

**BRIGHTON & HOVE CITY COUNCIL****COUNCIL****4.30pm 20 OCTOBER 2011****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

**PART ONE****17. DECLARATIONS OF INTEREST**

- 17.1 The Mayor drew the Council's attention to Item No. 27 Review of Members Allowances, on the agenda and stated that all councillors held a personal and prejudicial interest in the item. However, it was not practical to prevent them from voting on the matter and therefore all councillors had a general dispensation, in order to be able to consider and vote on the matter. She therefore sought agreement, which was given, to take the declaration of personal interests from all councillors as having been declared.
- 17.2 The Mayor noted that Item 34(e) on the agenda concerned Public Service Pensions and that a number of councillors were likely to be members of the local government pension scheme, either from their employment or a part of the arrangements for councillors. As such, rather than taking individual declarations of interest, she would call for a show of hands by those Members wishing to declare a personal but non-prejudicial interest in the item.
- 17.3 The following Members indicated that were members of the local government pension scheme and thereby held a personal but non-prejudicial interest in Item 34(e) on the agenda:

Councillors Barnett, Bowden, Brown, Buckley, Deane, Duncan, Farrow, Gilbey, Hamilton, Janio, Jarrett, Jones, Kennedy, J. Kitcat, Lepper, Littman, MacCafferty, Marsh, Meadows, Mears, Mitchell, Morgan, Peltzer Dunn, Pissaridou, Powell, Rufus, Shanks, Simson, Smith, Sykes, C. Theobald, G. Theobald, Wakefield, Wealls and West.

- 17.4 The Mayor then sought declarations of interest in any other matters appearing on the agenda.
- 17.5 Councillors Randall, Wells and Summers declared a personal but non prejudicial interest in Item 21(b), a public question from Mr. Cook regarding the Local Development Vehicle.
- 17.6 No other declarations of interest in matters appearing on the agenda were made.

**18. MINUTES**

- 18.1 The minutes of (a) the Special Meeting held on the 21<sup>st</sup> July 2011 and (b) the last ordinary meeting held on the 21<sup>st</sup> July 2011 were approved and signed by the Mayor as a correct record of the proceedings.

**19. MAYOR'S COMMUNICATIONS.**

- 19.1 The Mayor stated that on behalf of the council she wished to congratulate Councillor Mears and Caroline Lucas MP for Brighton Kemptown on their recent awards for Local Government Personality of the Year and MP of the Year respectively at the Women in Public Life Awards in September.
- 19.2 The Mayor then congratulated the Revenue & Benefits Team for their recent Customer Services Award and invited Councillor Jason Kitcat and Janine Cox to come forward and receive the award.
- 19.3 The Mayor then reminded council of her forthcoming charity events which included a Swinging Sixties Dinner Dance at the Amex on the 11<sup>th</sup> November, a musical evening on the 2<sup>nd</sup> December and a Gala Dinner on the 9<sup>th</sup> March both in the Royal Pavilion.

**20. TO RECEIVE PETITIONS AND E-PETITIONS.**

- 20.1 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.
- 20.2 The Mayor noted that Ms. Goffe was not present and stated that the e-petition concerning Save our Roses in Dyke Road Park should be presented directly to the Environment, Transport & Sustainability Cabinet Member Meeting.
- 20.3 Ms. Paynter presented an e-petition signed by 14 residents concerning the need for a pedestrian crossing at Sackville Road.
- 20.4 Councillor Janio presented a petition signed by 607 residents concerning buses in Hangleton & Knoll.
- 20.5 Councillor Janio presented a petition on behalf of the Motorcycle Action Group signed by 1028 residents and interested parties concerning the use of bus lanes by motorcycles and two-wheeled vehicles.

- 20.6 Councillor Mitchell presented an e-petition signed by 253 residents requesting the renaming of the Brighton Pier to the Palace Pier.
- 20.7 Councillor Lepper presented a combined paper and e-petition signed by 59 residents concerning the need to clean up Hanover's streets.
- 20.8 Mr. Kift presented a combined paper and e-petition signed by 563 residents concerning the provision of dropped kerbs for the disabled.
- 20.9 Mr. Tuck presented a petition signed by 128 residents of Essex Place concerning the cladding of their building.
- 20.10 Councillor Smith presented a petition signed by 12 residents concerning parking in Newland Road.
- 20.11 Councillor Jason Kitcat presented a petition signed by 23 businesses of Duke Street concerning the restriction of lorries during trading hours.
- 20.12 Councillor Phillips presented a petition signed by 11 residents of Lorna Road concerning the need to restrict visitor parking in their road.

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

- 21.1 The Mayor reported that a total of six written questions had been received from members of the public and invited Ms. Andrews to come forward and address the council.
- 21.2 Ms. Andrews asked the following question, "Many Councillors are aware that the King Alfred Ice Rink project represents an independent investigation into the opportunity to site a temporary enclosed ice skating facility on the disused land, to the west of the King Alfred Leisure Centre, for a minimum term of 3 years. The project has received support from many sections of the community including several local Councillors, Keep Sussex Skating and the National Ice Skating Association who share the vision of this important amenity for all those who live in Brighton & Hove and all who visit our city. We recognise that there are significant planning concerns regarding the structural integrity of the site and it would not be sensible to begin to address these concerns without understanding the basic structural issues first. We would like to emphasise, clearly, that we do not require any Council funding to progress this project, nor do we take permission to survey the site to be any indication whatsoever of Council approval for this scheme.

It is essential that we determine whether the site is structurally suitable for this project, and if not, what structural works would need to be incorporated into any business plan and proposal to establish this new serious ice skating venue for our city. We will then be in a position to decide whether or not to progress with this vision. In order to determine whether this opportunity has any chance of progressing, we request permission from the Cabinet Member for Culture, Recreation & Tourism for Jon Orrell of Hemsley Orrell Partnership to undertake a qualified inspection of the site?"

- 21.3 Councillor Bowden replied; “The King Alfred site has not been marketed and is subject to conversations within the council about its future. I appreciate that at the present time your suggestion for a temporary ice rink on the derelict former ten pin bowling area is an idea which you would like to develop into a proposal. I would be willing for your surveyor to undertake an inspection of the area of the site that you have identified, in order for you to determine whether you wish to develop your idea further. The council would require a copy of the inspection findings and any costs in relation to the survey would need to be met by yourselves.

However, as you have recognised in your question, by allowing the structural survey to take place it does not imply any agreement by the council as landlord that the site is available or an invitation to tender. Should the council wish to consider any proposal in the future, a credible business plan would be required, and it would be necessary to ensure that other ice skating provided by the council such as at the Royal Pavilion and Brighton Centre is not compromised. Therefore, while I am happy to assist you in developing your idea by allowing the survey, I need to be very clear that landlord consent it not being provided for a temporary ice rink. “

- 21.4 Ms. Andrews asked the following supplementary question; “I would just like to say thank you councillor Bowden and we will instruct Jon Orrell to undertake the survey.”
- 21.5 The Mayor thanked Ms. Andrews for her questions and noted that Mr. Cooke had been unable to attend the meeting to put his question regarding the Local Development Vehicle and therefore a written answer would be supplied to him from the Cabinet Member for Housing.
- 21.6 The Mayor then invited Ms. K. Richardson to come forward and address the council.
- 21.7 Ms. Richardson asked the following question, “Residents have emailed numerous questions and freedom of information requests relating to the proposed Elm Grove parking ban that have so far been ignored or evaded. Including about the:
- Decision maker and process to introduce the proposal with relevant meeting minutes,
  - Comparative data on accidents that evidences high levels and increasing danger on Elm Grove cited as the rationale for the ban,
  - Origin of ‘feedback’ cited as rationale and evidence that community feedback has been used fairly, and
  - Role of NSL Service Group in relation to this proposal.

Can I ask when will residents be given transparent answers?”

- 21.8 Councillor Davey replied, “Thank you very much for your questions on parking on Elm Grove. As your question and the three others that follow cover similar issues, I hope my response will cover the points that you have raised. As you know, there is also a working group meeting regularly so there are further opportunities for the community and council to share information and look at queries and questions.

In regard to the actual proposal for Elm Grove; there was no suggestion that all pavement parking was to be enforced. The council stated that it would be carrying out

its duty to enforce parking adjacent to double yellow lines here in Elm Grove, as it does elsewhere in the city. Pavement parking on double yellow lines is illegal, and no one has a 'right' to drive or leave their vehicles on pavements. After evidence presented by officers showing the amount of vehicles parking on junctions, by pedestrian crossing points and obstructing the pavement, I took the decision to enforce action in the most dangerous areas. The data on road safety has been shared with the working group and sent by email.

Cars were parking by bollards and cycle racks put in place to help keep junctions clear as a safe route for children going to Elm Grove School. Earlier soft measures didn't stop people from acting in this way. Finally the NSL Service Group had no input into this proposal. The working group which has been set up will be looking into ways we can manage these competing demands for space, but the status quo cannot continue."

- 21.9 Ms. Richardson asked the following supplementary question, "Thank you for your response. The majority of the community welcomes the opportunity to have a working group and we're thankful of the Council's own work to do that. There is a strange feeling still within the community that the working group is not dealing in the transparent way with the community and is being led by the Council rather than the Community.

What the parking group would be keen to see is a community led consultation which would require an independent chair, transparent communication around what the scope is of that working group and community input into the agenda."

- 21.10 Councillor Davey replied, "I haven't been involved in the working group and it is quite right that I'm not, so I think the terms of reference for the working group and its internal workings are a matter for the group to discuss and come up with the best mechanisms for working."

- 21.11 The Mayor thanked Ms. Richardson for her questions and invited Ms. T. Richardson to come forward and address the council.

- 21.12 Ms. Richardson stated that as her question had been covered, with the agreement of Ms. Jenkins she would ask the one listed for her instead, "The 9<sup>th</sup> September notice warned that pavement parking would not be tolerated beyond 3<sup>rd</sup> October. Despite this being a major imminent change to parking affecting thousands the council failed to inform affected residents beyond Elm Grove; locals had to organise themselves to raise awareness wasting both time and money. Many locals expressed significant distrust of the council believing your approach to be strategically intended to rush the proposal through unnoticed or to divide opposition to it. Community trust needs to be rebuilt.

How will communication with residents be improved and will the council apologise for the poor management so far?"

- 21.13 Councillor Davey replied, "I accept that the Council should have communicated the issues and problems with some of the pavement and parking on Elm Grove more clearly and I am happy to apologise for this not happening. There is much confusion over what has been proposed, and I'm hoping that the first meeting of the working group has

helped to address some of that lack of clarity and that better understanding, will come through that working group and hopefully help rebuild some of that trust.”

- 21.14 Ms. Richardson asked the following supplementary question, “I would reiterate what my sister said; that we’re very happy that a working is being established however, its current format is more of a talking shop, there’s no actual working group yet to have been formed. A lot of the ground that we went over in the first meeting was things that we already identified with local residents in the community and there is no set agenda for that meeting.

It wasn’t communicated to the key groups that have been established over this, Brighton Parking Group and Elm Grove Residents Action Group whom were set up last year in relation to the community parking zone. I would again reiterate that we do need to have an independent council chair for this group not a member of the Green Party who has it on their agenda to reduce parking across Brighton.”

- 21.15 Councillor Davey replied, “I will discuss it with the ward councillors and take it back to the group to see what other arrangements might be feasible.”

- 21.16 The Mayor thanked Ms. Richardson for her questions and invited Mr. Nicholls to come forward and address the council.

- 21.17 Mr. Nicholls asked the following question, “Last year Elm Grove Residents Action Group campaigned against the council's plan to introduce CPZ to the Elm Grove Area. At the Environment Cabinet Member Meeting on 16<sup>th</sup> Sept 2010 discussing Community Consultation, a strong commitment was made by the council that it would work with residents and to get ‘clear written support from residents’ before going ahead with any further proposals. The council is clearly going against the spirit of this commitment which has unsurprisingly angered and outraged many residents they made this promise to.

Why then was the community, including Elm Grove Residents Action Group, not informed of the proposed plan to change parking arrangements on Elm Grove and how will you ensure that you keep your promises to the community of Hanover and Elm Grove going forward and include us in decisions on parking provision in our local area?

Will you explain why the council has put forward a proposal that goes against the spirit of this commitment?”

- 21.18 Councillor Davey replied, “The enforcement of double yellow lines is not something where residents or indeed councillors have any choice and is important that there is no confusion over enforcement action with consultation on new parking schemes. This has never been about putting in place a new parking scheme or even more double yellow lines. We have respected the clear vote from the community last year that it did not want any form of controlled parking introduced into Elm Grove, and there are absolutely no plans to do so.”

- 21.19 Mr. Nicholls asked the following supplementary question, “Given the sensitivity and that the community has already spoken quite loudly on this issue, our understanding was that it wasn’t just about a CPZ, we know that you are not proposing a CPZ in Elm Grove

we've always understood that but it is a parking proposal whether it's enforcement or whatever.

We still see this as something that should have been consulted on as per previous commitments only made just over a year ago and so that's the supplementary questions is; given that sensitivity and what we feel is the overwhelming majority opinion against parking proposals that either necessarily or un-necessarily restrict resident parking and business parking, that you will actually consult with us, how will you consult with us? And how will you help try to represent the views that we've demonstrated with the petition today and the CPZ proposal which was huge opposition to this?"

21.20 Councillor Davey replied, "The working group is the way to do that, I believe there's wide representation on that working group and I hope that the proposals that come forward there can then be shared with the local community so that they can express their views."

21.21 The Mayor thanked Mr. Nicholls for his questions and noted that this concluded the public questions.

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

22.1 The Mayor reported that three deputations had been received from members of the public and invited Mr. Frampton as the spokesperson for the first deputation to come forward and address the council.

22.2 Mr. Frampton thanked the Mayor and stated that, "The Motorcycle Action Group or, MAG as we are widely known, is an association of Motorcyclist's and Scooter riders who lobby; Members of Parliament, Members of the European Parliament, Local Councillors, County Councils, Transport Associations, on matters that, directly or indirectly affect motorised 2 and 3 wheel transport. MAG would like to help Brighton and Hove on its path to 'Sustainable' status by helping to ease congestion on the City Centre routes.

If, Motorcycles, Scooters and all powered two wheelers were allowed to use the bus lanes this would remove them from the normal flow of traffic, help the users and owners to get into the City Centre quicker therefore reducing emissions. We can supply evidence to support this.

Extensive studies have been done showing time saved, reduced emissions and accident rates. Stakeholders will need to be consulted in this process, Cyclists, Buses, Taxis, and Pedestrians. We are happy to supply historic evidence for these consultations that have been untaken before. Generally the outcome of these consultations is positive but we still have stakeholders that are not in favour. Slowly the majority of these are being won over with the passage of time. Cost; the cost to a council is generally £100 per traffic order along with the placing of the Motorcycle profile to the bus lane signs. Opening 1 x bus lane equates to 1 x traffic order. The Motorcycle decal is now readily available so signs do not need replacing.

Advantages; help with reducing emissions in and around the City centres, safer faster travel for motorcycles and scooters, reduction of cars entering and parking in the City Centres. If 8 car drivers are encouraged on to Motorcycles and / Scooters you could fit

those 8 into 1 car bay! Code of Conduct; there is an established code of conduct issued to every motorcyclist and scooter rider for them to adhere to.”

- 22.3 Councillor Davey thanked Mr. Frampton for attending the meeting and putting forward the deputation. He replied, “I’m glad you followed up on my suggestion to engage with the Local Authority. I am also pleased that MAG is now represented on the Transport Partnership and I know your colleagues have given an effective voice to power two wheeler users. This is clearly a complex road safety issue and there will be many different views on it as we’ve already heard so I think we’re in the start of the process.

As I’ve already said to some of your colleagues, I remember you saying you’d looked at the Local Transport Plan and you didn’t think you could spot the word motorcycle that is something we want to change. I do see powered two wheelers as being part of the transport solutions in the city but this isn’t something we can just rush into. It would also involve working with East Sussex because, clearly, the A259 Bus lane runs/starts/ends in East Sussex depending on which way you are going.

I think it would be very helpful, if you haven’t already done so, to share the information that you have with Council officers and what I’ll ask for is that they can provide a report that will summarise the issues, look at the evidence elsewhere and then we can look at that in the new year and take that forward as part of the continuing dialogue on this one.”

- 22.4 The Mayor thanked Mr. Frampton 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 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.

- 22.5 The Mayor then invited Mr. Frisby as the spokesperson for the second deputation to come forward and address the council.

- 22.6 Mr. Frisby thanked the Mayor and stated, “Saltdean Residents Association wishes to express its concern for the future of Saltdean Lido and the poor community facilities that currently exist and to ask that the Council takes action to resolve these concerns.

I represent the Saltdean Residents Association which with thousands of individuals is gravely concerned about the situation at the Saltdean Lido. My deputation to you is in two parts. Part one is a gentle reminder to you (councillors) of your duty of care towards this iconic building and a further reminder concerning its ultimate ownership. In our opinion, ownership of the Lido lies not with the present or future lessee. Neither does it belong to you, the electorate, Councillors, or paid officials of Brighton and Hove Council.

It is our conviction that ultimate ownership of every building inherited by you or entrusted to the Council belongs to the peoples of our beautiful city. You are the custodians and protectors of our cultural and architectural heritage with the profound obligation to protect that heritage for future generations of Brightonians.



The second part of the deputation is a plea. We in Saltdean have been blessed with the emergence of an extraordinary team of capable young professionals who have energised our community regarding the Lido. Their business plan described by independent consultants as robust, is strong, inclusive, financially self sufficient and self supporting. Their mission; an admirable combination of vision and community spirit. Please be brave enough to say enough is enough to the stalemate concerning this important communal building. Help make the Saltdean Lido complex what it should be, a modernised vibrant communal centre whose cultural and social amenities would be fit for a changing population in a twenty first century, rather than what it has now become, a major source of anxiety for the voices of Community Charge payers of Saltdean, Rottingdean and Brighton.

In conclusion I appeal to you as recent elected Councillors. You have the power to make a change for the better and all the information needed to make that change. You will know from reports from you own architects and surveyors the unsatisfactory state of the fabric of the building, which include Saltdean Lido itself, plus various community ruins and a very very busy public library. You probably now know that Saltdean Lido and it's art deco buildings have been placed on English Heritage's 'At Risk' register for the first time. You may not be pleased to know that Saltdean Lido is the only building owned by a Local Authority to appear on that 'At Risk' register in the south east.

You will know from the business plan presented to you by the Save Saltdean Lido Campaign Committee that there is an alternative to the site which to date seems more intent on private development than the needs and aspirations of our developing community. You will also know that the proposal lays out how the site could be financially self sufficient if operated as planned by a community interest company a not for profit organisation. You will know that Local Authorities have a primary role protecting the historic environment and that they can take action to secure the preservation of historic building through the use of statutory notices.

You may not be aware that English Heritage runs a grants scheme to help underwrite the urgent works and repairs notices. The time is right for you to act, be brave enough to ignore those from central government or within your own midst who may argue against reassignment of the lease for the complex. Doing nothing is not an option, the problem will not go away, in fact any delay will incur more costs due to the rapid deterioration of the fabric.

We will revitalise the Saltdean Lido Complex bringing the entire site to the 21<sup>st</sup> century and we pair your investment and our community by becoming a major tourist asset to be enjoyed by all those who visit or live in our city. Please reclaim this iconic building in whatever way possible and give it back to us the, the residents of Brighton and Hove."

- 22.7 Councillor Bowden thanked Mr. Frisby for attending the meeting and putting forward the deputation. He replied, "I kind of share many of your sentiments, we've been in office for only a few months and we have been, as you know, very active and I think suffice to say we will do all we can to help you, we want a vibrant Lido. That's what we're going to work for with the Communities Association, the Residents Association, the Campaign Group and the Lessee."

- 22.8 The Mayor thanked Mr. Frisby 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 Culture, Recreation & Tourism 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.
- 22.9 The Mayor then invited Mr. Kirby MP for Brighton Kemptown as the spokesperson for the third deputation to come forward and address the council.
- 22.10 Mr. Kirby thanked the Mayor and stated, "The Future of Saltdean Lido is a critical issue amongst my constituents and I would like the council to address the following points:
- The leaseholder has publicly stated on the record for well over 7 years that he wishes to build flats and houses on the site which local people strongly oppose.
  - The Save Saltdean Lido's Campaign vision for the future of the building.
  - Action which the Council could undertake to resolve the issues at Saltdean Lido.
  - The future of Saltdean Lido is to ensure it becomes the hub of the community as it was always intended."
- 22.11 Councillor Bowden thanked Mr. Kirby for attending the meeting and putting forward the deputation. He replied, "So far as the Council as a landlord is concerned, our mission is to ensure that the community facilities are provided, talk about development to ensure that those community facilities are provided is an unnecessary and completely unwelcome sideshow as far as I'm concerned and the Council.
- The previous administration served a repairs notice on the lessee and we are in negotiations with him. I am not able to say anything more about that complex situation for legal issues."
- 22.12 The Mayor thanked Mr. Kirby 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 Culture, Recreation & Tourism 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. She also noted that this concluded the presentation of deputations to the meeting.

## **23. PETITIONS FOR COUNCIL DEBATE**

### **23(A). THE FUTURE OF SALTDEAN LIDO**

- 23.1 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning The Future of Saltdean Lido.
- 23.2 The Mayor invited Ms. R. Crook to present her petition.

- 23.3 Ms. Crook thanked the Mayor and stated that a total of 2,913 people had signed the combined paper and e-petition which she believed was the largest e-petition the council had received and read as follows:
- “We the undersigned petition the council to commence urgent proceedings and pro-active action against the current lease-holder of Saltdean Lido to maintain the building and comply fully with the terms and conditions of the lease this summer season. If there is failure of compliance of the aforementioned, we immediately expect the Council to revoke the lease with forfeiture for the current lease-holder.”
- 23.4 Ms. Crook stated that she hoped the council would take action in support of the residents of Saltdean to ensure that the grade II listed building was protected.
- 23.5 Councillor Bowden noted the petition and thanked Ms. Crook for outlining the importance of the matter and the concern of residents and the various groups in wishing to ensure that the Lido was protected. He noted that in view of the Council’s position and its relations with the lease-holder he had to be mindful of his response and stated that he would endeavour to ensure the council took the appropriate action to secure the Lido’s future.
- 23.6 Councillor Mitchell that she wished to move an amendment on behalf of the Labour & Co-Operative Group to the report’s recommendation. She believed that there was a need for a full report on the matter and that it should be brought to the next Cabinet Member Meeting.
- 23.7 Councillor Marsh formerly seconded the amendment.
- 23.8 Councillor Hyde stated that she supported the amendment and noted that there was universal opposition to the idea of the Lido being redeveloped for residential purposes.
- 23.9 Councillor Mears stated that there was a need to support the local community and to find a way of maintaining the lido as a facility for everyone in the city to enjoy. She hoped that progress could be made and resolution found that would protect the heritage of the lido.
- 23.10 Councillor Smith stated that he fully supported the petition and other residents’ groups who were seeking to save the lido and hoped that the council would use all the avenues available to ensure it was kept for public enjoyment. It was an important resource for the city and had to be protected.
- 23.11 Councillor Bowden noted the comments and stated that he would take them on board, however he needed to be mindful of the legal position and therefore could not comment any further at this point. He was however, happy to accept the proposed amendment.
- 23.12 The Mayor then put the recommendations as amended to the vote which was carried.

**23.13 RESOLVED:**

- (1) That the petition be referred to the Culture, Recreation & Tourism Cabinet Member Meeting for consideration; and
- (2) That a full report setting out the following points be brought to the Culture, Recreation & Tourism Cabinet Member Meeting to accompany the e-petition:
  - The key issues pertaining to this matter;
  - The options available to the council in relation to getting a resolution to the current impasse; and
  - Early actions that would facilitate the repair and refurbishment of Saltdean Lido.

**23(B). BLAKERS PARK ROAD SAFETY**

23.14 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Blakers Park Road Safety.

23.15 The Mayor invited Mr. C. Bull to present the petition on behalf of Ms. O'Riordan Booth.

23.16 Mr. Bull thanked the Mayor and stated that a total of 1,880 people had signed the combined paper and e-petition which read as follows:

"We the undersigned petition the council to improve the safety of pedestrians and cyclists on the roads surrounding Blakers Park; to introduce traffic calming measures and to put the safety of people before the car. Clearly marked pedestrian or raised paving crossings at Preston Drove, Cleveland Road and Southdown Road, a blanket 20mph limit extending to surrounding roads and the narrowing of Cleveland Road at the Southern (Stanford Avenue) end are necessary to improve the safety of our park's visitors. Please sign if you wish to make your view known."

23.17 Mr. Bull stated that he hoped the council would take account of the number of people who had signed the petition and agree to undertaken the action requested.

23.18 Councillor Davey noted the petition and thanked Mr. Bull for putting forward the arguments. He stated that there was a need to review the priority areas for such improvements, including pedestrian crossings and he hoped to receive a report in the New Year.

23.19 Councillor Jones stated that he supported the request for improvements to be made for the safety of all users of the park; however he did have concerns over the need for an island crossing and felt that a pelican one may be a more suitable alternative.

23.20 The Mayor congratulated Councillor Jones on his maiden speech.

23.21 Councillor Davey noted the comments and stated that road safety was an important issue and he would ensure it was given full consideration.

- 23.22 The Mayor then put the recommendation to the vote which was carried.
- 23.23 **RESOLVED:** That the petition be referred to the Environment, Transport & Sustainability Cabinet Member Meeting for consideration.
- 23(C). STOP THE BAN ON PAVEMENT PARKING IN ELM GROVE**
- 23.24 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Stop the Ban on Pavement Parking in Elm Grove.
- 23.25 The Mayor invited Ms. T. Richardson to present her petition.
- 23.26 Ms. Richardson thanked the Mayor and stated that a total of 1,713 people had signed the combined paper and e-petition which read as follows:
- "We the undersigned petition the council to postpone the ban on pavement parking on Elm Grove which has been introduced without local community consent. We wish to open a dialogue with councillors to find a lasting solution to parking issues on Elm Grove and in the surrounding area."
- 23.27 Ms. Richardson stated that the introduction of the ban without formal consultation with residents had led to the loss of a significant number of parking places and had contributed to the disbursement of cars into neighbouring areas. She stated that a Facebook page in support of removing the ban now had over a 100 members. The local community sought a proper consultation and dialogue with the council over this issue and hoped that level of feeling indicated by the petition would be taken into account.
- 23.28 Councillor Davey noted the petition and thanked Ms. Richardson for putting forward the arguments. He stated that he was aware a working group had recently been established to look into the matter and he felt it would be helpful to await the outcome of the group's findings.
- 23.29 The Mayor then put the recommendation to the vote which was carried.
- 23.30 **RESOLVED:** That the petition be referred to the Environment, Transport & Sustainability Cabinet Member Meeting for consideration.
- 23.31 The Mayor then adjourned the meeting for a refreshment break at 6.15pm.
- 23.32 The Mayor reconvened the meeting at 7.00pm.

**24. WRITTEN QUESTIONS FROM COUNCILLORS.**

24.1 The Mayor reminded the Council that written 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:

**(a) Councillor Pidgeon**

24.2 “Following his commitment to Councillor Norman at the Cabinet meeting on 14th July to review the amount of council taxpayers’ money spent on employing trade union representatives, can the Cabinet Member for Finance and Central Services please update me on his progress?”

**Reply from Councillor J Kitcat, Cabinet Member for Finance & Central Services.**

24.3 “Thank you for your question on the expenditure on Union duties within the HR budget. I am pleased to be able to say that significant progress has been made to bring expenditure back in line with the agreed budget.

The Strategic Director Resources has been carrying out a review with the Branch Secretaries of UNISON and GMB. Several meetings have taken place to examine current expenditure and decide a way forward. The focus has been on supporting facility time which accounts for over 98% of current expenditure, the remaining providing office equipment.

A way forward has been agreed to balance the HR Union budget by reducing the level of facility time and increasing Union contributions in some areas. Some details are yet to be confirmed and the Strategic Director Resources will now be implementing the changes with the Unions.”

**(b) Councillor C Theobald**

24.4 “Can the Cabinet Member for Planning, Economic Development & Regeneration confirm whether any alternative match funding for the INTERREG IV A 2 Mers Seas Zeen programme has yet been secured following her decision on 3rd August to withdraw from the Avanta Work Programme placement contract for 18-24 year old job seekers in the city?”

**Reply from Councillor Kennedy, Cabinet Member for Planning, Employment, Economy & Regeneration.**

24.5 “Over the summer period the Council explored options to find alternative match funding from within existing budgets. Insufficient match funding could be found and in light of this a decision was taken to withdraw as Lead Partner and to support other agencies in taking forward the initiative. The Council was not alone in reviewing its position. The City of Rotterdam also made an independent decision to withdraw.

Currently Medway Council is taking on the lead role. Within Brighton and Hove, we are supporting City College who are better placed to take forward the City's interest in this

bid for EU funding. This support includes the Council facilitating a short term lease to the College to set up an Apprenticeship Training Agency presence on Queens Road.

We are continuing to explore the opportunities to create jobs, apprenticeships and training for young people in particular. We have moved forward on a number of key planning decisions (e.g. Astoria) which I hope will create jobs in the construction sector. The Leader of the Council recently met with Housing Association Chief Executives to explore how we can co-ordinate apprenticeship and pathways to employment for disadvantaged people.”

**(c) Councillor Peltzer Dunn**

- 24.6 “Can the Chair of the Governance Committee please confirm what arrangements are being made by officers to carry out the Council’s desire, restated at its meeting on 21st July, to return to a Committee system at the ‘earliest possible opportunity’, bearing in mind that the Localism Bill is nearing the end of its passage through Parliament?”

**Reply from Councillor Littman, Chair of the Governance Committee.**

- 24.7 “The resolution of full Council on 21 July required the Chief Executive to write to the Secretary of State asking for amendments to be made to the Localism Bill to enable the Council to return to the Committee System without delay.

A letter to the Secretary of State and the local MPs was sent out the next day, 22 July, and the response circulated to Members. In the response, the government stated: “We will have regard to [your request] when considering the detailed arrangements for implementing the Bill.” There was no other specific action requested of Officers as part of the July 21st resolution of full Council.

The government has not made any amendments to the Bill so far as it relates to this issue. Therefore, as it stands at the moment, the earliest that the Council could move to a Committee System would be at the Annual Council in 2015 unless the Secretary of State, by regulations, permits the Council to adopt a Committee System earlier. We are waiting for the final legislation and relevant guidance setting out the requirements for the submission of proposals. Officers are following the progress of the Bill and they have been updating the Leaders Group and the Governance Committee. They have all the necessary constitutional precedents for a Committee System available and ready to hand as and when needed. As soon as the legislation receives Royal Assent and relevant secondary legislation and guidance is in place, they will report to the Governance Committee with all the options.”

**(d) Councillor G Theobald**

- 24.8 “The South Downs National Park Authority has been in existence now for 6 months, following a full shadow year. This Council unanimously supported its formation and residents were rightly very enthusiastic about its potential. Bearing in mind the first thing visitors to the Park see when entering along Dyke Road is the encampment at 19 Acres, does Cllr. West, as the Council’s representative on the Authority, agree that this is not the kind of use the Park was established for and will he please advise the Council what

specific actions have been taken so far by the Park Authority to give residents of the city confidence that it will achieve all that it was set up to do?"

**Reply from Councillor West, Cabinet Member for Environment & Sustainability.**

24.9 "The South Downs National Park Authority (SDNPA) is the organisation responsible for promoting the purposes of the National Park and the interests of the people who live and work within it. It's responsibilities include:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area and,
- To promote opportunities for the understanding and enjoyment and special qualities of the park by the public.

The National Park Authority also has a duty to work in partnership with local authorities to foster the economic and social well-being of all of the diverse communities. Over 100,000 live within the South Downs National Park. This includes Gypsy and Traveller communities who live on the many public and privately owned sites that exist within the Park and those who living within settled housing. There is also a long history of Gypsies and Travellers using land within the National Park area and being traditionally welcomed at stopping places across the South Downs.

The group of Travellers who have occupied the '19 acres' site were tolerated at this location over the summer period as a practical solution to prevent an unauthorised encampment in a more sensitive location elsewhere in the city. This period of toleration has now come to an end and the Council is currently seeking possession of the land. A possession order was obtained in the County Court on 14th October 2011."

**(e) Councillor Mears**

24.10 "In relation to the proposed use of Black Rock as a temporary coach park, could the Cabinet Member for Transport & Public Realm please tell me:

- a) when the decision was taken formally to overturn the 22nd March Cabinet Member decision which granted permission for the coach park;
- b) why the initial cost estimate for the works increased from £100k to £200k and
- c) what is the £100k from Seaside Towns grant, that was allocated by the Cabinet Member, now being used for?"

**Reply from Councillor Davey, Cabinet Member for Transport and Public Realm.**

24.11 "a) No Cabinet Member decision has been overturned. At the Enterprise, Employment & Major Projects Cabinet Member Meeting on 22 March the decision was taken to grant landlord consent for the use of Black Rock as a temporary coach park.

There are currently insufficient funds to establish a permanent coach park as originally conceived. Officers are therefore reviewing the position, taking into account:



- i) the options for managing coach parking in the city;
- ii) the financial viability of a coach park at Black Rock and budget options;
- iii) a forthcoming comprehensive seafront strategy and potentially competing uses for the land.

I will be consulting my Cabinet colleagues to ensure we arrive at an agreed way forward.

- b) Following a detailed specification, tenders and analysis, the cost estimate of £100,000 increased to over £200,000 in order to include:

provision of a facilities block; drainage works; levelling out of different areas of tarmac; works to the Marina Road entrance to allow easier coach access; security whilst works take place.

- c) With regards to the Seaside Towns grant, the remaining £100,000 was allocated by the Leader of the Council at the time for the coach park at Black Rock.”

**(f) Councillor Janio**

- 24.12 “Over the past few years, the excellent provision of youth services provided by the Hangleton and Knoll Project, funded as part of the council Youth Service, has meant that the west of the city has seen a gradual reduction in youth Anti Social Behaviour. This has been confirmed by the police and academic studies. What steps is the Council taking to ensure that this local service and expertise are maintained through the new commissioning process?”

**Reply from Councillor Shanks, Cabinet Member for Children and Young People.**

- 24.13 “I agree with you on the excellence of the Hangleton and Knoll project, I visited it in the summer. Unfortunately the minister in charge of youth services , Tim Loughton does not agree with us on their value and I would ask you to contact him about this. As you may know youth services are closing around the country and the minister feels they should not be given public money.

Provision of youth work services has long relied on a strong partnership between community and voluntary sector providers and local Authority services. This includes the Hangleton Youth Centre, the Portslade Village Centre and the Youth Crime Prevention Team in the west of the city. We will continue to work together and the reduction of Anti Social Behaviour will remain a shared priority.

The Youth Service Review involved local youth organisations, including the Hangleton and Knoll Project. A draft Youth Services Commissioning Strategy has been out for public consultation over the summer, and was considered by a Panel of the Children and Young People’s Overview and Scrutiny Committee on Monday October 17th.

The Strategy sets the outcomes we want for young people and the principles for the commissioning and delivery of youth services. It maintains a firm commitment to a neighbourhood approach to meet local needs and make best use of local resources and expertise.”

**(g) Councillor Pissaridou**

24.14 "Would the Cabinet Member 1) explain what support is given to looked after children when allocating school places and 2) provide assurance that looked after children are placed in the most appropriate local schools possible"

**Reply from Councillor Shanks, Cabinet Member for Children and Young People.**

24.15 "The Early Years Consultants support Early Years Foundation Stage Personal Education Plans (PEPs) for Looked After children aged three and over attending Brighton and Hove private, voluntary and independent early years settings.

An Early Years Consultant attends the meeting, which is called by the child's social worker, to support the practitioners in the setting and to ensure that action points are appropriate. The Early Years team leader also attends a termly coordination meeting for Early Years, Personal Education Plans (PEPs) chaired by Sarah Guy Senior Practitioner from the Educational Psychology Service and attended by Lorraine Myles, Virtual School Headteacher, PRESENS, (Pre-School SEN Service) the foster care team and other relevant professionals.

Once children enter the school system, the admissions code is unequivocal in that we must give first priority to Looked After Children. If a child in the care of the local authority, a Looked After Child, applies for a place they get first pick ahead of everyone else.

If there is no place available we work with the schools to admit the child as an exception.

If it is an infant class that is full, the legal limit is 30; children in care can, and are, admitted outside the normal admission round as an exception

The Virtual School supports all school aged children in the care of Brighton & Hove. The aim of the team is to support children in care to ensure they achieve improved educational outcomes.

Alongside specific programmes of support and activities for children, the Virtual School for Children in Care works with a wide range of partners. This includes the social work colleagues who hold parental responsibility for children in care. Social workers and foster carers are provided with guidance and support with regard to school provision and allocations and informed of their right to receive first preference for their school choice.

Even when a looked after child is placed outside of Brighton & Hove, their admission rights remain the same.

Although this rarely happens, the Director of Children's Services has the right to direct any school that refuses to co-operate under these arrangements.

The Admissions policy for Brighton & Hove clearly states the circumstances where allocations for school placements are prioritised. Children in the care of the local authority are at the top of this list."

**(h) Councillor Pissaridou**

24.16 "Will the Cabinet Member confirm how many people in total have been fined for dog fouling in Brighton & Hove over the past twelve months, and how many people were fined in each of the last twelve months?"

**Reply from Councillor West, Cabinet Member for Environment & Sustainability.**

24.17 "The Animal Welfare Team, Park Rangers and Seafront Officers are all authorized under the Clean Neighbourhoods and Environment Act 2005 to issue fixed penalty notices for dog fouling.

In the last year, 4 fixed penalties were issued for fouling and 5 for dogs off the lead, including a skateboarding dog in Sidney Street that had knocked over several people including a pregnant woman.

The Animal Welfare Team carryout approximately 250 proactive patrols of city hotspots, along with approximately 300 investigations of dog fouling complaints and in excess of 165 hours of patrols during the weekends each year.

In 2010/11, over 300 dog fouling complaints were received. In the same year, the Council had to deal with 369 stray or abandoned dogs. Members will understand that dog fouling investigation work has to be seen in the wider context of animal welfare work.

This is a national issue. In UK 126,000 stray dogs were recorded by authorities. A quarter was passed to welfare organizations or dog kennels. The national animal charities are under pressure. The number of stray dogs has increased by 4% in UK last year. Only 42% were reunited with their owners. There needs to be greater controls on dog breeding and responsible dog ownership. In our city 186 out of the 369 strays were reclaimed by owners. A resulting demand is placed on welfare organizations.

Complaints about fouling have fallen. In 2006-07, the year before the new Dog Control Order for fouling was introduced, 415 complaints were received. In 2010-12, 304 complaints were received, a fall of 25%. This fall reflects the team's hard work on this issue.

Stray dogs and cruelty investigations take priority over fouling, and I commend the Council's animal welfare officers' hard work in both these areas."

**(i) Councillor Robins**

24.18 "The annual report to council tenants and leaseholders 2011 claims that this administration will continue to overclad flats and insulate them, reducing residents' fuel consumption by up to about 17%. I would be grateful if the Cabinet Member could explain:

- a) how this figure was calculated and
- b) whether the figure of 17% is a proportion the total amount of fuel consumption used, or a proportion of the amount of fuel used to specifically heat the property?

Does the Cabinet Member agree that the council's contractor, Mears, should be carrying out their own satisfaction surveys on their own work?"

**Reply from Councillor Wakefield, Cabinet Member for Housing.**

24.19 "The statistics referred to in the annual report describe the average energy reduction at Wiltshire House following over-cladding – when compared to Hereford Court, a block of identical design and construction that is not clad.

This analysis was undertaken using government-approved SAP (Standard Assessment Procedure) energy software modelled on two standard one-bedroom flats of the same size and position in each building.

The modelling assumes the same heating system and controls, and a standard use profile. The energy modelled is for hot water and space heating use only, so doesn't include individual dwellings' electrical use, which is difficult to model because of differing lifestyle choices, such as number of appliances & white goods. The modelling showed that energy use in a flat in this block could be expected to fall by around 17.5% as a result of the installation of insulated cladding.

Mears carry out useful information gathering on their performance, and the information received is carefully monitored by the council. The Council's Partnering & Performance Team audit data quality for the partnership. While Mears collect their own satisfaction surveys, this is only one of many different ways we get feedback on the service. Others include:

- Tenants carrying out 'mystery shop' exercise on the service;
- Feedback from tenant satisfaction questionnaires;
- Regular surveys of residents views (STAR/Status survey)'
- Feedback from engagement events such as the City Assembly;
- Feedback from resident representatives at meetings such as the Repairs & Maintenance Monitoring Group, Area Panels, Housing Management Consultative Committee and the Repairs Core Group;
- Analysis and learning from complaints about service delivery;

The partnership with Mears is increasing the level of feedback that we receive from residents. Before the new repairs contract we had a low level of feedback (below 5%), but we are now getting feedback for 20% of repairs that are carried out.

The processes for feedback is something that a future tenant scrutiny panel could look at."

**(j) Councillor Farrow**

24.20 "Can the Cabinet Member tell me how Brighton and Hove City Council currently tackles persistent rogue landlords and with what success? In light of Shelter's Evict Rogue Landlords campaign, is this Administration:

- a) Prepared to address the issue of rogue landlords as a priority and,

- b) Get tough with those landlords who believe they can get away with illegal and unethical behaviour?"

**Reply from Councillor Wakefield, Cabinet Member for Housing.**

- 24.21 "Brighton & Hove has a private rented sector twice as large as the national average, at 23 % of all households. The City has the sixth largest private rented sector in the country. Working with the private rented sector and good landlords is a priority for the Council to: meet housing need; prevent homelessness, and; improve the condition and sustainability of private rented homes.

As with other cities we have a mix of good and bad landlords. The council is very keen to see standards maintained and employs officers in the Private Sector Housing, Housing Options and Housing Acquisition teams who are actively engaged in this area. The Council has a long history of dealing with issues of management and conditions in the private rented sector.

This administration welcomes Shelter's "Evict Rogue Landlords" campaign in addition to the excellent research and campaigning they have done on the issue in the past. In particular the campaign raises the issue of persistently poor quality accommodation and attempts by landlords not to follow lawful processes to evict tenants – both of which are important issues.

The council operates an Accredited Landlord scheme to improve knowledge and standards in the sector. Where breaches occur, we take enforcement action with the regulatory powers we have."

**(k) Councillor Marsh**

- 24.22 "Will the administration commit to maintaining 'Safe and Sorted' children and young people's services after April 2012?"

**Reply from Councillor Shanks, Cabinet Member for Children and Young People.**

- 24.23 "The Administration stepped in to provide temporary support to enable Central Sussex YMCA to continue the Safe and Sorted youth advice service until the end of this financial service when a National Lottery bid was unsuccessful.

The Local Authority and Central Sussex YMCA were already working together closely and the Safe and Sorted Project recently re-located into the council's 67 Youth Centre in Moulsecoomb

Many Community and Voluntary Sector organisations have reported a similar reduction in external funding opportunities and this has inevitably created significant pressure and uncertainty. The Administration is working closely with the Community and Voluntary Sector Forum to find a way forward.

As a result of the difficulties faced by the Safe and Sorted Project the provision of Youth Advice Services will be addressed by the Youth Service Commissioning Strategy but, at

this point in time it is not possible for the Local Authority to guarantee the future of any specific provider or service.”

**(I) Councillor Marsh**

24.24 “Would the Cabinet Member agree that many parents in the city do not want their children to attend a Faith School and that expecting them to do so simply in order to get a school place for their child is unfair and erodes their ability to express a meaningful preference of school?”

**Reply from Councillor Shanks, Cabinet Member for Children and Young People.**

24.25 “Many parents do not want their children to attend a Faith School and some do.

Both wishes are catered for in Brighton & Hove by the provision of Voluntary Aided Schools and Community Schools. Voluntary aided schools are faith schools and in our case either Anglican or catholic. Community schools are not faith schools. In other authorities there is a third option of Voluntary Controlled schools, which are also faith schools. The provision of a breadth of school types is determined by central government in order to offer parents a potential range of choices.

For many parents their wish is for their child to attend their local school regardless of its designation. The council supports local schools for local children. Of course we would not want parents to have to send their children to a faith school

Given the spread of faith schools across the city it is possible for parents to have a local school that is not their preferred designation. However parents have the right to express three preferences and to rank these accordingly.

The Council uses its admissions process to provide parents with their first preference wherever possible. It would be helpful if faith schools were prepared to take children of other or no faith but this will not be a solution to the problems of lack of school places which are being addressed in papers coming to the November Cabinet.”

**25. ORAL QUESTIONS FROM COUNCILLORS**

25.1 The Mayor reminded the Council that councillors’ oral questions would be taken in the order as listed on the council agenda and that a period of 30 minutes was set aside for the item. Should any questions not be reached at the end of the time period, those councillors would have the opportunity for their question to be carried over to the next council meeting.

25.2 The Mayor then called on Councillor G. Theobald to put his question to the Leader of the Council.

25.3 **(a)** Councillor G. Theobald asked, “In view of the Government’s recent announcement that they will provide £800 million to local authorities in England to freeze council tax next year, can the Leader of the Council please confirm that he will be accepting the £3 million that will be on offer to Brighton & Hove?”

- 25.4 Councillor Randall replied, "The government is offering money to Councils; the Chancellor recently announced that funding from one-off savings of over 800 million pounds in Government Department budgets would be used to fund the second year of a Council Tax freeze. However, unlike the freeze in Council tax for this year, it would only be funded from one year which would leave us with problems later on.

Local Council's will qualify for a council tax freeze grant equivalent to a 2.5 increase in Council tax if they agree to a council tax freeze for next year. The one off grant is equivalent to a 3 percent increase in council tax. In the current year all councils, police and fire authorities decided to implement a council tax freeze and qualify for a council tax freeze grant. The Secretary of State for Communities and Local Government, Eric Pickles, has the power to limit Council tax increases of any authority where he believes that increase is excessive.

For 2010, 2011, 2012 he deemed that 4 percent was excessive. He will announce his judgement on excessive council tax increases for the next year probably at the end of next month. The impact on the local council tax pay roll is that the average council tax in Brighton and Hove paid in 2011 - 2012 is £1196 per dwelling which is exactly the same as the average for England i.e. a Council tax freeze 2012 - 2013 as opposed to a 3.5 percent increase, will save the average household in the city 42 pounds a year or 80 pence a week.

The biggest saving will be made those people who live in the most expensive properties; the poorest people in the community receiving a hundred percent council tax benefit will save nothing, the impact on the resources of the Council are these. The planned increase of 3.5 percent which is our plan for 2012 – 2013 will raise an estimated 4.2 million in additional resources through council tax.

The proposed 2012 – 2013 council tax freeze grant of 3 million the equivalent to 2.5 increase in Council tax, will be payable for 2012 – 2013 only. If the Council agrees a freeze for 2012 – 2013 the savings target for the next year will increase by 1.2 million i.e. the difference between the planned increase and the Council tax freeze grant.

When the Council tax freeze grant ends in 2013 – 2014 the Council will need to identify a further 3.1 million savings to cover the loss of grant. Over two years the Council, therefore need a further 4.3 million additional savings above the current forecast savings level and as Councillor Kitcat has put it in the Local Government Chronicle, "we will be going over a cliff."

- 25.5 Councillor G. Theobald asked the following supplementary question, "Neither Councillor Randall nor I nor anyone in this room has a crystal ball, so you don't know that the government won't repeat the same offer to Councils next year. So my point to you Councillor Randall, could you just confirm in a yes or no that you are turning down 3 million pounds and that you will be subjecting the Council tax payers of Brighton and Hove to a 3.5percent increase in their Council tax rather than having their Council tax frozen?"
- 25.6 Councillor Randall replied, "That was the answer I gave at the beginning, but of course not all your colleagues were in the chamber when I gave it."

25.7 **(b)** Councillor Mitchell asked, "Following the expressions of concern from youth service providers in relation to future funding for youth services and given the high and increasing number of children coming into the care of the local authority, can Councillor Shanks confirm whether she is looking to make savings specifically from youth service budgets to offset this and if so please could she explain the reasoning?"

25.8 Councillor Shanks replied, "Budget discussions are ongoing and will be ongoing; I have a past in youth work. I feel very strongly about youth services, I think they are very valuable. Quite a lot of young people engaging in their own communities is a very valuable provision for young people. Brighton and Hove doesn't spend a huge amount of money on its youth services. Youth services are under threat nationally and in fact were moving up the league in terms of the amount we provide just because everybody else is shutting down completely in Kent, in West Sussex particularly, so it's a subject really dear to my heart and obviously other discussions happen in budget and the issues about young people coming into care are also very important and we need to protect them, so it's a very difficult balancing act to make.

So I can't give you a guarantee about that at the moment but it will be something that will be discussed in the time to come. Any lobbying that anybody can do in any party about youth services will be helpful; nationally there is a lobby of parliament on Tuesday."

25.9 Councillor Mitchell asked the following supplementary question, "Could you give an indication of when youth service providers will receive some certainty as to their financial position as part of the youth service review?"

25.10 Councillor Shanks replied, "Yes there is a youth service review going on at the moment and the results of the consultation are being looked at, but not until the final budget is set can we actually guarantee how much people will be getting, so until the end of February. But the results of the review will be made public as soon as it is finished."

25.11 **(c)** Councillor Wealls asked, "I'm not sure whether all Members are aware that we are in the very happy position that the Brighton Bi-lingual Primary School is granted permission by the DFE to move to pre-opening phase which I think is a fantastic opportunity for the city. I'd like to thank Councillor Shanks who has agreed to meet the parents and teachers who are setting up the school. Thank you very much, what I would like to ask is that you and the administration engage positively and proactively with this group of parents and teachers and other groups of parents and teachers who want to set up schools such as this in our city."

25.12 Councillor Shanks replied, "I have agreed to meet them; we already have a Bi-lingual Primary School, St Paul's School. I really think Bi-lingual education is a good idea. I personally am not keen on the idea of free schools which are actually independent schools and can set their own terms and conditions outside of the Local Authority.

But yes, that is legislation. At the moment we don't have any other schools that have passed the test that the Government sets them. One of the problems, obviously, is premises; we are finding it difficult to find premises ourselves."



- 25.13 Councillor Wealls asked the following supplementary question, "I would like to encourage you to work with them please to help them find premises."
- 25.14 Councillor Shanks replied,
- 25.15 **(d)** Councillor Morgan asked, "Now that the Green Administration has formerly abandoned any plans for 'Park and Ride' having voted down viable proposals during the last Labour Administration and with the recent decision to spend four million pounds on refurbishing city centre car parks, can the Cabinet Member explain what, beyond promoting walking and cycling, he proposes for reducing traffic congestion and pollution?"
- 25.16 Councillor Davey replied, "We are always stuck with the problem of trying to find local solutions to what are actually national transport problems. The overran deregulation of buses, the privatisation of railways so public transport is in private hands and run for private profit makes it a challenge for Local Authorities to deal with those wider issues. We are working with the Local Authorities, we need to be identifying those journeys in the wider commute area and so working with East and West Sussex, maybe the Local Enterprise Partnership may provide some opportunities for dealing with those wider transport challenges that we face."
- 25.17 Councillor Morgan asked the following supplementary question, "Could the Cabinet Member say whether the administration will be proposing significant increases to car parking charges in the budget?"
- 25.18 Councillor Davey replied, "No we are not proposing significant increases."
- 25.19 **(e)** Councillor C. Theobald asked, "As one of the key gateways to the city for visitors it is extremely important that Pool Valley is made as attractive as possible. The previous Administration made some changes to improve the road layout and to improve some of the adjoining properties by enforcement action but unfortunately the plans to provide shelter were held up by legal action.
- Therefore could Councillor Davey please provide an update of any progress made since May and what further plans the new Administration has to make Pool Valley a place that we can all be proud of?"
- 25.20 Councillor Davey replied, "I now work with Pool Valley, we certainly hope to bring forward the Valley Gardens Project over the next few years and that will give opportunities to improve that whole area, it would be very nice to have a proper ticket office. I know that was the original intention, it was originally intended that National Express were going to do that, but they withdrew that offer. We will certainly continue to try to work to encourage them to do that. It would be very helpful to have a proper ticket office and waiting room."
- 25.21 Councillor C. Theobald asked the following supplementary question, "There used to be a ticket office there that was very welcoming, I hope this will be undertaken as a matter of urgency and a priority because a lot of people have been making complaints about the very unwelcoming area of Pool Valley."

25.22 Councillor Davey replied, "I agree, a ticket office would be very nice and we will continue to encourage National Express to provide one."

25.23 **(f)** Councillor K. Norman asked, "Many of you in this chamber will recall my email exchange with Councillor West and apologies from Councillor Randall for not consulting with all Withdean Ward Councillors about decisions that were made regarding Nineteen Acres. So why Councillor West, are you still not consulting with Withdean Councillors on this Subject?"

25.24 Councillor West replied, "Councillor Norman has had an apology from both the Leader of the Council and I regarding the lack of notice to ward councillors given by our officers before the site was made available. I would hope he'd be satisfied with that."

I would just like to add that Nineteen Acres has been made available over the summer as a short term tolerated site and for Members information we have been given a possession order by the court last Friday, in order to be able to regain possession of the site. So I believe that has been a useful exercise that the groups that have been encamped on Nineteen Acres would have otherwise been on more sensitive sites and parks which I know a lot of Members and residents would have been concerned about. I would hope that Councillor Norman will feel that the use of Nineteen Acres has been helpful."

25.25 Councillor K. Norman asked the following supplementary question, "You didn't answer my question, which was why are you still not consulting on the subject with Withdean Ward Councillors. You are still not consulting because you just said that a court order was approved on the fourteenth of this month but you did not tell us that this was approved on the fourteenth. I read this in the Argus the day after so you didn't consult with us, you didn't inform us, and so you're still not doing what I asked you to do."

So my question veering away from my previous question will you now tell us about your ideas regarding this very sensitive wildlife area and will you be consulting with ward councillors and residents on those ideas in due course and perhaps you could just enlighten me when your summer time ends?"

25.26 Councillor West replied, "Councillor Norman I am aware that you have been receiving regular email updates about Nineteen Acres as a ward councillor and that you have been offered a meeting with officers to discuss Nineteen Acres which you didn't take up, so I find that you're asking me about consultation is odd. We have been trying to do that and I note you were not made aware of the possession order. I will look into why that was the case and I will ensure that you and other ward councillors will be kept informed over the next few days as matters progress."

25.27 **(g)** Councillor Mears asked, "I'm following on from the Cabinet Meeting around Care Leavers and the Housing Management Meeting on the 26<sup>th</sup> September, will the Cabinet Member confirm when will tenants be consulted on the changes proposed to the Location Policy, how will tenants feed into the consultation process."

The report to Housing Management makes reference to undertake in consultation, on anticipated changes to our location following the Localism Bill. Is the Cabinet Member

proposing to take both Care Leavers and the Wider Allocation Review together and what will the timescale be?

And would she also answer following on from the Housing Management, will she be taking into account tenant's wishes and also restore the voting procedure that's always been at Housing Management where Member's votes are taken and tenants have an indicative vote?"

25.28 Councillor Wakefield replied, "I well remember the Housing Cabinet Member meeting that you sat at and the Hosing Allocation Policy was approved by the Housing Cabinet on 22<sup>nd</sup> March 2011 and implemented in early May 2011. This means that Brighton and Hove Care Leavers are treated in the same way as any other housing applicants they are not automatically put into a priority band. There is a concern that this may disadvantage children in care and that our corporate parenting responsibility may not be fulfilled therefore a review has been started following my Cabinet Member Meeting yesterday.

Could you consider replacing the band A allocation for Care Leavers once they have been assessed as ready for independent accommodation because not everybody who leaves care is ready for independent living. A number of bodies will be consulted these include Choice Based Lettings which is a partnership group made up entirely of elected tenants and during the twelve week period they will meet about three times.

It will also be taken to and discussed at Area Panels and at City Assembly. So that's how tenants will have input. There's also going to be a consultation process for registered social landlords, social workers, health partners, supporting people and other voluntary sector organisation which I would have to ask officers specifically for that detail.

Most importantly the young people will be consulted, both those in care and care leavers. If you want more detail about which young people will be consulted and how, I can provide that in a written follow up. And following my Cabinet Member's Meeting yesterday, the consultation period has started and it will continue for the next twelve weeks."

25.29 Councillor Mears asked the following supplementary question, "You talk about the consultation process being twelve weeks, the meeting was on the 26<sup>th</sup> September, Area Panels have already met unless you're proposing to call emergency Area Panels, they will not go within the timescale so I feel as though the groups that you've mentioned will be very disadvantaged by your time scale either you're going to extend it or you're going to make sure that the meetings are to be brought forward to allow tenants to have a proper say in the consultation.

All councillors in this Chamber are very aware of corporate parenting. Can the Cabinet Member reassure Council that by putting Care Leavers in to band A even though CYPT has the statutory duty for Care Leavers until they are 25, you will not be disadvantaging the other vulnerable groups on Band A on our Housing List which is over 11000. And whether or not you are proposing any cuts on the Housing Homeless Budget and supporting People Budget?"

25.30 Councillor Wakefield replied, "Yes I am well aware that Area Panels have already passed however, I am told that some Area Panels will happen in the twelve weeks still. If tenants feel that they are not entirely being consulted correctly and it is unfortunate how the panels fall in the time and when the consultation has actually started, we can put in extra Area Panels if it is clear that tenants do not feel that their input has been sufficiently consulted.

We are well aware, Councillor, of the vast variety of different vulnerable groups that we have in Brighton and Hove and Portslade and the pressures on our Housing system."

## **26. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

### **(a) Callover**

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

- Item 27 - Review of Members Allowances
- Item 28 - Renewable Energy Potential – Scrutiny Review Panel Report
- Item 29 - Brighton & Hove City Council Corporate Plan 2011-15
- Item 30 - Review of Policy Framework
- Item 31 - Use of Mobile Phones, Audio Recording and Filming at Council Meetings
- Item 33 - City Performance Plan & BHCC Organisational Health Report

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

26.2 The Head of Democratic Services confirmed that Items 27, 28, 29, 30, 31 and 33 had been reserved for discussion and that following report on the agenda with the recommendations therein had been approved and adopted:

- Item 32 - Amendments to Contract Standing Orders.

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

26.3 The Mayor noted that there were no oral questions.

## **27. REVIEW OF MEMBERS ALLOWANCES**

27.1 Prior to the consideration of the report, the Mayor welcomed the Chairman and a member of the Independent Remuneration Panel to the meeting.

27.2 Councillor Littman introduced the report which outlined the recommendations of the Independent Remuneration Panel, following its review of Members' Allowances. He noted that the Panel had previously reported to the Council and had been asked to reconsider a number of points and to report back on their recommendations. He was also aware that the council had indicated its desire to return to a committee system, however he did not feel that this should prevent consideration of the current recommendations of the Panel. He also noted that the current Members' Allowances Scheme provided for a total of 36 Special Responsibility Allowances (SRA's), which was above the 50% guideline and that the Panel's revised scheme would provide for 26

SRA's. Councillor Littman stated that the Panel had consulted a number of councillors as part of the recent review and taken evidence from across the country in drawing up its recommendations and he hoped that the council would support these. Should the recommendations be adopted then there would be a saving of £26k and he suggested this could be extended should councillors follow the Leader's example and take a 5% cut in their allowances. He therefore moved the recommendations.

- 27.3 Councillor Peltzer Dunn stated that he wished to move an amendment to the recommendations and in so doing wished to thank the Panel for their work and for taking on board the request to review their findings in light of the concerns raised previously. He welcomed the change to the calculation of the Leader of the Council's SRA and the recognition of the Leader of the third Group on the council. However, he did not feel that the role of Deputy Chairs was fully understood and therefore felt that the recommendation needed to be amended to reflect the position on the council.
- 27.4 Councillor Mitchell stated that she wished to second the amendment and acknowledged that the matter had been back and forth between the Panel and the Council. She thanked the Panel for the latest report and the work that had been undertaken but felt that the role of Deputy Chair of the other regulatory committees and overview & scrutiny committees had to be recognised within the scheme of allowances.
- 27.5 Councillor J. Kitcat noted the amendment and queried what the point of the Independent Remuneration Panel was if its recommendations were not accepted by the Council. Having had the views of the council reported back to it, the Panel had reviewed its findings and met with councillors before bringing its report back. The fact that the Panel maintained a reduction in SRA's for Deputy Chairs had to be taken on board, otherwise the question had to be raised that Members of other Groups were simply protecting the 'grace and favour' of their own members. He hoped that the Panel's recommendations would be accepted and that the amendment would not be supported.
- 27.6 Councillor G. Theobald stated that the level and nature of allowances was a decision for the Council and whilst he was obliged to the Panel for their work and their report, it was the Council that had to determine the level of allowances.
- 27.7 Councillor Mears noted that the current Members Allowances Scheme had been budgeted for and the previous Administration had achieved a balanced budget. It was now the new Administration's responsibility to meet the budget requirements and the Members Allowances Scheme was part of that process. The Deputy Chairs undertook a number of duties and she believed that their role should be reflected within the scheme.
- 27.8 Councillor West stated that the proposed amendment effectively questioned the role of the Panel, which had been established to provide a degree of independence in the determination of allowances for Members, rather than just having councillors setting their own levels of remuneration. He believed the consistent approach would be to accept the Panel's recommendations at this stage and should changes occur to the decision-making structure the Panel could report further.
- 27.9 Councillor Randall stated that he fully supported the Panel's recommendations and felt that the Deputy Chair's posts that would be removed from the scheme had changed in

terms of their role and questioned how the proposed amendment would be regarded by residents.

27.10 Councillor Oxley stated that he felt there was a need to take account of the level of experience held by the Deputy Chairs and the ability to gain experience that the position offered. Whilst he acknowledged the Panel's recommendations and fully appreciated the work that the Panel undertook, it was for the Council to determine its allowances scheme and as such he felt that the role of Deputy Chair should qualify for an SRA.

27.11 Councillor Bowden stated that he hoped councillors would accept the Panel's recommendations and consider how their actions would be interpreted should they support the amendment, which was effectively enabling them to award themselves additional income.

27.12 Councillor Littman noted the comments and stated that he felt the arguments for the inclusion of Deputy Chairs had not been made in comparison to the Panel's own findings and suggested that the decision should not be a political one but should be the acceptance of the Panel's recommendations as an independent body.

27.13 The Mayor noted that an amendment had been moved by Councillor Peltzer Dunn and put it to the vote which was carried.

27.14 The Mayor then put the recommendations as amended to the vote which were carried.

27.15 **RESOLVED:**

- (1) That the Special Responsibility Allowances for the Leaders' positions be payable as outlined in paragraphs 3.1 – 3.8 of the report and Appendix 6 to the report;
- (2) That the Special Responsibility Allowances for the Deputy Chairs of Regulatory Committees and Deputy Chairs of Overview & Scrutiny Committees as listed in the current scheme continue to be payable;
- (3) That the Dependants' Carers Allowance be payable as outlined in paragraphs 3.16-3.32 of the report and appendices 3 and 4 (childcare) to the report, and 3.33-3.37 of the report and appendix 5 (dependant care) to the report;
- (4) That the 26 Special Responsibility Allowances set out in Appendix 6-to this report with the addition of those set out in (b) above be approved as the full list of duties which constitutes Schedule 1 to the new Members Allowances Scheme.
- (5) That it be noted the Basic Allowance of £11,463 has been retained and that all other allowances listed in the Scheme, other than those detailed in (1) – (4) above remain unchanged;
- (6) That the Members' Allowances Scheme 2011 set out at Appendix 7, as amended, be approved with effect from 21<sup>st</sup> October 2011.

**28. RENEWABLE ENERGY POTENTIAL - SCRUTINY REVIEW PANEL REPORT**

- 28.1 Councillor Morgan introduced the report and stated that he wished to place on record his thanks to Dr. Adrian Smith from Sussex University who chaired the Review Panel. He stated that the Panel had put forward 13 recommendations which had been accepted by the Environment and Community Safety Overview & Scrutiny Organisation Committee and the Cabinet.
- 28.2 Councillor West Stated that he had also been a member of the review panel and he wished to thank the officers and witnesses that had supported the panel in its findings. He believed that the report was a thorough piece of work and commended it to the council. On behalf of the Administration he stated that they were looking at how to take the various recommendations forward and noted that the Brighton energy co-op had had a tremendous response to its share offer.
- 28.3 The Mayor stated that the report had been moved and asked that it be noted.
- 28.4 **RESOLVED:** That the report be noted.

**29. BRIGHTON & HOVE CITY COUNCIL CORPORATE PLAN 2011-15**

- 29.1 Councillor Randall introduced the report and stated that he believed it was a critical document for the Council, which formalised the five priorities for the council to achieve and to give the city the council it deserved. The Corporate Plan had been produced with wider engagement than ever before and had taken on board the comments from that process. He intended to keep it under review and to bring it back to the Full Council each year. The plan outlined both short-term and long-term challenges that had to be met and he hoped these could be achieved with the support of partner organisations, agencies and residents across the city.
- 29.2 Councillor G. Theobald questioned the content of the plan and asked where the radicalism proposed in the Green Party's manifesto had gone. He failed to see where there had been any consultation on the proposals and questioned how the priorities would be delivered, bearing in mind that it appeared the commissioning process had stalled and asked which services had been commissioned to date.
- 29.3 Councillor Mitchell stated that she found the plan to be underwhelming and noted that partnership working would be key to achieving the aims of the plan. She intended to watch carefully to ensure that the aspirational ideas did not remove services or resources. In regard to part two of the plan, she felt there was a cause for concern as it was unclear what the organisational structure of the council was or its direction. She had no evidence that intelligent commissioning was taking place and had expected clear evidence that services were going through the commissioning process. She believed the new structure was costing between £1-2m more to sustain with continued departmental restructures driven by costs.
- 29.4 Councillor A. Norman stated that she was disappointed by the negative approach of the Administration to business retention system proposed by the Government, which she believed would encourage economic growth and boost local businesses and the local economy.

- 29.5 Councillor Hamilton stated that in his view the mid-term financial strategy held too many imponderables to be effective and failed to take advantage of the benefits that were available. He felt that a more meaningful strategy was required.
- 29.6 Councillor K. Norman stated that he welcomed the retention of the extra care item for vulnerable adults, which had been previously argued against when the administration had been in opposition.
- 29.7 Councillor Randall noted the comments and stated that the imposition of cuts by the government had not helped the budgeting process and noted that the pilot schemes under the intelligent commissioning process were being reported on and taken forward. He believed the Corporate Plan would see changes achieved for the benefit of the city and therefore recommended it to the council.
- 29.8 The Mayor noted that the report had been moved and put the recommendation to the vote.
- 29.9 **RESOLVED:** That the Corporate Plan for 2011-15 be approved and adopted.

### **30. REVIEW OF POLICY FRAMEWORK**

- 30.1 Councillor Littman introduced the report and stated that the Policy Framework had been updated to take account of changes in legislation and the council structure. He noted that a number of plans had been removed by the government and moved the recommendation.
- 30.2 Councillor G. Theobald referred to paragraph 28.2 of the extract from the proceedings of the Governance Committee and stated that he wished to move an amendment to the recommendation to include an additional number of plans and strategies to those listed in the report. He also noted that he wished to alter the amendment contained in the addendum papers as he wished to include the annual school admissions arrangements as part of those plans and strategies to be referred to Full Council.
- 30.3 Councillor A. Norman formally seconded the amendment.
- 30.4 Councillor Kennedy noted that the proposed amendment being put forward by the Conservative Group differed from that which had been discussed at the earlier Whips' meeting. Whilst she was happy to accept the Conservative amendment she asked for clarification in regard to the alteration as she had understood the intention had been to seek confirmation as to which plans formed the school admissions arrangements and which should come forward to Full Council.
- 30.5 The Monitoring Officer stated that the Annual School Admissions Arrangements did not relate to an identifiable document, but were made up of a number of plans and policies. The original amendment had sought to enable officers to identify those plans and policies and thereby confirm them in a report to the next council meeting for determination as to which should be included in the Policy Framework. However, the revised amendment proposed by Councillor Theobald was acceptable and could be



considered as it was understood that the various plans and policies that contributed to the admissions arrangements would be included.

- 30.6 Councillor Randall stated that he was happy to accept the amendment and also to include reports on councillors on the Local Economic Partnership and South Downs Trust.
- 30.7 Councillor Morgan referred to the Youth Justice Plan as detailed on page 205 of the agenda and noted that the previous government had given £700k to the authority for the plan's implementation. He therefore queried whether the plan had ever been before the Full Council for approval bearing in mind that it was listed in the Policy Framework and if not why it had not been submitted for approval.
- 30.8 Councillor Kennedy stated that she wished to propose that the amendment as listed on page 25 of the addendum in view of the need to clarify which plans and polices made up the admissions arrangements and would then need to come forward to Full Council under the Policy Framework.
- 30.9 Councillor Randall formally seconded the proposal.
- 30.10 Councillor G. Theobald queried whether it was appropriate to move the amendment bearing in mind that it had been subject to a lot of discussion at the Whips meeting and following that meeting. He believed that an agreement had been reached with officers which included the school admissions arrangements as a fifth bullet point, as shown in the revised amendment that had been circulated rather than having the fourth resolution as shown in the original amendment.
- 30.11 The Monitoring Officer stated that different iterations had been discussed with officers and the amendment produced for the addendum papers. Under Standing Orders it was not possible to move an amendment to an amendment and therefore Councillor Theobald had circulated a revised version of the amendment. Councillor Kennedy had subsequently moved the original amendment as listed in the addendum papers, it was therefore appropriate to consider the Conservative amendment and vote on it, followed by the Green amendment and depending on the outcome of the votes the substantive motion as amended or not.
- 30.12 The Mayor stated that in view of the Administration's previous statements of a willingness to accept the amendment but the desire for clarification on the implications in relation to the schools admissions arrangements, she would adjourn the meeting for a short period to enable both Groups to discuss the way forward.
- 30.13 The meeting was adjourned at 8.45pm.
- 30.14 The Mayor reconvened the meeting at 8.50pm and invited the Monitoring Officer to clarify matters.
- 30.15 The Monitoring Officer stated that following discussions, it was intended that the amendment as listed on page 25 of the addendum papers should include a fifth bullet point under resolution (3) to refer to the school admissions arrangements and a fourth

resolution requesting a report to the council in December detailing which plans and policies related to the admissions arrangements.

30.16 Councillors G. Theobald and Kennedy formally moved and seconded the composite amendment as outlined by the Monitoring Officer.

30.17 The Mayor put the composite amendment to the vote, which was carried.

30.18 The Mayor then put the recommendations as amended to the vote, which was carried.

30.19 **RESOLVED:**

(1) That the amended Policy Framework as set out in Appendix 2 to the report be approved;

(2) That in addition, the following plans and strategies be added to Appendix 2 (ii);

- City Performance Plan
- Travellers' Strategy
- Housing Strategy
- Housing Allocations Policy
- Annual School Admissions Arrangements

(3) That with regard to the Annual School Admissions Arrangements a further report be brought to the Council meeting in December with information including a description of current policies as they relate to school admissions.

### **31. USE OF MOBILE PHONES, AUDIO RECORDING AND FILMING AT COUNCIL MEETINGS**

31.1 Councillor Littman introduced the report and stated that it outlined the proposed changes to Standing Orders to enable the use of mobile phones and audio devices at various council meetings. He noted that whilst the change enabled the discreet use of such devices, the person presiding at the meeting still retained the ability to require any devices to be switched off or used outside of the meeting itself.

31.2 Councillor Duncan welcomed the proposed changes and noted that Brighton and Hove was a digital city with a high proportion of people using social media to communicate. The changes enabled a greater freedom and instant level of communication for Members and officers during meetings, although it was important to retain the chair's ability to decide that such devices should be turned off if they felt that they affected the nature of the meeting.

31.3 Councillor A. Norman stated that whilst she recognised the importance of social media as a communications mechanism, she was not certain that the use of devices and audio recording was appropriate during meetings. She had been Mayor and felt that the use of the devices during a meeting was discourteous both the chair and the meeting itself.

31.4 Councillor Simson stated that she agreed with Councillor Norman and felt that it would be better to wait until after a meeting before using mobile devices to communicate

decisions etc...She also queried whether the reference on page 211 related to Licensing Committees or should be to Licensing Panels.

- 31.5 The Monitoring Officer confirmed that there was a typographical error and that changes to Standing Orders as shown on page 215 were correct i.e. the reference was to Licensing Panels and not the Licensing Committees.
- 31.6 Councillor Oxley stated that he was concerned about the proposed changes and that rather than making piece-meal alterations, a comprehensive review should have been undertaken and a report brought to the council.
- 31.7 Councillor Peltzer Dunn referred to paragraph 5.2 of the report and asked for clarification in regard to the devices that could be used for audio recording.
- 31.8 The Monitoring Officer confirmed that audio recording was not restricted to mobile phones but noted that requests would be made to the person presiding at the meeting who held the discretion as to whether or not to allow such recording.
- 31.9 Councillor Rufus, West and Wakefield made the point that technology had moved on from the time when the use of mobile phones was included in Standing Orders and this needed to be addressed. The ability to use social media was another way of informing people of what was happening and if people used it discreetly it should not affect the running of a meeting. Councillor Wakefield noted that children in schools were being encouraged to openly use their mobile phones during classes rather than have them hidden under the table.
- 31.10 Councillor Bowden noted that at the recent Conservative Party Conference, the Secretary of Health was taking part in a debate and it was being tweeted. He suggested that this could be something that the council took forward and actually enabled the public to tweet on matters that were being discussed and put them on screen in the chamber.
- 31.11 Councillor Littman noted the comments and stated that he believed the proposed amendments were appropriate and recommended the changes should be implemented.
- 31.12 The Mayor noted that the report had been moved and put the recommendations to the vote which were carried.
- 31.13 **RESOLVED:**
- (1) That the existing rules relating to mobile phones and audio recording of council proceedings be amended as described in paragraphs 4 and 5 of the report; and
  - (2) That the amended Council Procedural Rule 31, as set out in Appendix 2 to the report be approved to come into effect immediately after the conclusion of Council meeting on the 20<sup>th</sup> October 2011 with the following amendment:
    - 31.2(iii) The person presiding at the meeting may require all mobile phones to be switched off and any audio recording cease at any time if they consider that the use of devices is not conducive to the proper running of the meeting.

**Motion to terminate the meeting:**

- 31.14 In accordance with Procedural Rule 17, the Mayor noted that the meeting had been in session for over four hours and she was therefore required to move a closure motion to effectively terminate the meeting.
- 31.15 The Mayor moved the closure motion and put the matter to the vote which was lost and therefore resulted in the continuation of the meeting.

**32. AMENDMENTS TO CONTRACT STANDING ORDERS**

- 32.1 **RESOLVED:** That the amendments as set out in paragraphs 3.2 to 3.7 and more particularly as detailed in Appendix 1 to the report be approved with immediate effect.

**33. CITY PERFORMANCE PLAN & BHCC ORGANISATIONAL HEALTH REPORT**

- 33.1 Councillor Randall moved the report.
- 33.2 Councillor G. Theobald noted that the report had been referred to the Council for information at the request of the Conservative Group and that in the future the City Performance Plan would be submitted to Council for approval under the Policy Framework. He also noted that the Local Area Agreement had been abolished by the government to cut down on the level of bureaucracy but he hoped it would not result in a dilution of priorities. There were currently 180 performance indicators which he did not feel would prove to be meaningful.
- 33.3 Councillor Randall noted that the plan was owned by the Public Service Board and fed into the Sustainable Community Strategy which he hoped would be a 'live' document and would detail the outcomes.
- 33.4 The Mayor noted that the report had been referred for information and asked that it be noted.
- 33.5 **RESOLVED:** That the report be noted.

**34. NOTICES OF MOTION.****(a) Reducing the Negative Impact of Roadworks in Brighton and Hove**

- 34.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Wealls and seconded by Councillor G. Theobald.
- 34.2 Councillor Lepper moved an amendment on behalf of the Labour & Co-operative Group, which was seconded by Councillor Marsh.
- 34.3 The Mayor noted that the amendment moved by Councillor Lepper had not been accepted by Councillor Wealls and therefore put the proposed amendment to the vote which was carried.

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

“This Council recognises that street works by utility companies and highway authorities are necessary in order to provide and maintain the essential services and transport networks on which the residents of Brighton & Hove depend. However, it also recognises that the traffic congestion caused by such works also carries a considerable cost to residents, businesses and visitors - nationally, it is estimated that roadworks cost the economy £4 billion a year.

This Council notes:

- (a) The success of Permit Schemes, such as those introduced by the Mayor of London, in leading to a more co-ordinated approach to roadworks and to significant reductions in disruption to residents and businesses.
- (b) The current Government consultation paper – New Roads and Street Works Act 1991 – Lane Rental Schemes – which advocates the use of lane rental schemes on the most critical parts of the highway network to incentivise those undertaking street works to do so more quickly and at less disruptive times of the day.

Therefore, this Council agrees in principle that a Permit or Lane Rental Scheme could bring enormous benefits to residents, businesses and visitors in Brighton & Hove and requests that the Cabinet Member for Transport and Public Realm:

- (a) Brings a report to his CMM by the end of the year, considering the feasibility of introducing a Permit and/or Lane Rental Scheme in Brighton & Hove; and
- (b) Calls on the government to give powers of intervention to the utility regulators to enable them to prevent any costs arising from this scheme to the utility companies from being passed on to their consumers.”

34.5 **The motion was carried.**

**(b) School Places**

34.6 The Notice of Motion as detailed in the agenda was proposed by Councillor Pissaridou and seconded by Councillor Robins.

34.7 The Mayor congratulated Councillor Robins on his maiden speech.

34.8 Councillor Wealls moved an amendment on behalf of the Conservative Group, which was seconded by Councillor Brown.

34.9 The Mayor noted that the amendment moved by Councillor Wealls had not been accepted by Councillor Pissaridou and therefore put the proposed amendment to the vote which was lost.

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

“This council recognises the concern shared by parents and school staff in West Hove and Portslade over the provision of future Primary School places.

It notes the significant rise in the numbers of children needing Primary School places and that in the next academic year, the city will not have enough Reception Year places for the numbers of children requiring them and the provision of adequate numbers of Junior stage places for children in Portslade is not yet resolved.

The council also notes that the planned expansion of four Primary Schools and the continued use of the Connaught Centre to provide some Infant class-rooms will still not provide the future numbers of places needed.

It recognises that following a policy of continual expansion of existing Primary Schools is not sustainable, does not provide the best learning environment for young children and over-large schools are not popular with parents.

It understands the pressing need for a new Primary School in Hove within three years as part of a well thought through strategy for the future of school places in the city.

The council regrets that under the Coalition Government’s policy the only options available for the creation of a new Primary School in Hove are as an Academy or a Free School and shares the Administration’s concerns with this national policy.

However the council places a greater priority on ensuring that the city’s young children are able to learn in the best quality, modern settings that can be provided for them with governance arrangements that place the running of the school firmly with parents and the local community, working in partnership with staff and the LEA.

The council notes the positive, ethical values of Co-operative Trust Schools and the model’s growing success with Co-operative Trust Academy Schools in Manchester, Stockport and Nottingham, being run in partnership with their Local Education Authorities and universities and believes that this ethical and co-operative model of education would prove beneficial and popular with parents, children, teachers and communities in Brighton & Hove while retaining strong links with the LEA and other schools.

Therefore resolves to request the Cabinet:

- a) To immediately pursue a well-thought through strategy to meet the increasing demand for school places;
- b) To meet this increased demand for school places by pragmatically working within the limits imposed by central Government; and
- c) To specifically consider the creation of a Co-operative Academy Trust model for a new primary school in Hove.”

34.11 **The motion was lost.**

**(c) Oppose the National Planning Policy Framework**

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

34.13 Councillor Kennedy moved an amendment on behalf of the Green Group, which was seconded by Councillor MacCafferty.

34.14 The Mayor noted that the amendment moved by Councillor Kennedy had been accepted by Councillor Morgan and therefore put the proposed motion as amended to the vote:

“This council notes the growing and widespread opposition to the Coalition Government’s proposed National Planning Policy Framework. Groups such as the National Trust, the Campaign for the Protection of Rural England, the RSPB, the WI and even The Daily Telegraph are calling for significant changes to be made or for the scrapping of the proposals in their entirety.

This council has concerns that under the new proposals there will be less opportunity for local people and local authorities to shape their town and city planning frameworks, as the NPPF will contain a ‘presumption to build’ that has to be incorporated into all planning and development stages.

This council notes that the National Planning Policy Framework (NPPF) severely weakens our planning system, which currently protects local people from unsafe, unsightly and unsustainable development. It departs from this council’s previous policy based on the physical capacity of the city to accommodate balanced development on brownfield sites, incorporating the demands of the local economy, housing and the necessary infrastructure.

This council supports a more streamlined planning system to encourage more economic growth, but notes that cutting around 1000 pages of planning policy down to nearly 50 is overly excessive, stripping away protection for residents and leaving little left but a charter for developers and barristers.

This council shares many of the popular concerns which have been voiced in opposition to the proposed plans, but in particular how the following issues will affect residents in Brighton & Hove directly:

- Deregulation of permitted development and the current Use Classes Order which could see the city losing much-needed employment space, undermining our economic recovery;
- Failure to include renewable energy requirements, endangering the ability of the UK government to achieve its legally binding 15% renewable energy target by 2020;
- Lack of clarity in planning rules covering hotels, leisure and tourism, potentially giving developers free rein to build hotels wherever they please across the city;

- Abolition of planning guidance which currently protects our city from flooding, potentially leading to an increased flood risk and possibly leaving homes uninsurable;
- Weakening of conservation protections which currently preserve the historic glory of Brighton & Hove's distinctive Regency and Victorian buildings; the very architecture of which keeps the city unique and attracts tourists;
- Scrapping of protection for our local and unique shopping streets and independent city centre shops, as planning changes will encourage developers to build out-of-town shopping centres and retail parks, increasing car journeys, traffic congestion and pollution;
- Placing more pressure to build on our currently locally protected urban fringe, in which some sites have already regrettably had their protection severely weakened by non-inclusion in the new South Downs National Park;
- A lack of clarity over the term 'sustainable development' leading to a reduction in high quality, sustainable building design, and undermining environmental, carbon reduction and sustainable transport objectives;
- A lack of emphasis in relation to affordable housing provision: with over 11,000 people on our housing waiting list, Brighton & Hove's housing crisis will be worsened by these proposals;
- A lack of recognition for the provision of supporting infrastructure.

This council also shares concerns expressed by The Argus, that these reforms could simply see Brighton & Hove become a "southern suburb of London; a giant housing development by the sea".

This council therefore resolves to request the Chief Executive to:

- Write to Greg Clark MP, Minister for Planning with a copy of this motion, expressing our grave concerns with the National Planning Policy Framework, its potential impact on Brighton and Hove and emphasising how much the city and its council values and wishes to protect and enhance its employment space and the green spaces that make up the urban fringe on the edge of the city;
- Write to Grant Shapps MP, Minister of State for Housing and Local Government, calling for capital funding to be released as a matter of urgency to enable the city to address its severe housing shortage; and
- Write to Brighton & Hove's Members of Parliament, asking them to lobby the government to recognise the specific problems regarding the city's land constraints which make delivering a sound plan so challenging for Brighton and Hove and to amend its plans that will have such a negative impact on the city and its residents."

**34.15 The motion was carried.**



**(d) New Measures Needed to Address Housing Crisis**

- 34.16 In view of the lateness of the meeting, Councillor Randall stated that he wished to withdraw the motion and to bring it to the next council meeting.
- 34.17 The Mayor noted that no opposition had been raised to Councillor Randall's request and therefore moved to the next item.

**(e) Public Service Pensions**

- 34.18 The Notice of Motion as detailed in the agenda was proposed by Councillor MacCafferty and seconded by Councillor Buckley.
- 34.19 The Mayor congratulated Councillors MacCafferty and Buckley on their maiden speeches.
- 34.20 Councillor Wealls queried whether the councillors had read the Centre for Local Government's consultation document which suggested that anyone earning under £15k would not be required to make a contribution and that higher earners would pay more. He suggested that the government was looking to make pensions sustainable and that they would be kept for public workers and would be good value.
- 34.21 Councillor Gilbey stated that she fully supported the motion and that she believed public service pensions were sustainable and affordable and that there were no funding gaps. She believed the current proposals affected all public sector workers and would see them worse off whilst benefiting others such as the bankers. It was a deferred salary which would affect thousands of people.
- 34.22 The Mayor congratulated Councillor Gilbey on her maiden speech.
- 34.23 The Mayor then put the following motion to the vote:

"This council notes the Coalition Government's attack on public services pensions in general and local government pensions in particular. It further notes Ministers' proposals to increase member contributions in the Local Government Pension Scheme (LGPS).

Despite reassurances in consultation papers recently released by the Department for Communities and Local Government, there is great concern at members being forced to pay more so soon after re-negotiating terms.

At the same time, the Government's earlier decision to link pension increases to the Consumer Price Index (CPI) rather than the Retail Price Index (RPI) will result in LGPS members losing up to 25 per cent in the value of their pensions during the next 25 years.

This council believes the effect of these proposals will lead to many local government workers leaving the LGPS because they will find it unaffordable. This will affect the long

term viability of LGPS and lead to its possible collapse. Research by the GMB shows that 25 per cent of council workers opt out of the LGPS for affordability reasons and in some local authorities this figure is as high as 50 per cent.

Further research shows that these government proposals, which are a Treasury tax on pension savings, could lead to 50 per cent or more of LPGS members opting out. This will lead to more low paid public service workers swelling the ranks of the 1 in 6 UK pensioners who, according to Age Concern, already live in retirement poverty. An increase in the state benefit bill will inevitably follow.

This council therefore resolves to:

- (1) Support the trade unions and others in their campaign to protect local government pensions and to provide all pensioners with a Living Pension; and
- (2) Ask the city's three MPs and the City Council's Chief Executive to write to the Chancellor of the Exchequer George Osborne and Communities Secretary Eric Pickles urging them to:
  - End their attack on public service pensions by scrapping their plans to increase contributions and by retaining the link between pension increases and RPI;
  - Increase all state pensions above the official poverty level of £178 a week in line with the recommendations of the National Pensioners Convention."

34.24 **The motion was carried.**

### 35. CLOSE OF MEETING

35.1 The Mayor thanked Members and formally closed the meeting.

The meeting concluded at 10.40pm

Signed

Chair

Dated this

day of