

**BRIGHTON & HOVE CITY COUNCIL****COUNCIL****4.30pm 9 MAY 2013****COUNCIL CHAMBER, BRIGHTON TOWN HALL****MINUTES**

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

**PART ONE****113. DECLARATIONS OF INTEREST**

- 113.1 Councillor Cox declared a personal but non-prejudicial interest in Item 126(e) Notice of Motion of Government 'Land Transfer Scheme' as his son was a pupil at BASVIC.
- 113.2 Councillor Wells declared a personal but not prejudicial interest in Item 126(e) Notice of Motion of Government 'Land Transfer Scheme' as his granddaughter was a pupil at BASVIC.
- 113.3 No other declarations of interests in matters appearing on the agenda were made.

**114. MINUTES**

- 114.1 The minutes of the last ordinary meeting held on the 28<sup>th</sup> March 2013 were approved and signed by the Mayor as a correct record of the proceedings.

**115. MAYOR'S COMMUNICATIONS.**

- 115.1 The Mayor invited Councillor Kitcat as the Leader of the Council to come forward and receive the certificate from BioRegional that recognised Brighton & Hove City Council as the first One Planet City in the country;
- 115.2 The Mayor then invited Jack Hazelgrove from the Older People's Council to come forward and receive a certificate from the World Health Organisation, that confirmed

Brighton & Hove as a new member of the WHO Global Network of Age-friendly Cities and Communities, which strive to better meet the needs of older residents;

- 115.3 The Mayor noted that he had recently been invited to address a conference in Finland about the one planet principles and that he hoped information and learning could be shared with other organisations.
- 115.4 The Mayor also noted that the Brighton Festival had started and encouraged everyone to attend various events.

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

- 116.1 The Mayor invited the submission of petitions from councillors and members of the public. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 116.2 Councillor Morgan presented a petition signed by 100 residents concerning the naming of the roundabout on the A259 at Greenways to be 'Blind Veterans UK.'
- 116.3 The Mayor noted that there were no other petitions to be presented.

**117. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

- 117.1 The Mayor reported that 3 written questions had been received from members of the public and invited Mr. Jenner to come forward and address the council.
- 117.2 Mr. Jenner asked the following question; "With the pressure on budgets and reduction in some areas of funding due to the Conservative Coalition Government imposed austerity cuts, please can you tell me if the total level of funding from grants and commissioned contracted work with the community and voluntary sector has increased or decreased in 2013-2014 as compared with the last financial year 2012-2013 and the previous one of 2011-2012?"

This includes all funding across all departments including Housing, Children's Services, Adult Social Care, Leisure and Sport."

- 117.3 Councillor Littman replied; "Working closely with community and voluntary sector organisations is central to supporting our most vulnerable and disadvantaged people across the City and tackling inequality, a key priority for the Council. We have a long standing close working relationship with the Community and Voluntary Sector Forum and will continue to engage fully with our colleagues as financial pressures grow across both the public and third sectors. We've worked with colleagues to develop a new commissioning prospectus which is beginning to bear fruit and we've invited CVSF colleagues to join our Budget Scrutiny process for the last two years and have appreciated their valuable input to the process. Despite the growing financial pressures we have maintained our investment in the 3-year Strategic Grants Programme and we are working closely with the sector on a range of service reviews including the Youth Service and Day Services to name but two.

Identifying all third sector providers in our financial systems is difficult but, from the business and organisational directories available to us, we have identified commissioned and contracted services with over 340 third sector organisations in the 'BN' postcode area. Council expenditure on these in 2012/13 was £23,000,000 funded by a range of sources including 3-Year Strategic Grants, Supporting People budgets, Community Care budgets and other General Fund and Housing budgets. By comparison, our best estimate for expenditure in 2011-2012 was £23,500,000 indicating a small reduction of 2.2% in 2012-2013. However, in the context of reducing central government support and a reduction in the council's overall funding of 3.2% last year, the impact on the sector was in keeping with financial pressures across all areas.

For 2013-2014, we published our budget proposals in November 2012 and provided detailed information to the Scrutiny Panel, including CVSF colleagues, showing where we expected proposals to have some impact on third sector agencies. Some of these were positive, some were negative. Although many aspects are still being consulted on, our best estimate is that savings of up to £700,000, that's 3%, which may impact on the sector, the large majority of which relates to efficiency savings that were already planned through our work with providers of Supporting People services."

- 117.4 Mr. Jenner asked the following supplementary question; "I would like to know whether in line with the commitment to a living wage by Green Administration, how many of the 340 organisations pay their staff at a level equal to or above the living wage and is there any contractual commitment to encourage them to pay staff on the living wage over the period of their contract?"
- 117.5 Councillor Littman replied; "That question is not one I can answer off the top of my head but I will get a written answer to you."
- 117.6 The Mayor thanked Mr. Jenner for his questions and invited Ms. Sharp to come forward and address the council.
- 117.7 Ms. Sharp asked the following question; "I'm here representing some residents. While very supportive of the Council's efforts to increase recycling rates in our city I'm aware that there has been a pilot communal recycling scheme in Brunswick and Adelaide Ward, there are real concerns from residents in Belfast Street, Connaught Terrace, Booker Street and Sterling Place about the proposed scheme and I understand it is a consultation.

Please can you confirm that you've considered the difference in the housing stock between Brunswick and Adelaide Ward and Zone 2 of Central Hove and recognise that recycling rates could be lowered as a result of the Communal Recycling Proposal? This has been expressed by some residents who have contacted me."

- 117.8 Councillor West replied; "I'm very pleased to hear that you support our desire to increase recycling rates in the City which are actually quite low especially in the City Centre. The boundary of the proposed communal recycling area broadly covers the more densely populated city central areas and within that area there are differences in the types and variations of the dwelling. Some areas have got more HMO's than others and we're aware of that.

If the scheme is rolled out, we expect to see an increase in recycling rates but we also expect to see other improvements including cleaning the streets as there will be less wind blowing recyclables about, less clutter on the streets because when people put boxes out they get in the way of people walking about and generally an easier system for people to use and to not have to remember which day collection day is because they'll be able to deposit recycling at any time. So there'll be all sorts of benefits that will actually make recycling more likely to happen which is what we found in Brunswick and Adelaide but the rates at which we improve the recycling rate are going to vary across the whole area once the area is expanded.

As you quite rightly say, this is a consultation and the decision on whether to roll the scheme out is yet to be taken. The intention is to bring back a report with the consultation results to the July Environment, Transport and Sustainability Committee. At this stage the responses are being analysed and will be reported to Members so I can't really comment further on what recommendation we may receive about the ultimate decision on the scheme."

117.9 Ms. Sharp asked the following supplementary question; "I'm pleased to hear that it is a consultation, I'm afraid there's a lot of cynicism from the residents that I represent. Can you provide evidence that the recycling in the pilot was increased because when this question was put to Gillian Marston, whom I understand is employed the Council, she confirmed she was unable to provide ward by ward statistics about recycling. So if that's the case I am concerned that the premise of this consultation as being that the pilot was successful, when it appears that no evidence is available. Please could you provide the evidence?"

117.10 Councillor West replied; "It is actually quite difficult to give a ward by ward breakdown because it depends on the collection areas but I'm sure that we will be able to give you some information that would help with the evidence for what we are doing here. The specific evidence that we have received from the pilot in Brunswick and Adelaide was that recycling rate there went up by 70% when we measured it which was at the early stages of the pilot and we believe, because the bins are actually fuller than they were at that point, that we are actually getting an even further improvement on that now.

So that is the strongest evidence that we have that communal recycling will bring great benefit in recycling rate but I can certainly try and get you some more information about current recycling rates in different parts of the City Centre but as I say that information can be difficult to tease out on a very localised basis."

117.11 The Mayor thanked Ms. Sharp for her questions and invited Mr. Tomlins to come forward and address the council.

117.12 Mr. Tomlins asked the following question; "The behaviour of council officers and departments should not be regulated by just a 'what we can get away with' approach. There are codes of practice that I've read that all Council Officers should follow. I've made many serious allegation of mal practice amongst Council Departments and Officers who've managed my dismissal as a teacher from a Local Authority School.

Why have I been actively prevented until this moment from registering any sort of complaint or protest about what I consider to be seriously unprofessional behaviour this total lack of accountability is surely against the values of an open transparent and democratic Local Authority?"

- 117.13 Councillor Littman replied; "The issue of appointment and dismissal of teachers is a matter for schools under the Local Management of Schools framework. Your dismissal was considered by the Employment Tribunal which concluded that the dismissal was fair. The right to appeal that decision was up to you. However, Council officers have responded to your complaints and your dismissal and have explained to you the process which you could use should you wish to pursue this further in accordance with the school complaints procedure by way of the Secretary of State for Education and you have been provided with details of that.

It was not considered appropriate to take an earlier question from you which was submitted to Council in October 2012 because your employment tribunal had not concluded at that stage and also the wording of the question risked you making allegations about named third parties which would have breached the Council's procedure rules and these circumstances were not considered appropriate to accept your earlier question."

- 117.14 Mr. Tomlins asked the following supplementary question; "You might know that the same school has charged me with harassment for asking about references so I get to talk about my case again in a court and I get the chance to explain all the allegations that I've made and if that is the case and these are accepted by a Magistrate in a court then I hope the Council will take a different view and especially look at the way that some very senior Council officers have denied, covered up and pretended that this never happened.

So I hope I can come back, if that's the case after my trial, and raise this question again when it will obviously become more pertinent."

- 117.15 Councillor Littman replied; "The result of the Magistrate Court will have a bearing on whether or not this goes any further."

- 117.16 The Mayor thanked Mr. Tomlins for his questions and noted that concluded the item.

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

- 118.1 The Mayor noted that no deputations had been received for the meeting.

## **119. WRITTEN QUESTIONS FROM COUNCILLORS.**

- 119.1 The Mayor reminded the Council that written questions from Members 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) Baroness Thatcher's Funeral - Councillor G. Theobald**

- 119.2 “Will Cllr Kitcat please explain why Brighton & Hove was the only Council in Sussex to ignore official advice from the College of Arms and not fly the Union flag at half mast on the city’s civic buildings on the day of Baroness Thatcher’s funeral?”

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

- 119.3 “The Council has a protocol for the flying of flags from its buildings and as a consequence an annual programme is managed by the Premises Team. The protocol was determined by Policy & Resources Committee (2006) and has proved useful when determining the numerous requests made in this regard. There remains some flexibility within the protocol, the ultimate arbiter being the Chief Executive. On this occasion, and following discussion with Group Leaders, it was deemed inappropriate to commemorate the funeral of Baroness Thatcher by flying flags at half mast.

The College of Arms, whose jurisdiction is predominately ceremonial and not binding, acted on guidance issued to them by Downing Street. The information posted on their website was not directly communicated to Local Authorities. Neither the College of Arms nor the LGA considered it official advice or instruction. Local Authorities were able to determine how to commemorate the event, acting on precedent and appropriateness. The decision reflected the diversity of opinion throughout the city and enabled elected representatives to mark the passing of Baroness Thatcher as they felt appropriate.”

**(b) King’s Free School - Councillor Mitchell**

- 119.4 “Given the local opposition to the Government’s decision to site the King’s Free School on a permanent basis on the Brighton, Hove and Sussex Sixth Form College playing field, will Councillor Shanks undertake to make public the following information:

Confirmation that documents have been received by the council in relation to site searches for new Secondary Schools in the city.

The publication of any such site search documents and the council’s response to their individual proposals.

Council conducted site searches in relation to the provision of new Secondary Schools in the city with accompanying evaluations.”

**Reply from Councillor Shanks, Chair of the Children & Young People Committee**

- 119.5 “Specific site searches to identify potential sites for the King’s CE Free School have been commissioned by the Education Funding Agency (EFA) and as such it has been necessary to consult the EFA on the response to this question.

The EFA has confirmed that it has received a number of direct requests for information about site searches, and in response to these requests it has prepared a summary paper which includes all the sites that were considered. The EFA has removed comments on any short listing of sites and has stated that this is because until temporary and/or permanent sites are secured they may need to look at these other options and also because potentially some of these sites may be suitable for other

Free School applications in the future. The EFA maintains that therefore disclosure of this information is commercially sensitive.

The EFA has shared this site search paper with the Head Teacher/Principal and Chair of Governors of Cardinal Newman Catholic School, Stanford Junior School and BHASVIC, and has authorised the Council to make it more widely available.

Officers were invited to comment on the site searches in draft. Specifically in relation to the Old Shoreham Road playing fields site, we commented:

- The site is well used by Cardinal Newman Catholic School (CNCS) and forms an integral part of the school facilities: without this area of land the school would find it impossible to deliver the sports and PE curriculum to its 2,200 pupils
- The land is covered by a joint user agreement between CNCS, Brighton Hove and Sussex Sixth Form College (BHASVIC) and Stanford Junior School, who all make use of the playing field: building on this site would deprive Stanford Junior School of its only access to outside green space and would make it very difficult for BHASVIC to deliver any PE curriculum at all
- Planning Policy protects the loss of urban open space (and this includes school playing fields) and over the last 15 years it has become much more difficult to secure planning consent for development on school playing fields
- The site has previously been proposed as a possible site for a school development but the proposal was submitted to Public Inquiry owing to the strength of local feeling and the planning inspector upheld that the site was not suitable for the development of a secondary school
- it is considered unlikely that planning consent could be secured for this site and even if this was possible the process would be likely to be lengthy

Officers have subsequently advised the EFA of the current application for the playing fields to be given village green status.

The EFA has concluded that despite the challenges this site presents it offers the most suitable solution to the search for a permanent site for the King's CE Free School. The EFA's lead officer has met with senior staff and governors of CNCS, BHASVIC and Stanford Junior to set out the proposals and to identify the issues these present for the schools and college. He has asked them to provide full information about their use of the field. It will be for the EFA to demonstrate to the schools and college how their needs may continue to be met at the same time as developing a new school on the site.

The local authority is required to cooperate with the EFA in the development of plans for new schools. Part of this role is to advise EFA of the issues and challenges relating to proposed sites, as our officers are doing in this case.

The Council has not as yet conducted its own site searches in relation to the potential need for a new secondary school. The School Organisation Plan sets out the likely need for new secondary school places later in this decade, as the most immediate need for new places is met by the opening of the King's CE Free School."

**120. ORAL QUESTIONS FROM COUNCILLORS**

- 120.1 The Mayor noted that notification of 6 oral questions from Members had been received and that 30 minutes was set aside for the duration of the item. He then invited Councillor G. Theobald to put his question to Councillor Bowden.

**(c) King Alfred Leisure Centre - Councillor G. Theobald**

- 120.2 “Back in December you will recall that I asked you to set a timetable and deadline for selecting a preferred developer for the King Alfred site. I suggested that this should be Policy and Resources Committee in September or October and your response was most welcome as you said, and I quote you, “if we can move faster than September I guarantee we will.” Given the fact that residents are increasingly asking us, “what is happening in terms of a new Leisure Centre?” could you please give them an update and a reassurance that we are still on track to meet that deadline?”

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

- 120.3 “You might like to thank your MP colleague for setting up a meeting to increase the interests in the King Alfred, I shan’t be attending as I think it might compromise my role as the Chair of the Project Board which is cross party and includes a colleague of yours sitting along the row in front of you. So we had our first meeting in November last year, we have had three other meetings including a site visit to a sports centre recommended by Sport England and I believe Mike Weatherly is going along to have a look at the same sports facility to give an idea of what money will buy in terms of a sports centre. We’ve had another Project Board Meeting on the 15<sup>th</sup> May so we’ve not been sitting around; we’ve got cross party buy-in we’ve also got buy-in from the Chair of the Economic Partnership who’s a special member of that project board to give what I term as a reality check in these hardened economic times.

So given that economic climate there is no doubt that the financial challenges will be significant and we need to ascertain whether we can arrive at a deliverable solution which will meet tests at Planning, the Project Board and we have commissioned some work on a number of viability and design studies so we will know more about that on the 15<sup>th</sup> and I’m very aware that it is a much loved site in the community and we don’t want to sit around waiting an inevitably long time before we start going out to market and as I re-iterate if we can get that report to Policy and Resources in a timely fashion we will endeavour to do so. Certainly all the colleagues who sit around that cross party table with us, Warren Morgan is one of those members who came on the site visit with me and Tony Mernagh. They will attest to that so we will move as speedily as we can but we need to be very careful in terms of what is deliverable in these harsh economic times.”

- 120.4 Councillor Theobald asked the following supplementary question, “When I asked the question in the first place, I asked you in September or October you then said you hoped it would be earlier. My question, I’ll repeat it again, “will you be adhering to the timetable of going to the Policy and Resources Committee in September or October this year that is later than the time that you said. Could you answer it yes or no?”



- 120.5 Councillor Bowden replied, “Until we have that meeting on the 15<sup>th</sup> May where we have commissioned some work from a very reputable surveyor practice I can’t but my objective is certainly to do that. We are not dragging our heels. If I’m going to be slightly political, your administration had four years to do something about King Alfred and you did nothing about it in all four years.”

**(d) Wildlife Sites in Brighton and Hove - Councillor Mitchell**

- 120.6 “After a delay of at least 2 years, there has been rather an unseemly rush in April to get several wildlife sites across the city officially ratified as local wildlife sites despite the fact that the local groups who care for them have been under the impression that this had been done such as this site at Bevendean Down described in the Friends of Bevendean Downs Pamphlet as a Local Nature Reserve but actually not having the official designation.

So can Councillor West please explain how this has happened and where the information on the 120 potential wildlife sites will not be released by the Council to the wildlife group members of the panels who are going to be asked to judge the sites until just 4 weeks before the first panel meets in July bearing in mind this information was compiled by the Council in April?”

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

- 120.7 “The first thing to say is about our commitment to nature conservation within the City and the Biosphere Bid is progressing extremely well and the Local Bio Diversity Action Plan as well has been agreed so officers are clearly extremely busy on a lot of work. We also have the benefits of the Nature Improvement Area and the High Level Stewardship Schemes which we’ve been rolling up increasing numbers and work the Councillor Mitchell will be familiar with, the Whitehawk Hill Management Plan work which was very well received by local residents extremely interested.

While Local Wildlife Site as I understand were formally sites of major conservation interest; these are a non statutory designation made by Local Authorities and we will be reviewing this to continue the protection of those areas. Officers are working hard to complete that work but they’ve set an ambitious timetable for the panels to evaluate the sites and the panels consist of Conservation Specialists, Friends Groups and other interested people as the Councillor has alluded to. As you mention the original panel dates were for the end of April but some people have actually come back to us and said that the timescales were too ambitious and so there’s not enough time provided to do the work justice.

So, as you say, they have been delayed to be in July. I sincerely hope that that is a better outcome for everyone and that this valuable piece of work will be done all the better for it.”

- 120.8 Councillor Mitchell asked the following supplementary question, “The members of the wildlife groups have expressed enormous respect for the current Council’ Ecologist and as Councillor West has said, this member of staff does undertake an enormous

amount of work and the Green Administration professes to have a very ambitious conservation agenda and so surely it is essential to have a fully qualified and experienced ecologist on the Council's staff.

So will Councillor West assure the Council that another Council Ecologist will be recruited to replace this respected member of staff who is leaving, rather than relying on expensive consultants?"

- 120.9 Councillor West replied, "I understand what Councillor Mitchell is referring to. We have a Voluntary Severance Scheme and the current ecologist has applied to take part in that I know that is public knowledge but I somehow feel it's not something this member should be discussing here particularly but I have actually discussed with Senior Managers, the impact of not having that post anymore and what I'm assured is that the majority of the policy work including the work on these sites will be completed, that the current ecologist will be retained until that work is completed in the summer and that going forward we are actually going to build a team in a different way which will be much more deliverable rather than on building yet more policies.

Members of wildlife groups should be assured that we will be focusing on working more with them and gaining change and improvement within sites. I can also mention that a couple of weeks ago I had the honour of opening the very first Friends of Conference that was held by CityParks and was extremely well attended and the Mayor turned up to give the closing speech and I was very impressed by the turn out and the representatives of the myriad of groups that we have in the city that look after our green spaces were incredibly impressed and so many for the first time got to network with each other and those are the sorts of levels of support work that we want to do. We want to actually strengthen that volunteer network so that they can do so much more of the good work that they are doing and share their best practice and so on."

#### **(e) MMR Vaccination - Councillor Wealls**

- 120.10 "Brighton and Hove has one of the lowest MMR vaccination rates in the country and in fact 24% of our under 5 year olds are unvaccinated which after when I did a little bit of research on the internet I was actually quite surprised at how high that number was on unvaccinated children and of course children beyond the age of 5 years, the vaccination rate, is actually lower than that.

So we do have a very poor MMR vaccination rate in the City. What are we doing with schools and our NHS partners to improve vaccination rates in the City to prevent a measles outbreak the size that we have had in South Wales?"

#### **Reply from Councillor Shanks, Chair of the Children & Young People Committee**

- 120.11 "That would be very concerning if that was the correct figure. The figures that I've been given is that Brighton has improved quite a lot in recent years and we are now just slightly below the national average over 90% of children vaccinated and we're slightly behind the national average but the under 5's is better. I think the gap we've got is when children weren't vaccinated when there was all the controversy about the MMR vaccination back in 1998 when, you remember, the Andrew Wakefield small

study which caused a national panic but obviously we want people to have vaccination because measles is a very nasty thing. So we are encouraging people who haven't had that vaccination at that age so it's more the 12-16 year olds who aren't protected and that was the case in the latest outbreak in Wales.

We're encouraging GP's to offer vaccination to those people and that's happening, there are around 20 people per GP who need to come and get vaccinated. Also the Director of Public Health has met with school heads and raised this issue and we're monitoring the take up, if we did need to get a mass vaccination campaign in to schools we would do that but at the moment we feel that people are coming forward to be vaccinated probably because of the national exposure that's had."

- 120.12 Councillor Wealls asked the following supplementary question, "I'm encouraged by those numbers actually because the numbers I had were 2010-2011 which were the ones that I got. I appreciate they're up since 2008-2009 when the vaccination rate was about 10% worse than that so I guess we still have a little bit of work to do with the over 5's and so it's encouraging that that work is going on in the schools.

There are some ethnic groups in the city that have a particular reluctance to engage in MMR vaccination programs so I would just like to encourage the Administration and the NHS to look at less conventional channels as well as just through schools to make sure that children of all ethnicities are vaccinated accordingly and I'm sure you support everyone in the Chamber in trying to deliver that."

- 120.13 Councillor Shanks replied, "I'll ask the Director of Health if there are particular groups that we are not reaching. It is really important and we would encourage who doesn't feel that they are adequately protected, to go and ask their GP about it."

#### **(f) Siting of Grit Bins - Councillor Carden**

- 120.14 "For many years I've tried to get grit bins at certain strategic places. Would you please take another look at this in order to alleviate the mess that is still on the street corners well in to the month of May. We've only just got a sweeper up there who's just about to get round to tidy it up but on all the street corners around, where this grit was deposited earlier in the year, it's still there lying around in fact it came too late to use on the snow.

I asked for grit bins for a long time but we've never had the money to produce them, so what they do kindly; when they can finally get vehicles in to Mile Oak they bring piles of grit along and they just chuck it on the street corner and you'll very often see many of the householders out there sweeping it up, tidying it up to stop it being walked into their houses and it's still there in May. Now there's the economic business of losing this grit because it's getting washed down the drains and it's getting washed everywhere so I want a proper receptacle to put it in so we can use it next year, by the time next year comes around it will all have gone down the drain."

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

120.15 “Last week I met your colleague Councillor Gilbey along with an officer and we actually looked around North Portslade and I was expecting your question to be in a similar vein but the useful thing of our tour then was that we saw there were certain in Down Park that actually we might need to move a grit bin from somewhere to put somewhere else.

In that tour I didn't see piles of grit from the bin leftover but clearly if that is a specific problem and it wasn't swept up long after it was used then that is a question we can raise with Cityclean.”

120.16 Councillor Carden asked the following supplementary question, “Will you do something about it? Not just leave because next year will come and the same thing will happen.”

120.17 Councillor West replied, “As I said I will pass on the point it's obviously well made and thank you for that.”

### **(g) Stanmer Park - Councillor Summers**

120.18 “As you know Stanmer Park is receiving much over due attention and is undergoing a huge master plan process with a view to accessing major funding to redevelop it's old farm buildings, tackle the perennial vehicle movement and parking nightmare and inject new life in to the park's business offer. The road that provides access from the main south entrance all the way up to Stanmer House is obviously a key feature of the park but in terms of appropriate and necessary up keep it suffers serious neglect. In law it is a bridleway i.e. for people and horses but in reality it is a very busy vehicle highway.

As both landlord and highways authority please could the Council in the spirit of on going consultation with stake holders undertake to seek clarity on it's maintenance obligations and make a corporate decision on who must be responsible?”

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

120.11 “I agree it isn't really a bridleway anymore in its use, it does obviously serve the village, the businesses there and the visitors and does have quite a lot of traffic. As you rightly say it isn't an adopted highway in the technical sense and if we did adopt it we would have to maintain it to a certain standard. My understanding is it could cost something in the order of £500,000 to bring it up to highway standard. To repair in it's current designation, I think it's something up to £70,000 and to resurface it would be something in the order of £200,000 which is quite a big obligation.

I appreciate that there is an issue there of work needing to be done but these are quite substantial sums of money and at this point in time we need to look at the future of the park and how that road may or may not be used in the future and how we will work out what we intend to do with that through the development of the master plan and hopefully subsequent funding bids to carry out the work. I think at this stage in time we don't quite know what the future is but I have, I hope, clarified for you the status of that road and hope that is helpful.”

- 120.12 Councillor Summers asked the following supplementary question, “Within the context of the whole vision process and putting together the master plan which is a huge amount of work involving an awful lot of rightful stakeholders that at least there will be a commitment to consider that bridleway as a really important asset of the park, hugely important, which will of course have a knock on effect on all the other assets in the park and that in it’s own right there will be a commitment to focus on that and put officer time in to that as well as part of the master plan process and not to let that issue just get subsumed in to the wider context?”
- 120.13 Councillor West replied, “As I say we are working on that master plan and what the vision will be and how the different spaces will work and there’s more than one way in to Stanmer Park and there has been discussion about distributing some of the traffic to come in different entrances. So I’m not going to get drawn to make a commitment as to exactly how we are going to invest in that road at this stage because I think that that is all tied up in part of this development process that I’m very pleased that you are part of but I think that you have rightly drawn attention to it’s importance and it’s certainly not something that’s not going to be discussed and taken seriously.”

#### **(h) Housing Policy - Councillor Mears**

- 120.14 “Before coming into administration the then Green Group were very clear about their commitment to affordable housing and very vocal as I remember. Can the present Chair of Housing reassure this Council that this administration still has the same commitment?”

We have discussed the affordable element in the City Plan, but we see schemes coming forward where the affordable element is being greatly reduced or taken out and going to shard ownership. As the Chair of Housing I’m sure will want to confirm that this administration is still committed to affordable housing, we do have schemes coming forward, the City does need building and it does need to happen. I would like the Chair of Housing to confirm that this administration will still be talking to developers to ensure that, if not on site, at least other discussions are happening around housing and can the Chair of Housing agree with me that unless we have some movement around affordable housing, Housing Allocation Waiting List, which is a policy document, will have very little movement?”

#### **Reply from Councillor Wakefield, Chair of the Housing Committee**

- 120.15 “The answer is yes.”
- 120.16 Councillor Mears asked the following supplementary question, “Can the Chair of Housing confirm to Council; I have raised to the Chair of Housing and also to the Chair of Adult Care and Health around the issue of the Allocation Policy and does this Council only have one Allocation Policy? I have been reassured by the Chair of Housing and I have also been reassured by the Chair of Adult Care and Health that this is actually correct.

My concern is that factually I’m not sure that it is and I would like to see it in writing because my understanding is we are still running a policy through Adult Care and

Health Committee for extra care housing. Now I have never seen any papers where this has been changed so if the Chair of Housing can't answer the question today I would like it in writing rather than a straight forward yes or no so we're very clear within this Council we are only running one Allocation Policy."

120.17 Councillor Wakefield replied, "As far as I am aware we are only running one however I'm going to make sure that officers look in the small print and provide you a written answer."

## **121. REPORTS OF COMMITTEES.**

### **(a) Callover**

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

- Item 122 - Response to Trans Scrutiny Panel Recommendations
- Item 125 - Amendments to the Code of Conduct for Members

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

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

- Item 123 - Official Feed and Food Controls Service Plan 2013/14
- Item 124 - Code of Conduct for Member/Officer Relations & Code of Conduct for Employees

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

121.3 The Mayor noted that there were no oral questions in relation to those items that had not been reserved for discussion.

## **122. RESPONSE TO TRANS SCRUTINY PANEL RECOMMENDATIONS**

122.1 Councillor Mac Cafferty stated that he was honoured to be able to introduce the report and highlight what was an excellent piece of work. He had been struck by the comments received at the Panel meetings and wished to thank the Panel Members, the Scrutiny Officers and all those that gave their submissions to the Panel, which enabled such a comprehensive report to be produced. He welcomed the fact that the recommendations had been accepted and that the council was working to implement many of them and would be working with partner organisations to facilitate the implementation of those recommendations that directly affected them. The Trans Community was in need of support and understanding and he hoped that material changes would be seen and noted that only recently a member of the community had taken their own life because of the pressures they had experienced. The implementation of the recommendations would make the city a fairer place to live, work and study and he hoped that they would be fully supported by the whole council.

122.2 The Leader of the Council noted that the Policy & Resources Committee had unanimously endorsed the recommendations and he hoped that partner organisations

would take them on board and work with the council to implement those that directly related to them.

- 122.3 Councillor Cobb stated that she had been pleased to be a member of the Panel and had found it to be very informative and fully supported the report and welcomed the actions identified to meet the recommendations.
- 122.4 Councillor Morgan stated that he wished to thank everyone involved in the scrutiny review and in producing the report. The Panel heard a number of painful accounts of everyday prejudice and he hoped that the report would enable changes to be implemented and real improvements made across the city. It was a landmark piece of work and one that other authorities and organisations should take account of.
- 122.5 Councillor Hawtree stated that he believed it was a marvellous piece of work and wanted to say well done to everyone involved in the process and in producing the report.
- 122.6 Councillor Bowden welcomed the report and hoped that others such as the LGBT Community would gain from it and find that improvements were made which would encourage them to work with the council and others to improve understanding of needs etc...
- 122.7 Councillor Wakefield also welcomed the report and stated that she had spoken with a number of housing tenants who had experienced forms of prejudice and were in need of support and hopefully would find some assurance from the recommendations.
- 122.8 Councillor Mac Cafferty thanked everyone for their comments and commended the report to the Council.
- 122.9 The Mayor stated that the report had been moved and asked if the council agreed to note the report.
- 122.10 **RESOLVED:** That the report be noted.
- 123. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2013/2014**
- 123.1 **RESOLVED:** That the adoption of the Official Feed and Food Controls Service Plan 2013/14 as set out in the appendix to the report be approved.
- 124. CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS & CODE OF CONDUCT FOR EMPLOYEES**
- 124.1 **RESOLVED:**
- (1) That the Code of Conduct for Member/Officer Relations as amended and set out in appendix 1 to the report be agreed with effect from the close of business of the Annual Meeting on the 23<sup>rd</sup> May 2013; and

- (2) That the Code of Conduct for Employees as amended and set out in appendix 2 to the report be agreed with effect from the close of business of the Annual Meeting on the 23<sup>rd</sup> May 2013.

## **125. AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS**

- 125.1 Councillor Hamilton stated that as the Chair of the Audit & Standards Committee it fell to him to introduce the report. He noted that a cross-party working group had considered the changes resulting from the implementation of the Localism Act 2011 and proposed that the recommendations be amended to reflect the fact that the changes should come into effect at the conclusion of the Annual Council meeting on the 23<sup>rd</sup> May 2013; both in regard to the Item and Item 124.
- 125.2 Councillor G. Theobald stated that he fully supported the report and seconded the proposed amendment. He hoped that the revisions would make it clearer for Members in declaring an interest and noted that the need to do so could be questioned in regard to the Item 126(a) on the current agenda, bearing in mind that some Members were supported by the trade unions.
- 125.3 Councillor Mitchell welcomed the report and noted that associations with trade unions had already been declared on Members' registers of interest.
- 125.4 Councillor A. Norman welcomed the report and thanked officers for their work on the proposed changes which should make it clearer to Members on their responsibility to declare an interest or not; and recommended that all Members should ensure they have read the report fully.
- 125.5 Councillor Hamilton noted the comments and moved that the report be agreed as amended.
- 125.6 The Mayor noted that an amendment had been moved which affected both Items 124 and 125 and put the recommendations as amended to the vote which was carried.
- 125.7 **RESOLVED:** That the amendments to the Code of Conduct for Members as set out in appendix 1 to the report be agreed and brought into effect from the close of business of the Annual Meeting on the 23<sup>rd</sup> May 2013.

### **Note:**

- 125.8 The Mayor then adjourned the meeting for a refreshment break at 5.55pm.
- 125.9 The Mayor reconvened the meeting at 6.40pm.

## **126. NOTICES OF MOTION.**

### **(a) Blacklisting of Construction Workers**

- 126.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Morgan on behalf of the Labour & Co-operative Group and seconded by Councillor Farrow.



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

“This council notes evidence which has emerged as part of a Parliamentary inquiry into blacklisting in employment, which has brought forward allegations of widespread use of blacklists in relation to major public sector construction projects.

This council further notes that secret files on thousands of workers in the construction sector have resulted in people being denied employment after raising legitimate health and safety concerns, or exercising their human right to belong to a trade union, and were used by more than 40 of the UK’s largest construction firms.

This council deplores the practice of ‘blacklisting’ within the construction industry, and requests the Policy & Resources Committee to ensure that any company known to have been involved in blacklisting practices and not to have indemnified their victims will not be invited to tender contracts by the Council.”

126.3 **The motion was carried.**

**(b) Protests in Brighton and Hove**

126.4 The Notice of Motion as detailed in the agenda was proposed by Councillor G. Theobald on behalf of the Conservative Group and seconded by Councillor Hyde.

126.5 Councillor Duncan moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor Jarrett.

126.6 The Mayor noted that the amendment had not been accepted by Councillor Theobald and put it to the vote which was **carried**.

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

“This Council respects the right of individuals and groups to protest peacefully in the city. However, this right must be carefully balanced against a) the loss of trade for local businesses caused by protests, b) the cost to taxpayers of policing protests, and c) the rights of citizens to go about their lives free from fear and intimidation. This Council considers that the costs of the recent March for England (which for the Policing alone could amount to hundreds of thousands of pounds) were unacceptable.

Therefore, this Council resolves to request the Chief Executive to write to the Police and Crime Commissioner for Sussex and the city’s Chief Superintendent requesting that, together with the City Council and key partners, a wide-ranging review is carried out into how the negative impact of protests on the city’s residents, businesses and visitors can be minimised.

The Council further requests that this review should include giving strong consideration to locating marches and protests where there is a concern for public safety and public order away from the seafront and city centre locations where they do so much damage to local businesses and community cohesion.”

126.8 **The motion was carried.**

**(c) Public Service Delivery and Staff Led Mutuals**

126.9 The Notice of Motion as detailed in the agenda was proposed by Councillor Wealls on behalf of the Conservative Group and seconded by Councillor Cox.

126.10 Councillor Mitchell moved a joint amendment to the notice of motion on behalf of the Labour & Co-operative and Green Groups which was seconded by Councillor Rufus.

126.11 The Mayor noted that the amendment had not been accepted by Councillor Wealls and put it to the vote which was **carried**.

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

“This Council welcomes the Government’s support for, and promotion of, staff-led mutuals and other forms of co-operative service delivery across the public sector and notes that employees are one of the key groups eligible to submit expressions of interest under the ‘Community Right to Challenge’ in the Localism Act.

This Council notes that the Government’s Mutual’s Taskforce has found that the benefits of mutual and co-operative service delivery are wide ranging and include: (i) greater customer satisfaction; (ii) greater ability of staff to innovate and use their initiative; (iii) lower production costs and higher productivity; (iv) increased resilience; (v) job creation; and (vi) higher morale and motivation amongst staff. This Council, therefore, agrees with the cross-party Communities and Local Government Select Committee’s recent conclusion that more local authorities should be considering setting up mutuals and co-operatives<sup>1</sup>.

The council also notes the significant concern amongst organisations working in the mutual, co-operative and social enterprise sectors that the word ‘mutual’ is being used in ways which do not meet the established definitions of the term – in particular with regard to the absolute requirement that mutuals must be majority owned by staff.

Therefore this council requests that the council’s Policy Team undertakes an evaluation of staff-led mutuals currently in operation, working with expert organisations in the sector such as Co-ops Uk, Mutuo and the Employee Ownership Association, and seeking the views of staff representatives and trade unions as part of this work. Issues the report should examine include:

- The importance of mutual spin-offs being driven by the staff themselves rather than imposed
- Success factors in the establishment of staff led mutual organisations.
- How to ensure that the staff led mutuals continue to provide services in the long term, and avoid mutualisation becoming a step towards privatization
- How to secure assets within the mutual organisations to ensure that they continue to contribute to the public benefit.

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<sup>1</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/112/112.pdf>

- Establishing criteria for tendering and commissioning of existing externally provided services that favour mutual and co-operative organisations”

<sup>1</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/112/112.pdf>

126.13 **The motion was carried.**

**(d) Independent Commission on Whole Person Care**

126.14 The Notice of Motion as detailed in the agenda was proposed by Councillor Mitchell on behalf of the Labour & Co-operative Group and seconded by Councillor Morgan.

126.15 Councillor Jarrett moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor Bowden.

126.16 The Mayor noted that the amendment had been accepted by Councillor Mitchell and put it to the vote which was **carried**.

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

“This council notes predictions from the Nuffield Trust which show, unless we improve the way services are delivered, growing social care needs will leave a shortfall of up to £29 billion a year by 2020 in NHS funding.

This council also notes the launch of an Independent Commission led by respected international expert and former Department of Health specialist Sir John Oldham OBE. We trust this Commission will be truly independent and non partisan with genuine cross-party involvement. The Commission will seek to find ways of integrating health and social care to meet the challenge of an ageing population with rising needs for care and growing numbers of people with chronic illnesses like cancer, diabetes and dementia.

This council believes in the principle of organising services around the needs of patients, rather than patients around the needs of services, with teams of doctors, nurses, social workers and therapists all working together and care being arranged by a single person. Integrated care will lead to better outcomes and greater efficiency for the whole system.

This council supports a greater focus on preventing people getting ill and more care being provided directly in people’s homes so they avoid unnecessary hospital visits, and integrating social care services between the NHS and local authorities.

This council resolves to support the principle of “whole person care”.

This council requests the appropriate council committee, to make a positive contribution towards pursuing the goal of integrating health and social care between the NHS and local authorities.”

126.18 **The motion was carried.**

(e) **Government 'Land Transfer Scheme'.**

126.19 The Notice of Motion as detailed in the agenda was proposed by Councillor Buckley on behalf of the Green Group and seconded by Councillor Shanks.

126.20 Councillor Pissaridou moved an amendment to the notice of motion on behalf of the Labour & Co-operative Group which was seconded by Councillor Gilbey.

126.21 The Mayor noted that the amendment had not been accepted by Councillor Buckley and put it to the vote which was **lost**.

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

“Recently the Department for Education identified the playing fields situated between BHASVIC and Cardinal Newman as the most suitable permanent location for the King's Free School. The recommendation takes advantage of recent legislation allowing the government to transfer council-owned land to an academy or free school. This transfer does not compensate the council for the loss of land.

This council notes that Government ministers and/or private consultants paid to source the cheapest location do not take into account the value of the land to the local community.

In keeping with the Olympic legacy, playing fields and green spaces need to be protected to encourage sports participation, teamwork and an appreciation of the local environment. Studies conducted by the Greenwich Teaching Primary Care Trust show a lack of access to green space is a main factor in predicting poor mental health and vitality.

This council believes that the government's 'Land Transfer Scheme' undermines councils, and obstructs the strategic delivery of new school places. We remain unconvinced of the necessity of a role for central government in deciding the locations for the local provision of maintained schools.

Therefore, this Council calls on the Government:

- To stop appropriating council-owned land without recompense or consideration of its value to the wider community;
- To instead reinstate councils' funding for building new schools;
- To allow local authorities to identify suitable sites for educational purposes and not have them imposed by central government.”

126.23 **The motion was carried.**

**(f) Brighton and Hove – A One Planet City**

126.24 The Notice of Motion as detailed in the agenda was proposed by Councillor Littman on behalf of the Labour & Co-operative Group and seconded by Councillor Mac Cafferty.

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

“At a time when Secretary General of the United Nations, Ban Ki-moon, at the Council of foreign relations [1], talked of “the gathering threat of climate change,” we are proud that Brighton and Hove has received accreditation from BioRegional as the World’s first One Planet City.

BioRegional’s recognition is far from being the end of the project - merely an encouraging step on the way. We now need to make the agreed Action Plan, produced by the council’s Sustainability Team, into a reality.

This excellent plan sets out clear and practical ways in which we will save money from the public purse; cut carbon; improve our local communities; and strengthen the economic and environmental resilience of our city.

For example we are slashing our energy and water bills by cutting down on waste, and supporting residents and businesses around the city to do the same. Paying the living wage puts money back into resident’s pockets; thus supporting local businesses.

Globally cities such as Brighton and Hove produce 75% of carbon emissions but are also uniquely placed to combat climate change through technological innovation. We will support the Eco Technology show, which gives a platform and networking opportunities for business in this burgeoning sector.

Already, many organisations in the city are working with us, applying One Planet Living principles to boost our local economy, become more resistant to price hikes in energy, fuel and food, and fostering a more equal, healthy and resilient Brighton & Hove.

To that end this council resolves to:

- Welcome the historic One Planet City designation, the prestige it brings to our city, and the unique opportunity to showcase our strengths and innovation;
- Support the council’s Sustainability Action Plan;
- Express support for work with partners within the City and beyond, whose invaluable contributions have helped earn our city this accreditation.”

[1] [http://www.un.org/wcm/content/site/climatechange/pages/gateway/template/news\\_item.jsp?cid=39006](http://www.un.org/wcm/content/site/climatechange/pages/gateway/template/news_item.jsp?cid=39006)

126.26 **The motion was carried.**

**127. CLOSE OF MEETING**

127.1 Councillor Mears noted that it was the last Ordinary meeting of the Council to be chaired by the Mayor and stated that she wished to thank the Mayor on behalf of all Members for his fair and even handed approach to the chairing of council meetings.

127.2 The Mayor thanked everyone for attending and for the comments and declared the meeting closed.

The meeting concluded at 9.10pm

Signed

Chair

Dated this

day of