?"

Councillor Alford replied:

"In December 2009 the Overview & Scrutiny Commission complimented a report on Council Tax Collection Policy, in particular the emphasis on early intervention to prevent arrears and the measures for dealing with vulnerability. Further to this report I am pleased to say that there is further evidence of this approach being effective with a 35% drop in the number of reminders issued compared to the same time last year but with improved collection.

The report also outlined the sequence of recovery steps. No resident of this city receives a visit from a bailiff without first being sent a minimum of four letters. All of these letters encourage customers to contact us so we can offer a range of helpful

options, including extended payment plans, advice on claiming council tax benefit and signposting to independent debt advice.

Unfortunately, some either fail to contact us or fail to maintain an agreed payment arrangement. Last year, the Council obtained 13,000 court orders. Approximately 6,000 were passed to bailiffs for further action. In terms of cost, legal action and the use of bailiffs is self-funding, as costs are added to customers accounts when recovery action becomes necessary. If we become aware of exceptional circumstances, or we have made a mistake, the costs will be removed.

I understand that the Revenues & Benefit Service have or will be responding to you regarding the individual cases you mention and I would always encourage any Councillor with a similar query to contact Graham Bourne and his team."

8.9 **(h)** Councillor Elgood asked:

"What progress is being made to implement the requirement by the coalition government to publish all items of spending over £500 and to publish all tender documents in full?"

Councillor Young replied:

"The Administration has two options available to it with regards to publishing all council spend over £500. The first would be to generate a report from our creditor system which would consist of raw spend data extracted from invoices paid. We are in a position to do this now subject to ensuring that the appropriate data protection issues are addressed (for example – the publication of individual carer details that currently appear on the system). However, raw data is sometimes difficult to interpret into meaningful information and the Administration want to ensure that the public have information that is easy to understand and means something to them. Therefore we are currently in discussions with an existing supplier who can provide an innovative web-based solution which has been designed to improve the accessibility and relevance of data. This solution will present the information in a user friendly way and data will also be categorised, therefore providing the public with information that will be useful to them such as spend per full time employee, spend with small and medium sized enterprises, spend relative to the number of households, working population, persons of pensionable age and number of children that make up the resident population. There is also the facility to make comparison between authorities of differing sizes. This solution would be accessed via the Council's website and will be free to the public. It is being offered to the Council at no cost. I am discussing the options with officers and hope to start publication shortly.

The publishing of tenders and contracts over £500 is much more complex however. We have a number of contract registers across the council and therefore it is a large resource intensive task to bring these together and identify the full list of documentation over this low level of spend. The need to have a comprehensive central repository of

tender and contracts documentation has already been identified and the sourcing of this forms part of the Procurement work stream under the VFM project."

8.10 **(i)** Councillor Duncan asked:

"Concerns have been raised with me that some associations representing tenants and residents living in some council housing blocks in the Queen's Park ward have not been publicising forthcoming meetings and publishing agendas and minutes in accordance with their constitutional requirements. Could the administration explain:

(a) What steps it takes to ensure that all such associations do so?
(b) Whether or not any funding from the council is dependant on associations acting in accordance with an agreed constitution?
(c) Whether or not the council is aware of any problems in this regard, either generally or in relation to any particular association(s)?"

Councillor Caulfield replied:

"(a) All associations are voluntary organisations, independent of the Council. Each has its own constitution agreed by the members but within the guidelines of a model constitution. This provides the basis for their recognition by the Council. Meetings should be publicised but precise arrangements may differ between associations. Some might put notices through every letterbox in the 'Area of Benefit', some might put publicity on a notice board, and others might use a newsletter. There is not a requirement to publish agendas or minutes but it is considered good practice to do so. Community Participation Officers encourage associations to involve as many individuals as possible in their work.

There is an obligation in the constitution of all associations to give notice of the Annual General Meeting (AGM) sufficiently far in advance to enable as many as possible to attend. Notice periods are usually at least 14 days.

(b) Housing Revenue Account funding of associations is dependent on them providing minutes from their AGM and a set of independently examined accounts that have been approved by vote at their AGM. The Council also requires that grant funding is spent in accordance with the budget applied for.

(c) In the Kemp Town area, we are aware of a number of conflicts between and within some associations, with some disputes going back twenty years. Records are held of these conflicts, and although efforts to introduce independent mediation have not always been successful we will continue to work with all parties for a resolution.

If Councillor Duncan would like a more specific response regarding a particular association, I am happy to receive details for further investigation."

8.11 The Mayor noted that notification of two oral Members' questions had been received and invited Councillor Kitcat to put his question to Councillor Mears.

8.12 Councillor Kitcat asked:

"In the face of drastic budget cuts which both Conservative and Liberal Democrat Councillors on East Sussex County Council are calling unavoidable, what policies does the Leader of the Council propose to put in place to prevent even greater inequality amongst Brighton and Hove's residents?"

8.13 Councillor Mears replied,
"As you have talked about the Conservatives and the Liberals can I just talk about the national scene slightly to answer your question. As you know George Osborne's budget contained three big measures to help soften the blow of cuts to those most vulnerable. A large increase in the income tax thresholds taking almost a million low-paid workers out of paying income tax altogether, an increase in child tax credits of £150 above inflation directly benefiting the poorest families and re-linking the state pension with earnings.

Now, we welcome those moves nationally and obviously around inequalities it's something this Administration takes very seriously. We have completed an Equalities Impact Assessment and we are working through groups within the city.

I find your question slightly off putting Councillor Kitcat because, as you know, every Member in this Chamber and other people worked very hard around the General Election and I was really interested in the Green Party's Election Manifesto, laughably entitled 'Fair is worth fighting for' which pledged to increase taxes by more than £73 billion in their first year. Now with something like 95 separate tax rises households earning over £45,000 were to be targeted, according to the document. The two income family are hardly what you would call high earners, earning over £45,000, so what is fair about penalising hard working families who are trying to stand on their own two feet.

The Greens I have to say are enemies of aspiration and independence, so I find it very interesting, Councillor Kitcat, that you now talk about inequalities because obviously, reading through your Election Manifesto, I think you have totally missed the point.

I just want to reassure you, and I am sure no doubt that you will follow it with great interest, that we will through this Administration take our responsibilities and ensure that we watch and deliver and carefully consider inequalities, particularly about reducing inequalities in the review that we have taken forward. It's something this Administration takes extremely seriously and I watch with interest how you take your responsibilities forward on finance to see if you match that."

8.14 Councillor Kitcat asked the following supplementary question;

"So, just in summary there are no new policies to deal with inequality and just to allay any concerns that the Leader might have, in fact 83% of people would be better off under the Green Party's Manifesto.

We face a VAT increase, housing benefit cuts, cuts to free swimming amongst many things, which will affect the poorest and the most vulnerable. The Administration's stated policy to help the council deal with cuts is Intelligent Commissioning. Could the

Leader of the Council provide any evidence whatsoever that it actually works and delivers the stated aims that they have been trumpeting?"

8.15 Councillor Mears replied,

"As you know, we haven't actually started Intelligent Commissioning so it would be very difficult to give the examples you want around that but as you know the papers are coming forward.

I think probably you may have missed, and perhaps your other colleagues could show you a copy, we have actually taken through 'Housing: Turning the Tide'. Now that is all about addressing inequalities across our housing estates and into the city and I am sure you would agree with me that actually that will have a huge impact on the inequalities around our tenants. We will also be working with businesses to look at ways of working forward on a living wage and I think it's really important that we address the issues but working with our communities.

I think really around some of the points that you have made, I find slightly confusing as the Greens have walked away from Intelligent Commissioning, you've distanced yourself, so I find your questions quite interesting, you obviously are interested but you don't want to be involved.

I'd just like to say to you Councillor, the electorate of this city expects their elected Councillors to take responsibilities. If you want to ask questions about Intelligent Commissioning I suggest <u>you</u> and your <u>Group</u> get off your high horse and start becoming involved because it's for the benefit of the residents of this city."

8.16 The Mayor then invited Councillor Elgood to put his question to Councillor Mears.

8.17 Councillor Elgood asked;

"In the Forward Plan and in the Cabinet papers for next Thursday it indicates that the full report on Intelligent Commissioning that we were expecting has been delayed until the autumn? Why has it been delayed?"

8.18 Councillor Mears replied,

"I am pleased to hear your statement that you are prepared, unlike the Green Party, to stay involved in Intelligent Commissioning and that you are interested as to the welfare of the residents of this city.

The Forward Plan, as you know, is about documents on a rolling programme, when they are ready they come forward. We have a number of other issues as you are well aware around where we are with recruitment and other parts of bringing this paper together. I believe that when the paper comes forward in its full format we can have a real debate around it and I look forward to you, Councillor Elgood, and your colleague taking part. I'm assuming that the Greens aren't going to."

8.19 Councillor Elgood asked a supplementary question;

"That didn't answer the question why the report has been delayed until the autumn and I would still like an answer to that question because I think it is quite important.

What I will say is that we walked away because we don't believe this system is in the best interests of the city and really all I can say to you, Councillor Mears, is why don't you delay the implementation of Intelligent Commissioning until after the Local Elections when you've got a Mandate for this change?"

8.20 Councillor Mears replied;

"I'm sorry that you have brought this debate into the Chamber. As you know the restructuring of the organisation is down to the Chief Executive, so I do think it's in quite poor taste actually.

Can I say also that the Chief Executive has taken a very wide consultation on this. Can I just remind Members in this Chamber, actually, I mean those that have been around, and obviously Members in this Chamber that have been around far longer than I, of previous Chief Executives who have just delivered their restructuring and said, 'there you go, I've restructured now get on with it', and I can name at least three previous Chief Executives that have actually done that.

I have to say under the new Intelligent Commissioning and around this restructuring, at the moment it's out to staff consultation and with the Unions, quite rightly so and that needs to come forward and that piece of work, Councillor Elgood, has to happen. The fact that it doesn't meet your timetable, I am sorry but it's a very important piece of work and when it's ready it will be ready. I am sure that you would value our staff's input into the survey that they are being asked to do and the Unions in the proper process, so I'm sorry, actually, that you've raised it in that tone. I think it's very unfortunate and very unbecoming of you Councillor to bring that forward."

8.21 The Mayor thanked the Members for their questions and moved to the next item on the agenda.

9. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.

(a) Callover

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

Item 10 - 2010/11 In-Year Government Grant Reductions
Item 13 - Overview & Scrutiny Annual Report
Item 14 - Reducing Alcohol Related Harm for Children & Young People – Scrutiny Panel Report
Item 15 - Sex Establishment Licensing Policy Progress Report
Item 16 - Petitions Scheme
Item 17 - Mandatory Training for Planning Committee

(b) Receipt and/or Approval of Reports

9.2 The Head of Democratic Services confirmed that Item No's. 10, 13, 14, 15, 16, and 17 had been reserved for discussion; and

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

Health & Safety Annual Service Plan 2010/11 – Item No.11;
Official Feed and Food Controls Service Plan 2010/11 – Item No.12; and
South Downs National Park Authority – Delegation of Development Control Function to Constituent Authorities

(c) Oral Questions from Members

9.4 The Mayor noted that there were no oral questions.

10. IN-YEAR SAVINGS 2010/11

10.1 The Mayor noted that the report had been circulated as a late item as some of the key information from the Department of Culture, Media & Sport had not been made available until the 6th July.

10.2 Councillor Mears introduced the report, which detailed the 2010/11 in-year grant reductions announced by the government and which would be considered by the Cabinet at its meeting on the 22nd July 2010. She noted that there were two amendments and stated that she was happy to accept both, although there was a need to acknowledge the tight timescales that were involved in the dealing with the situation.

10.3 Councillor Young formerly seconded the report's recommendations.

10.4 Councillor Elgood proposed an amendment, seconded by Councillor Watkins to add an additional recommendation to the report as follows:

"To request the Overview & Scrutiny Commission and relevant Scrutiny Committees undertake a full scrutiny examination of the in-year reductions to fully assess their impact."

10.5 Councillor Elgood stated that he felt the report should have been considered through the scrutiny process and he hoped that this would now happen. He believed that it would have been helpful to have had the information of the options being considered as there would be an opportunity to support possible reductions as well as oppose others. He was disappointed that the detail was not available and that there had been no cross-party discussions to date.

10.6 Councillor Mitchell moved an amendment, seconded by Councillor Hamilton to add a further two recommendations to the report as follows:

"That in recognition of the huge investment that the Third Sector brings to city service delivery to residents in terms of funding, in-kind support and volunteer time, it be noted that service provision stands to be more adversely affected by the withdrawal of grants and contracts; and

That in regard to 2.2. above, any change in service as a result of these in-year cuts must be subject to a rigorous impact assessment prior to any decisions being made. This assessment to involve the organisations providing the services that are best placed to demonstrate the impact of their work and service users in the wider community who will have strong views about the support that they need and want."

10.7 Councillor Mitchell stated that she was disappointed that the report before council was not the one that she had expected. It was almost the same as the one presented to the previous Cabinet meeting and did not outline the proposals in relation to the reductions that would need to be made. She also noted that the report which would have the information and which was due to be considered by the Cabinet on the 22nd July was not yet available. She stated that the Labour amendment had been submitted on behalf of the Community & Voluntary Sector Forum, which was worried about the possibility of cuts and the lack of information that was available. It meant that any potential impact on the services provided could not be anticipated and projects were being put at risk.

10.8 A general debate on the issue was then held and concerns were raised in regard to the funding streams for the Community & Voluntary Sector Forum, educational schemes such as Tom the Dog, an after-school club in Whitehawk, the Youth Capital Fund, the reduction of grants by 50% for projects, the loss of funding for community projects such as a skateboard park in Hollingdean, private sector companies such as a local printing form which would have to lose staff as it would lose work from the council.

10.9 Councillor Watkins drew attention to the proposed amendment from the Liberal Democrat Group and the need for a full scrutiny examination of the proposals to assess the impact on services. He suggested that in view of the tight time scale, there would be a need to arrange meetings outside of the current schedule of meetings and hoped this would be accommodated.

10.10 Councillor Mears noted the various comments and stated that there was no intention to cut the Youth Capital Fund or to reduce grants by 50%; but decisions would need to be taken if the affect of the in-year reductions were to be addressed.

10.11 The Mayor noted that both amendments had been accepted and therefore moved that the report and the recommendations as amended by approved.

10.12 **RESOLVED:**

(1) That the details of the 2010/11 in-year grants reductions announced by the government as set out in paragraphs 3.1 to 3.5 and appendices 1 to 3 of the report be noted;

(2) That the Overview & Scrutiny Commission and relevant Scrutiny Committees be requested to undertake a full scrutiny examination of the in-year reductions to fully assess their impact;

(3) That in recognition of the huge investment that the Third Sector brings to city service delivery to residents in terms of funding, in-kind support and volunteer time, it be noted that service provision stands to be more adversely affected by the withdrawal of grants and contracts; and

(4) That in regard to (3) above, any change in service as a result of these in-year cuts must be subject to a rigorous impact assessment prior to any decisions being made. This assessment to involve the organisations providing the services that are best placed to demonstrate the impact of their work and service users in the wider community who will have strong views about the support that they need and want.

11. HEALTH & SAFETY ANNUAL SERVICE PLAN 2010/11

11.1 **RESOLVED:** That the Health & Safety Annual Service Plan 2010/11 be approved.

12. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2010/11

12.1 **RTESOLVED:** That the Official Feed and Food Controls Service Plan 2010/11 be approved.

13. OVERVIEW & SCRUTINY ANNUAL REPORT 2009-10

13.1 Councillor Mitchell introduced the report and stated that it had been a busy year with a number of reviews being undertaken and producing some excellent reports. She believed the overview & scrutiny process was working well and noted that topics for future areas of work were currently being sought. She also wished to place on record her thanks to the Members involved in overview & scrutiny, the Cabinet Members who attended various meetings and the officers who supported the Commission and the committees.

13.2 Councillor Mears paid tribute to Councillor Mitchell for her work as Chairman of the Overview & Scrutiny Commission, Councillor Pidgeon as Deputy Chairman, and the other Members involved in scrutiny. She believed it was an excellent example of tri-partite working.

13.3 Councillors Randall, Peltzer Dunn, Wakefield-Jarrett, Elgood and McCaffery all expressed their support for the overview & scrutiny process. They believed that it was working well and that it had enabled other organisations, communities and residents to engage with the council and develop a number of recommendations on matters as part of the various reviews. The councillors also asked that their appreciation of the support and quality of reports produced by the scrutiny officers be noted.

13.4 The Mayor noted that the report had been moved and asked that the recommendation be agreed.

13.5 **RESOLVED:** That the Overview & Scrutiny Annual Report be noted.

14. REDUCING ALCOHOL RELATED HARM FOR CHILDREN & YOUNG PEOPLE - SCRUTINY REVIEW PANEL REPORT

14.1 Councillor A Norman introduced the report and noted that the scrutiny review had come from the Annual Report of the Director of Public Health. She wished to thank the other Members of the Review Panel and the officers involved in producing the report. She noted that 80% of alcohol consumed by young people was not purchased illegally and whilst initiatives such as 'Challenge 25 or 21' by the supermarkets were welcomed, there was a need to address the issue and encourage other outlets to follow suit with the initiatives.

14.2 Councillor Duncan stated that he wished to commend the report to the council and noted that the recommendations had full cross-party support. He hoped that they would be taken forward and implemented so that the problems caused by young people having access to alcohol could begin to be addressed.

14.3 Councillors Brown, McCaffery, Cobb, Fallon-Khan and Lepper expressed their support for the report and noted that a number of the problems identified were being tackled by and with partner organisations. There was concern over the level of 'discounting' offered by various outlets and the potential harm caused to unborn babies that was not appreciated by young people.

14.4 The Mayor noted that the report's recommendation had been moved and asked if council agreed.

14.5 **RESOLVED:** That the report of the Scrutiny Review Panel on Reducing Alcohol Related harm for Children & Young People be noted.

15. SEXUAL ESTABLISHMENT LICENSING POLICY PROGRESS REPORT

15.1 Councillor Cobb introduced the report and stated that council approval was sought to enable the adoption of the provisions introduced by Section 27 of the Police and Crime Act, which related to sex establishments. She also noted that the revised policy would come into effect on the 19th November, the day after the next Licensing Committee meeting.

15.2 Councillors Lepper and Fryer welcomed the report and Councillor Fryer suggested that further consideration needed to be given to the cost of licensing both sex shops and sex establishments.

15.3 The Mayor noted that the report had been moved and put the recommendation to the council with the inclusion of the date of the 19th November.

15.4 **RESOLVED:** That the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to Brighton and Hove with effect from the 19th November 2010.

16. PETITIONS SCHEME

16.1 Councillor Oxley introduced the report and outlined the various changes that were proposed to the petitions scheme following the publication of guidance on such schemes by the government. He noted that Councillors would now be able to sign both paper and e-petitions and that the ability to submit a petition had been extended to service users. He also noted that should a petition obtain sufficient signatories it would wither trigger a debate on the matter or require an officer to be held to account and to attend a scrutiny committee meeting. The respective number being 1,250 and 750 signatures.

16.2 The Mayor noted that the report had been moved and put the recommendations to the council.

16.3 **RESOLVED:**

(1) That the Petitions Scheme as detailed in Appendix 1 to the report be adopted as the Council's scheme for handling petitions pursuant to S11 Local Democracy Act 2009; and

(2) That the Council's constitution be amended in accordance with the draft amended Procedure Rules as detailed in Appendix 2 to the report.

17. MANDATORY DEVELOPMENT FOR PLANNING COMMITTEE

17.1 Councillor Oxley moved the report.

17.2 Councillor Hyde welcomed the report and stated that she felt there was a need to ensure that those councillors serving on the Planning Committee were fully up to date with the constant changes in planning legislation and practice. It was a high profile committee and its proceedings were open to challenge and she felt this requirement would help to maintain the committee's standing. She noted that the proposal had the support of the Members Development Working Group and the Overview & Scrutiny Commission.

17.3 Councillors Kennedy and Carden expressed their support for the proposal and acknowledged that there was a need to keep abreast of various changes affecting planning. They also recognised the importance and benefit of having specific training and developmental opportunities for councillors.

17.4 Councillor K Norman stated that the Members Development Working Group had considered the question of whether training should be mandatory. The Group had agreed that for certain aspects it was important to ensure serving councillors kept up to date and therefore having a mandatory requirement was necessary. It meant that officers could provide specific training programmes and times could be set aside for the delivery and completion of the training. In this regard he wished to place on record the Working Group's appreciation and thanks to Caroline Banfield, the Democratic Services Manager responsible for Member Development who had recently left the council and would be missed.

17.5 The Mayor noted that the report had been moved and put the recommendations to the council.

17.6 **RESOLVED:**

(1) That mandatory training for all Members of the Planning pool be introduced on a six monthly basis;

(2) That training be open to all other Members on a non mandatory basis;

(3) That any mandatory development sessions should be offered on at least two different time-slots to take account of Members' other commitments;

(4) That the requirement for ongoing mandatory planning training every six months should come into force with effect from 16 July 2010 and that the first mandatory session be arranged as quickly as possible; and

(5) That the Head of Law be authorised to amend the constitution to reflect the above, including making consequential drafting amendments.

17(A). SOUTH DOWNS NATIONAL PARK AUTHORITY - DELEGATION OF DEVELOPMENT CONTROL FUNCTION TO CONSTITUENT AUTHORITIES

17.7 **RESOLVED:**

(1) That the scheme of delegation agreed by the SDNPA, the draft Joint Working Agreement under Section 101 of the Local Government Act 1972 and the draft funding proposals be noted;

(2) That the delegation of development control functions from the SDNPA to the Council on the temporary basis proposed, subject to any review be agreed; and

(3) That the Head of Law be instructed to make any necessary amendments to the Constitution to reflect the interim delegation to the Council of SDNPA development control powers.

18. NOTICES OF MOTION.

(a) A Return to the Committee System of Governance for Brighton & Hove City Council

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

18.2 Councillor Peltzer Dunn moved an amendment, seconded by Councillor Simson, which was accepted by Councillor Mitchell.

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

"In its document 'The Coalition: our programme for government' published in May 2010, the new government states;

"We will allow councils to return to the committee system, should they wish to do so."

Prior to its implementation in 2008, all political parties represented on Brighton & Hove City Council were opposed to the Leader and Cabinet System and accordingly this council:

- Reaffirms its desire to return to the committee system of governance, provided there is significant local support from residents to do so following proper consultation*;*

- Requests the Chief Executive of the Council to write to the Minister with responsibility for Communities and Local Government asking when the required legislation will be forthcoming and seeking clarification of the process to be followed."

18.4 **The motion was carried.**

(b) Housing Benefit

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

18.6 Councillor Simpson moved an amendment, seconded by Councillor Hawkes, which was accepted by Councillor Randall.

18.7 Councillor Alford moved an amendment, seconded by Councillor Caulfield, which was not accepted by Councillor Randall.

Motion to terminate the meeting:

18.8 The Mayor noted that the meeting had been in session for four hours and in accordance with Procedure Rule 17, was required to move a closure motion to effectively terminate the meeting.

18.9 Members of the Council asked for clarification in regard to the motion and how it would affect the treatment of the current item under debate and other remaining items.

18.10 The Monitoring Officer noted that it was the first Council meeting to operate under the revised procedures and that the Mayor was now required move the motion to terminate the meeting once the meeting had been in progress for four hours. In so doing, a vote was then required to determine whether the council wished to agree to the motion or to refuse it. If the motion was approved, then any current item under discussion would be put directly to the vote. Following this, the Mayor would then ask the movers of any other items if they wished to withdraw the item or have it voted upon. If the motion was lost, the meeting would then continue in the usual way until such time as all the remaining items were dealt with or a further closure motion was moved and carried.

18.11 Councillor Kitcat requested that a recorded vote be taken on the motion moved by the Mayor, which was supported by a sufficient number of Members.

18.12 The Mayor noted that a recorded vote had been requested and put the motion to terminate the meeting to the vote:

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Alford	✓		
	Allen		x	
	Barnett	✓		
	Bennett	✓		
	Brown	✓		
	Carden	✓		
	Caulfield	✓		
	Cobb		x	
	Davey	Absent		
	Davis	✓		
	Deane	✓		
	Drake	✓		
	Duncan		x	
	Elgood		x	
	Fallon-Khan	✓		
	Fryer		x	
	Hamilton	✓		
	Harmer-Strange	✓		
	Hawkes	✓		
	Hyde	✓		
	Janio	✓		
	Kemble	✓		
	Kennedy		x	
	Kitcat		x	
	Lepper	✓		
	Marsh	✓		
	McCaffery	✓		
	Meadows	✓		
	Mears	✓		
	Mitchell	✓		
	Morgan	✓		
	Norman, Ann	✓		
	Norman, Ken	✓		
	Older	✓		
	Oxley	✓		
	Peltzer Dunn	✓		
	Phillips		x	
	Pidgeon		x	
	Randall		x	
	Rufus		x	

	Simpson	✓		
	Simson	✓		
	Smart	✓		
	Smith	✓		
	Steedman		x	
	Theobald, Carol	✓		
	Theobald, Geoffrey	✓		
	Turton	Absent		
	Wakefield-Jarrett		x	
	Watkins		x	
	Wells	✓		
	West		x	
	Wrighton		x	
	Young	✓		
	Total	**36**	**16**	

18.13 **The motion was carried.**

18.14 The Mayor noted that the motion had been carried and therefore returned to Item 18(b) which had been under discussion and noted that the amendment moved by Councillor Alford had not been accepted by Councillor Randall and therefore put the proposed amendment to the vote, which was carried.

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

"This council recalls the period in the 1990s when Housing Benefit changes led to a crisis in rough sleeping and homelessness.

It acknowledges the excellent work of the city housing team, Brighton Housing Trust, the Sussex Central YMCA, CRI and others who have dramatically reduced the problems.

Furthermore, this Council recognises that significant cuts in public expenditure are required over the coming years in order to address the huge deficit bequeathed by the previous Labour Government which has left every man, woman and child in the country owing £22,400.

The Coalition Government's recent proposals to cut Housing Benefit from October 2011 could have a profound effect on Brighton and Hove, a city with double (24 per cent) the national average of private rented housing and a critical shortage of social housing as well as being one of the most expensive areas in the UK to live. However, until further details of the proposals emerge, it is difficult to predict the impact with any certainty. This will also depend to a large extent upon other unpredictable variables such as landlord behaviour, tenant behaviour, the wider housing market and unemployment levels.

This council notes that cuts in housing benefit made by the Conservative and Lib Dem Government will unfairly hit the poorest families and individuals of our City the hardest.

The poorest 10% of households in the Country will see their income cut by more than one fifth, the second poorest group earning below £16,900 will see the largest cuts at 13.6% of their income and the richest will see a cut of just 3.6%.

This council requests that a report setting out the impact of these cuts to Housing Benefit claimants in Brighton and Hove be brought to Cabinet as soon as possible with proposals for shaping local support services accordingly and how the recently produced Housing Strategy will be adapted to also reflect this.

This council therefore resolves to:

1. continue to work with the City's MP's and the new Coalition Government to minimise any potential negative impacts of the proposed changes to Housing Benefit; and

2. continue the good work in housing strategy where our excellent relationship with private sector landlords and other partners will minimise the impact of any changes.

18.16 **The motion was carried.**

(c) Opposing Cuts and 'Intelligent Commissioning' as the Response

18.17 The Notice of Motion as detailed in the agenda was proposed by Councillor Kitcat and seconded by Councillor Duncan.

18.18 Councillor Mitchell moved an amendment, seconded by Councillor Allen, which was accepted by Councillor Kitcat.

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

"This Council notes with dismay the cuts imposed upon it by the Conservative/Liberal Democrat government, amounting to £3.55 million within the current financial year. These cuts will hit services to all residents, but particularly the most vulnerable and those least able to lose the support of our public servants.

Local government including this Council, has continued to deliver annual efficiency savings and so played no part in causing the current national government's budgetary deficit. These cuts unfairly penalise this Council, put public sector jobs at risk and threaten important programmes including Connexions, housing benefit and road safety improvements.

This Council deplores the Government's willingness to hand down swingeing cuts without providing any additional powers to raise funds in a fairer way than the regressive council tax system.

This Council also notes the Conservative Administration's stated desire to adopt a process of outsourcing and privatisation labelled 'Intelligent Commissioning'.

This Council expresses full confidence in its staff and would wish to protect their pay and conditions. It expresses concerns in respect of 'Intelligent Commissioning' which it feels risks:

- Wasting time and resources on lengthy tendering processes;
- Outsourcing services to private firms who will place profit ahead of public service;
- A hugely negative impact on staff morale.

With less than a year until local elections, this Council questions the timing of this restructure and the political mandate for its implementation.

This Council also refutes the need for the high salaries of the new strategic directors proposed for this restructure.

However, this council notes that during discussions on the restructure at Cabinet both the Leader of the Council and the Chief Executive indicated that public services will not be further privatised under the guise of 'Intelligent Commissioning' and call on them to;

- Restate this principle and include it within any further officer reports coming to Cabinet or Council meetings;
- Ensure that any future reports will contain an express willingness to seriously consider and evaluate Co-operative, Social Enterprise and other 'mutual' models of service delivery within any new commissioning strategy;
- Make available to all Elected Members the comments and opinions of members of staff, unions and other stakeholders that were forwarded as part of the consultation on the proposed new commissioning model.

This Council requests that:

- The Leader & Chief Executive reconsider their approach to restructuring the Council;
- The Chief Executive write to Eric Pickles, Secretary of State for Communities and Local Government, requesting he reconsider the huge cuts imposed on this Council;
- The Chief Executive write to the city's three MPs asking them to support the council's request to the Secretary of State Eric Pickles to reconsider the cuts he has imposed.

18.20 The Mayor noted that the vote was tied at 26 for and 26 against and in the absence of a casting vote being used by the Mayor, the status-quo remained and **the motion was lost**.

19. CLOSE OF MEETING

19.1 The Mayor noted that the motion to terminate the meeting had been carried and that all outstanding items had been dealt with accordingly and therefore closed the meeting.

The meeting closed at 9.15pm.

The meeting concluded at 9.15pm

Signed Chairman

Dated this day of