

29 January 2009

Brighton & Hove City Council

COUNCIL

4.45pm 4 DECEMBER 2008

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

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

PART ONE

29. STATUTORY OR VOLUNTARY DISCLOSURE BY COUNCILLORS OF INTERESTS IN MATTERS APPEARING ON THE AGENDA.

- 29.1 Councillor Marsh declared a personal and non-prejudicial interest in Item No.40(c) Notice of Motion Keeping NHS Services Public, as she was a non-executive director of the South Downs NHS Trust.
- 29.2 Councillor Mitchell declared a personal interest in Item No.40(c) as she was an employee of the Brighton & Sussex Health Care Trust.
- 29.3 Councillor Caulfield declared a personal interest in Item No.40(c) as she worked for the National Health Service.

30. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 9 OCTOBER 2008 (COPY ATTACHED).

- 30.1 **RESOLVD-** That the minutes of the last meeting held on the 9 October 2008 be approved and signed as a correct record of the proceedings.

31. MAYOR'S COMMUNICATIONS.

- 31.1 The Mayor asked the Council to stand and hold a minute's silence as a mark of respect for the death of ex-Councillor Eileen Jakes, who served on Brighton Borough Council from 1976-1983.

- 31.2 Following the minute's silence the Mayor announced that he was pleased to welcome Chris Fossey to the meeting, who had recently retired from the council as its Electoral Services Officer and to offer the Council's thanks for his services to Brighton and Hove. He noted that Chris had worked in local government for over 35 years, and wished to add his personal thanks for the support and advice he had been given during his own time as a councillor. He then invited Chris to come forward and receive a gift and to address the council.
- 31.3 Mr Fossey thanked the Council for his presentation and stated that he had enjoyed working for the authority and was now looking forward to new challenges, albeit that he would continue to keep an eye on council matters.
- 31.4 The Mayor thanked Mr Fossey for attending and stated that he wished to invite Councillor Theobald to come forward to receive a number of awards on behalf of the Council. The awards were:-
- The Claudia Flanders Memorial Ward for Accessibility, Bus Industry Awards;
- The Royal town Planning Institute SE Region Award in the Sustainable Communities category; and
- The Academy of Urbanism 'Great Place' Finalist nomination for the North Laine.
- 31.5 Councillor Theobald thanked the Mayor and offered his congratulations to the officers concerned for each of the awards.
- 31.6 The Mayor then invited Councillor Ken Norman to come forward and receive a certificate awarded to the Council by the World Health Organisation as a mark of recognition for the council's commitment and contribution to the World Health Authorities European Healthy Cities Network 2003-2008.
- 31.7 The Mayor stated that he was delighted to invite Caroline Banfield and Mark Wall from Democratic Services to come forward and receive the Charter for Member Development, awarded to the Council by South-East Employers. He noted that the success in gaining the Charter had been helped by the tremendous support and service Members received from the Democratic Services Team.

32. TO RECEIVE PETITIONS FROM MEMBERS.

- 32.1 The Mayor invited the submission of petitions from councillors. He reminded the council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.
- 32.2 Councillor Fryer presented a petition signed by 2068 residents concerning planning permission for the Starbucks café in St. James' Street, Brighton.
- 32.3 Councillor Steedman presented a petition signed by 108 residents concerning the need for a cycle path from the Marina to the Brighton Pier.

- 32.4 Councillor Bennett presented a petition signed by 425 residents concerning parking restrictions in Stanford Ward.
- 32.5 Councillor Bennett presented a petition signed by 72 residents concerning parking on crossovers in Shirley Drive, Hove.
- 32.6 Councillor Lepper presented a petition signed by 88 residents concerning traffic calming in Stanmer Villas, Hollingdean.
- 32.7 Councillor Ken Norman presented a petition signed by 285 residents concerning parking in Withdean Ward.
- 32.8 Councillor Mears presented a petition signed by 1017 residents concerning a planning application for the Brighton Marina.
- 32.9 Councillor Mrs Theobald presented a petition signed by 307 residents concerning a phone mast in Patcham Ward.
- 32.10 Councillor Elgood presented a petition signed by 50 residents concerning Hove Library.
- 32.11 Councillor Bennett presented a petition signed by 21 residents concerning a request for the change of name from Stanford Ward to Hove Park Ward.

33. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 33.1 The Mayor reported that ten written questions had been received from members of the public, and in view of the number he would extend the time allotted for public questions so that all ten could be considered. He then invited Mr Simpson to come forward and address the council.

- 33.2 Mr Simpson asked the following question:

“How does the council ensure that council officers consider major planning applications with due care and diligence before making their recommendations?”

- 33.3 Councillor Hyde stated that “The due care and diligence made by planning officers in considering major planning applications should be reflected in the written reports and presentations made to the Planning Committee. These should clearly set out the details of a development proposal and provide a commentary on relevant planning policy, the results of consultation and other material considerations. These factors are weighed up in the officer’s report and will inform the resultant recommendation.

Members of the Planning Committee have the opportunity to publicly question council officers with regard to any element of their report and their considerations.”

- 33.4 Mr Simpson asked the following supplementary question:

“How is it that the officers do not seem to have noticed that the visual impact assessment supporting the Explore Living application is packed with grossly misleading wide-angle images which increase the apparent distance of the buildings, reduce their visual impact and make it all look like ‘cloud cuckoo land’?”

The real question is would it actually be acceptable for this grotesque development to be given planning permission, even though we have all been deceived?”

33.5 The Mayor instructed Councillor Hyde not to respond to the supplementary question because the way the question was put would require an opinion from Councillor Hyde, which would not be in keeping with her position and could be regarded as being prejudicial to consideration of the matter at a future Planning Committee.

33.6 The Mayor thanked Mr Simpson for his questions and invited Mr Martin to come forward and address the council.

33.7 Mr Martin asked the following question:

"Does the Brighton & Hove City Council not agree that it is vitally important that strategic sea, cliff and coastal views are respected and fully protected for current and future generations?"

33.8 Councillor Theobald stated “Yes, the council does agree with the importance of respecting and protecting such strategic views. The adopted Local Plan for the city includes a policy (QD4) that sets out a list of features and buildings that are considered to be of strategic importance. The list includes views of the sea from a distance and from within the built-up area and views along the seafront and coastline. The policy seeks to prevent development that has a detrimental effect on such views.”

33.9 Mr Martin asked the following supplementary question:

“Why is it that the council has supported the Explore Living application for Brighton Marina through correspondence to Yvette Cooper, the Housing Minister, in the summer of 2007 in the full knowledge that this application will have devastating impact on the cliff and coastal views in complete contravention of SPG15 Tall Buildings Policy?”

33.10 Councillor Theobald responded, Officers do not support planning applications and the same answer I am going to give to you, which is the answer to the previous question that was put, and that is quite clearly it is a matter for the Planning Committee.”

33.11 The Mayor thanked Mr Martin for his questions and invited Mr Lothian to come forward and address the council.

33.12 Mr Lothian asked the following question:

“How is it possible that T-Mobile is allowed to construct a commercial development on council land with no prior permission, bearing in mind there is a covenant placed on the land restricting such development, which places a massive visual impairment on the locality, increases the perceived health risks and goes against the wishes of the community, is used as a precedent for future developments by other mobile phone companies, enables that company to extend its developments, and make profits from its illegal construction by sub-letting to other companies, whilst having been served notice to remove the original construction in 2005?”

- 33.13 Councillor Fallon-Khan stated that “Regrettably, the mast was erected by T-Mobile in 2001 following erroneous advice from a former officer in the Council’s Highways Team that the grassed area formed part of the adopted highway. This is significant because where a mast is proposed within the adopted highway the council has no ability to object or control the mast as landowner and the case then has to be considered purely on planning terms. Due to the size of the installation, it went through the planning process under the prior notification procedure in accordance with Part 24 (Development by Telecommunications Code Systems Operators) of the Town and Country Planning (General Permitted Development) Order 1995. Therefore, planning consent was not required. The Planning team has recently examined the equipment on site and concluded that the latest installations also fall within the parameters of Permitted Development and there is, therefore, no planning or enforcement action that could be taken.

Sustained efforts were made with T-Mobile to get the mast removed but these were resisted by the company. The council then served notice under the Telecommunications Act in April 2005 for the mast to be removed. T-Mobile served a counter notice which dictated that the matter go to Court. Before embarking upon Court action the council took advice from a leading legal telecommunications expert and was advised that it stood very little chance of winning a Court case and could also easily incur costs of £100,000. In those circumstances the council took the decision to take no further action. The telecommunications legislation is heavily weighted in favour of the telephone operators and, indeed, overrules other areas of property law.

The land in question was not gifted to the council but was, in fact, acquired under compulsory purchase powers and the council is not aware of any covenant affecting this grass verge.”

- 33.14 Mr Lothian asked the following supplementary question:

“I have to say on behalf of the local community we would rather have thanked you for some answers. What you have actually given us is what we already know. If the council considered that this construction was given the go-ahead why then did it serve notice on it in 2005 when it had already previously sought legal advice and on that legal advice served notice? When will it be removed?”

- 33.15 Councillor Fallon-Khan responded, “As you will recall from the answer that I gave you, the mast was erected in 2001, which was a considerable time before we came into Administration and also a considerable time before I came to this particular Cabinet position.

What I intend to do is take on board all the questions that you have given me. I am going to give you written answers to all of them and I am also aware that it was erroneously erected and so I am going to bring it forward to one of my own Cabinet Member meetings where we will discuss it even further. We will see what can be done to effect what you want if, indeed, anything can be done, so we are not closing this, we will keep it open. We will do what we can and give you the right sort of advice and if you don't mind I will also give you some written answers to some of the questions that you have just given me."

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

33.17 Mr Hawtree asked the following question:

"Could Councillor Smith please tell us what proportion of the books published in a year is available at a discount to this authority's library service?"

33.18 Councillor Smith stated that "Our Bibliographic Services contract will enable us to get a discount on approximately 90% of books published in the UK, though the level of discount will vary. There are approximately 120,000 titles published annually in the UK, and Brighton & Hove Libraries purchase around 45,000 new items for stock each year. Some of these items will be multiple copies bought for different library locations, so the overall number of unique titles purchased will be lower than this. Earlier this year we renegotiated the Bibliographic Services contract, delivering an extra £130,000 worth of buying power, so we are able to purchase more books for our money."

33.19 Mr Hawtree asked the following supplementary question:

"Although some books are available at a discount, such as Jilly Cooper's 'Wicked' at half price, others such as A M Wilson's 'Our Times' and Richard Holmes' recent acclaimed 'Village of Wonder' have all been bought at full price, so this brings many repercussions that we haven't time for here. Shouldn't this authority be looking to lead the way by restoring the ethos of a public library service rather than make each library meet an income target each year and, indeed, being dependent upon precarious discounts from a wholesaler owned by Woolworth?"

33.20 Councillor Smith responded, "I won't go into whose the owner of it now. We have a contract, a three year contract, and when it comes up for renewal we will discuss all those things. We buy books. It's like you Christopher Hawtree, if you have published a book we would buy at least one copy but I think we would put it in Hove Library. What we would do is to try and use our ability and the money we have got available to buy as many publications as we can and overall I think we are doing a very good job for the city."

33.21 The Mayor thanked Mr Hawtree for his questions and invited Mrs Davies to come forward and address the council.

33.22 Mrs Davies asked the following question:

“What is the current Administration's strategy to help to ensure that good quality and affordable family sized housing will be available to meet the future needs of young families in this city?”

33.23 Councillor Caulfield stated that “I think your question is vitally important and I do acknowledge that there is a shortage of family sized affordable housing in this city and we in this Conservative Administration take the problem very seriously and there are a number of things that we are working hard on.

The first is to support our council tenants who wish to downsize and move from their larger family homes into smaller properties. We now operate a transfer incentive scheme which is working remarkably well and we offer both financial and practical help to those who wish to downsize.

We now have a full-time Under-Occupancy Officer, Mark Richardson, in the Homemove team who helps people downsize. Last year we managed to release 81 family sized properties with this scheme, 80% of which were 2,3,4 & 5-bedroom properties and the remaining 20% were larger flats. This year alone we have helped to downsize 60 households, again providing more family accommodation and releasing it to those on our waiting list.

We are also linking with new housing developments with our registered social landlords so that we can negotiate local lettings plans so that people wishing to downsize have properties that they then can access. This can speed up the process.

We are also developing new family sized homes as well. Through the Local Development Framework we are planning a volume of new residential developments with a variety of tenures both for renting and buying.

Looking specifically at affordable housing, we have a wide target of 230 new affordable homes per year, and this is a mix of homes, both shared ownership and to rent, with 30% being 1-bedroom, 45% being 2-bedrooms and 25% being 3-bedrooms because we want to make sure that we are delivering the right sort of housing in the right place and that the housing that we are delivering is affordable. We are negotiating higher proportions of larger homes across the city on sites that we know will be most suitable for family housing.

Finally, we are also trying to increase the opportunities for home ownership with the HomeBuy Scheme and what we are doing is trying to help first time buyers get their foot on the property ladder and we are helping them to access properties, both smaller properties but family sized properties as well and we are working closely with Moat Zone Agents who are our HomeBuy contacts in this area. I hope that goes some way to reassure you of what we are doing.”

33.24 Mrs Davies asked the following supplementary question:

“In light of what you have just said, it is surely now crystal clear that the affordable housing as proposed for Brighton Marina in the recent planning application for Explore Living is completely contrary to the family housing policy you have just outlined. After all their plan is overwhelmingly composed of 1 and 2-bedroom flats which are under-sized

and 20% suffer from a complete lack of sunlight due to their location and the close proximity of one block to another. Therefore, would you agree with me that it would be perverse in the extreme if Members of the Planning Committee were to vote in favour of the Explore Living proposal when they meet on 12 December? I don't know whether you can answer."

33.25 Councillor Caulfield responded, "I won't comment on the Marina planning application because it does have to be judged on its merits by the Planning Committee.

I will say that we do have a lot of planning developments that have built 1 and 2-bedroom flats that neither the developers can let nor are they selling them on the HomeBuy Scheme so we do need family sized accommodation. The Housing Strategy Team are working with developers to support them when they are putting out applications to look at family sized housing because we do desperately need that across the city. If you look at our Homemove magazine, which comes out once a fortnight, we have 12,000 people on our housing waiting list and most of them need at least 2-bedroom properties. If you look at our Homemove magazine we have one to two of those properties coming up every fortnight and that is why people cannot move within the city, so I agree we need family housing, we need to move away from the 1-bedroom flats but, unfortunately, I cannot comment on any particular application."

33.26 The Mayor thanked Mrs Davies for her questions and invited Mr Kirk to come forward and address the council.

33.27 Mr Kirk asked the following question:

"The local PCT is proposing a city-centre GP-led Clinic. Does the Council agree that the PCT hasn't held a public consultation when it is their duty to conduct one. It should include the following:

- (i) A needs assessment to justify it;
- (ii) Understanding the threat it poses to local doctors;
- (iii) Whether, in the long term, only town-centre GP clinics will be left;
- (iv) Whether as salaried employees in a large company, corporate medics will be driven by the same professional ethics as local independent doctors.

I ask the Council to urge the PCT to conduct such a public consultation exercise."

33.28 Councillor Ken Norman stated that "The creation of a GP-led health centre in Brighton and Hove is a matter of Government policy and it is part of the role of the PCT to implement that policy in a way that reflects the local needs and circumstances, in discussion with local people and their representatives. The PCT has a strong track record of doing this and I believe that this is the case with respect to the GP-led health centre.

- I am confident that the PCT has engaged with local people and their representatives on the location of the proposed service and on the details of the service specification. The national patient survey indicates that many GP services are not sufficiently responsive to meet people's changing needs. Patients say they want to be able to see GPs at evenings and weekends, or when they are away from home.

People want health care that is more personalised and convenient, so primary care services need to adapt to respond to that need. This is the need, along with a wider variety of services under one roof, that the proposed new centre is designed to meet.

- I would share your concerns if the new centre resulted in existing GP surgeries closing but this is additional investment for additional services - more GPs, more nurses, more appointments and longer and more convenient opening hours. GP-led health centres are not about replacing or centralising existing GP surgeries.
- GPs already operate as private businesses, as you probably know, (they are independent contractors) and although they are usually established as partnerships - they are set up to make a profit. A GP's income is generated through their contract with the PCT. Other companies such as Chilvers McCrae have been able to provide services under contracts with the NHS for many years. The contracts Brighton and Hove City Council has with Chilvers McCrae were set in 2004. In my experience, all doctors are driven by the same standards of professional ethics, regardless of the type of practice in which they work."

33.29 Mr Kirk asked the following supplementary question:

"Is he aware of the research conducted by Dr Caroline Tennant at the University of Leicester who said, 'clinics are likely to undermine trust between patients and GP'? She states in the British Journal of General Practice that, 'clinics are bound to reduce continuity of care and medical outcomes may be adversely affected'.

Is he also aware that Birmingham City Council has rejected clinics after hearing that they would drive existing surgeries out of business?

Haringey PCT has reversed its decision to set up large clinics when it realised that 37 surgeries were at risk. In view of this evidence would the council question the spending of a large amount of public funds and clearly it is the case isn't it that large corporations which, to be honest, previous experience from other cities show that this is exactly where this particular contract is going to be awarded, are they not interested in small, local surgeries because they can't make a profit out of them? What will happen is we will have a large clinic in the town centre using all its marketing forces that it can and it will drive the small round the corner surgeries out of business basically. Now we can sit by and let that go but I would have thought that since you are the elected representatives you will at least serve the wishes of local people."

33.30 Councillor Ken Norman responded, "As you are probably aware all PCTs work within the local area to give the best service they can to their area. They are not governed by what other PCTs do in other areas, so we are looking at the PCT here who has looked at this provision and thought it necessary.

I am sure proper consultation has taken place in and around the area with the correct people, to make sure that this premises will be suitable for everybody that is around that area. It will not, and I am sure it will not, take other GPs surgeries out of that talk and I am convinced that it hasn't happened elsewhere and I am sure it won't happen in this particular case.

Now, like other questioners tonight you have put a very detailed, almost a statement to me and I cannot possibly answer everything that you have said tonight. I will endeavour, like some other members here tonight, to give you a fuller answer and send it on to you if that's okay. If my answer now, my secondary answer to your secondary question isn't sufficient I will do that."

33.31 The Mayor thanked Mr Kirk for his questions and invited Mr Furness to come forward and address the council.

33.32 Mr Furness asked the following question:

"Could Councillor Theobald please tell us what effect the drop in prices with the recession has so far had upon the city's recycling strategy and what provision this authority will be making for the changing situation?"

33.33 Councillor Theobald stated that "The prices for recycling have dropped significantly and Veolia, our contractor, is securing the best prices possible for the materials. As we are well aware that material prices can go down as well as up, we do not rely on the income fully to fund our recycling services. So, there will be no reduction in recycling services.

It is important to stress that we recycle because of the environmental benefits and thus our strategy has not changed and we ask that everyone continues to recycle as much as possible."

33.34 Mr Furness asked the following supplementary question:

"I know you told me that I shouldn't necessarily believe what I read in the 'Argus' but a recent report states that through the drop in demand for recyclables as a result of this recession, councils will have to find space to store recovered materials until the economy picks up.

I would just like to know, if you can tell me please, if this be true what provision you have in mind to meet such an eventuality?"

33.35 Councillor Theobald responded, "I am very pleased to say that is not the case in Brighton & Hove as we have space."

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

33.37 Ms Paynter asked the following question:

"With the ending of the King Alfred redevelopment comes thoughts of related issues such as the ending of the need to put indoor bowling on Hove Park's Scrub Nursery.

In the working case file for refused indoor bowls application BH2006/03698, Phil Purvis, on behalf of the Engineerium's owner, conveyed interest in having that land for The Engineerium & recently Councillor Melanie Davis has asked the Administration why the Engineerium remains closed.

Is there any reason why that now covenant-free plot, could not be used to help get The Engineerium re-opened?"

- 33.38 Councillor Kemble stated that "Although there is no longer a pressing need to relocate the indoor bowls facility from the King Alfred Leisure Centre, there is still an aspiration to provide the local community with a modern top of the range bowls centre that meets the current and future needs of the King Alfred Men's and Ladies' Indoor Bowls Clubs. It would be premature, therefore, to close down any of this Administration's options before we have had the opportunity to properly consider them.

Discussions were held last year between officers, representatives of Cherrywood Investments and the Engineerium following their expression of interest in Hove Park Yard. However, no formal proposals for the site were received by the council and officers were subsequently notified that Cherrywood Investments did not wish to pursue their proposal.

The land in question is still covered by a covenant restricting its use to "a pleasure or recreation ground or public park only". What the council did was to enter into a voluntary agreement by way of a Deed of Consent with the former owner of the land, Stanford Estate, which allows for the erection of an indoor bowls facility on this site. It is, therefore, not correct to say that this is now a covenant-free plot."

- 33.39 Ms Paynter asked the following supplementary question:

"The lawyer to the Planning Committee led us to believe that this was now covenant-free, so that is my error perhaps in not interpreting what she had to say correctly but that will be looked into.

There is clearly a lot of outstanding bits and bobs surrounding that King Alfred debacle, saga, soap opera, whatever you want to call it, and I am remembering that in the late 1990s there was a public meeting held in Hove Town Hall. It was partly with the developer of the time, Citygrove, and partly with the council. I am wondering if the council would be willing to now consider convening another public meeting at Hove Town Hall, with a view to thrashing out all this unfinished business and all the loose ends and possibly getting some ideas for a really serious way forward.

I know you are now having £1.5m put into refurbishment and maintenance issues but there is a longer term kind of loose end sitting in the air with a big question mark, even my taxi driver coming here today was asking me, 'well what's going to happen?'

Can we please have a public meeting to discuss the King Alfred at Hove Town Hall?"

- 33.40 Councillor Kemble responded, "As you are aware, following the King Alfred development agreement failing, the Administration in committing to keep the centre open has said that it will weigh up all of its options and I am sure that in weighing up all of the options we will give due diligence to the request that you have just made."
- 33.41 The Mayor thanked Ms Paynter for her questions and invited Mrs Addison to come forward and address the council.

33.42 Mrs Addison asked the following question:

“Will the Council confirm that no part of the cost of the proposed Community Stadium at Falmer will be borne by the Council?”

33.43 Councillor Kemble stated “Yes. I am more than happy to confirm that in September 2007 the Council’s Policy & Resources Committee agreed the following:

‘That the Committee reaffirms the Council's role as landowner in the delivery of the Community Stadium as one of facilitating the scheme through transfer of the site and assisting with implementing the scheme so far as is consistent with not directly funding the project’.”

33.44 Mrs Addison asked the following supplementary question:

“Does the council appreciate that the business plan for the Stadium is still awaited and that this plan may not pass a rigid scrutiny in which case is it reasonable for work on widening Village Way to be started?”

33.45 Councillor Kemble responded, “As you rightly say the business plan with regards to the community stadium hasn’t yet been agreed. Once we do receive it we will be giving due diligence to it. The works that the football club are undertaking are preparatory works that are not being funded by the City Council for the community stadium.”

33.46 The Mayor thanked Mrs Addison for her questions and invited Mr Grozier to come forward and address the council.

33.47 Mr Grozier asked the following question:

“Councillor Mears, in light of the considerable local opposition to the proposed London Road Tesco by developers St. James’ Investments, including a large car park and inevitable accompanying air quality issues, would you and your colleagues support a master plan for the area that champions our thriving small businesses and community facilities, rather than a “clone town” development at odds with the community interest?”

33.48 Councillor Mears stated that “One of our priorities as a council is to ‘Protect the Environment whilst Growing the Economy’ and in addition to the natural environment this also means the unique urban and cultural environment that makes Brighton and Hove so distinctive.

In light of this priority it is very much our intention to ensure that the vibrant independent shops and traders in and around areas such as the North Laine and London Road continue to thrive. I am therefore working with officers to ensure that the Supplementary Planning Guidance for London Road, that is currently being developed and consulted on, reflects this priority. Any proposals brought forward by developers will then be assessed against this Planning Guidance and other relevant local planning policies and frameworks.”

33.49 Mr Grozier asked the following supplementary question:

“I would just like to say that Another London Road Group, of which I am the representative, has been gathering the views and opinions of the residents, traders and shoppers of London Road regarding any improvements to their area for some time and will continue to do so. In order to access these opinions will you and your colleagues make a commitment to consult with Another London Road Group on any decisions regarding the future of London Road?”

33.50 Councillor Mears responded, “I am personally committed to the long-term regeneration of the London Road area for the benefits of residents and local businesses alike. As I have previously stated we are awaiting the publication of the Supplementary Planning document for the area before actively considering any specific proposals from interested landowners or developers and any use they propose, like additional retail capacity. I think consultation on such a large scheme, particularly in that area is vital and so I am more than happy that consultation on a very wide scheme takes place.”

33.51 The Mayor thanked Mr Grozier for his questions and in view of the time adjourned the meeting at 6.55pm for thirty-five minutes for a refreshment break.

33.52 The Mayor reconvened the meeting at 7.30pm.

34. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

34.1 The Mayor reported that two Deputations had been received and invited Mr Barrenechea as the spokesperson for the first deputation to come forward and address the council.

34.2 Mr Barrenechea thanked the Mayor and stated that:

“Starbucks has been refused change of use planning permission, but has been trading for over six months now.

Today Councillor Fryer has presented our petition with over 2,000 signatures which calls on Starbucks to respect planning law and close and calls upon Brighton & Hove City Council to enforce its decision on whether it will open. I have learned, just in the past hour that Brighton & Hove City Council has served an Enforcement Notice on Starbucks. I would like to thank the Council for their action and congratulate it but also I would like to highlight that given Starbuck’s history of opening without planning permission and continuing to trade contrary to planning law that it’s most likely that they will fight this. I implore the Council to monitor this place closely through their Planning Department, because obviously Starbucks has deep pockets when it comes to legal representation and I would also like to point out that this is also part of a larger problem I think that we face in Brighton & Hove.

Brighton & Hove is a unique town. I live here, I love it and I think it is one of the reasons it is so great a pleasure for me to open a business. You must fight to protect your small businesses from large corporations who operate unfair trading practices like advertising, like raising the rents in certain areas so the traders can’t afford those rents.

I think that Councillors and citizens need to stand up for their local traders, especially in these hard economic times so I want to thank the Council for that.

I would like to ask a question, if possible, of Councillor Hyde, in terms of the timeline for Enforcement Notices: because Starbucks are most likely to appeal this Enforcement Notice, perhaps you can tell me what would it mean if they do appeal within the timeline and what would happen after that?"

- 34.3 Councillor Hyde stated that "The Enforcement Notice requires Starbucks to remove all customer seating and tables from the public areas, completely cease the A3 operation in that there should be no sales of food and drink for consumption on the premises and restore the use of the property back to an A1 retail use in that all sales are for consumption off the premises.

The Notice takes effect on 9 January 2009 (a 28 day "kick in period" is required in law) and we have thereafter given Starbucks 6 weeks to comply. Full compliance with the Enforcement Notice is required by Friday, 20 February 2009 unless an appeal is received before 9 January 2009.

You are absolutely correct they may carry on trading until determination. It is likely that they will appeal the latest enforcement notice, and thereby have two outstanding appeals. It will be for the Planning Inspector to determine whether to link them and hear both together and it usually takes about nine months for an appeal to be heard. However, if the second appeal is linked with the outstanding one, the hearing maybe earlier which would be helpful to the council."

- 34.4 The Mayor thanked Mr Barrenechea for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would now be referred to the Planning Committee. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action taken or proposed in relation to the matter set out in the deputation.
- 34.5 The Mayor then invited Mr Phillips as the spokesperson for the second Deputation to come forward and address the council.
- 34.6 Mr Phillips thanked the Mayor and stated:

"My name is Paul Phillips and I am Chairman of the Kemp Town Society. I appreciate the opportunity to present this deputation on behalf of the Society and residents of Kemp Town. The Presentation Material provided is the essence of the deputation.

Rev. Thomas Kemp brought the citizens of London to Brighton. It is time to encourage tourists – the wealthy ones – to return to Brighton. And return tourism as the top economic driver for Brighton's prosperity.

The Heritage Seafront is the Crown Jewel of the City and the primary reason for Visitors to come here. 4.5 miles long and considered the most important heritage seafront in the UK, arguably in Europe and certainly unmatched anywhere else in the world. But it is in decay – as the photos show – no less in Kemp Town. No money, no pride and perhaps

unloved – why has it been left to decay? How many years will it be before these and other street lights are rebuilt? The lamps are Grade 1 listed.

The recent Core Strategy fails to place Heritage as the fundamental platform for Brighton's economic prosperity - it is our trump card. IT SHOULD BE AND WE NEED TO PLAY THAT CARD AGAIN IN THESE ECONOMIC STRESSFUL TIMES.

The Core Strategy is essentially a housing policy document. This has its value, of course, but unless the foundation of the City's prosperity is protected, the tourist will dwindle away. It is the Built Heritage, which needs to be placed into a PRIMARY policy as part of the City's economic strategy moving forward, so it is protected for generations to come. I love housing – good housing. It is vital for the well-being of all. But economic activity does not come from it - once built.

I encourage those who have authority in such matters to insert the Heritage Seafront to be protected on a statutory basis and annually funded to ensure it's regular and consistently planned maintenance. It is great that the bandstand has been funded, but it should have been as a matter of course. Roll out the red carpet for tourists. With more visitors staying for longer the city's businesses will thrive – even in the off-season

The proposed Marina development is a dark cloud for those who treasure heritage. We are not against redevelopment. I single it out, as we have had waves of highly significant planning procedures, which seem to come out with little warning – the immediately affected residential community seemingly the last to be consulted and the most affected by it. The result of this is that despite soothing words in the planning application documentation, there is a seething discontent at having this immense project thrust upon us. The imposition of such a massive development on such an exposed, constrained and sensitive location impacting on our sea horizons and skyline is unconscionable. The loss of key strategic views for all of Brighton and its damage to the image of Regency Brighton for the sake of squeezing in much needed houses, as I am led to understand, is highly detrimental to the overriding character of Brighton's SEAFRONT image and character. All the SPDs, SPFs will become all but worthless if their guidance – the spirit of the guidance - is ignored. English Heritage is not happy – neither is the Society.

There is a better solution. Not least to resist all current applications there until the new SPD is developed for the area. A new one with this development underway will render it virtually pointless. The Marina Act is there to protect the City from such sacrilege. I hope this does not become the fulcrum of decision for a heavy weight contractor to push its way to achieve its ambition to build a new (free) supermarket and the highly compromised housing estate off the backs of the presumed wealthy – who are most unlikely to be the primary purchasers there.

Shoe-horning a modern poorly laid out development, with no iconic architecture to justify its special treatment, is not welcome.

I hope all will see the wood for the trees in the potentially disastrous outcome should it be passed by the planning sub-committee in its current form. Or rather natural and built heritage values to be obliterated by a new sea of towering blocks of concrete. Lets instead rebuild our prize attraction of iconic heritage, and build only sensitively styled, quality buildings which integrate with the vase historic canvas already in place and roll

out the red carpet once again for visitors and strategise ways to keep them coming throughout the year, for years to come.”

34.7 Councillor Theobald stated that

34.8 The Mayor thanked Mr Phillips for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would now be referred to the Environment Cabinet Member Meeting. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action taken or proposed in relation to the matter set out in the deputation.

35. WRITTEN QUESTIONS FROM COUNCILLORS.

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

35.2 (a) Councillor Morgan asked:

"Can the Cabinet Member for Housing say on what dates numbers 68 and 74 Manor Way became vacant, when repair work to return them to use will begin, and how long it will be before new tenants will be able to move in?"

35.3 Councillor Caulfield replied:

“68 Manor Way is a 3-bedroom house which became empty on 23 December 2007. The previous tenant carried out some DIY alterations to the loft which has rendered the roof structure unstable, and the property unfit for occupation.

74 Manor Way is a 2-bedroom house which became empty on 7 October 2007. The previous tenant undertook unauthorised alterations to amend the internal layout of the property. Walls have been removed in the kitchen and living room to enlarge those areas and the main bedroom has been divided to form an extra bedroom. There have been associated electrical DIY with these alterations, and as a result the mid-floor and staircase have been destabilised.

A programme has now commenced to bring these properties back into use. A structural report on the properties and a subsequent specification and pricing of works is currently being prepared. Following this, work to both these properties will be procured with a view to the properties being brought back into use early in the new financial year.”

35.4 Councillor Morgan asked a supplementary question, “Does the Cabinet Member feel that a year is an acceptable turn around time for void properties and does this apply to the more than 40 empty and much needed family homes across the city also vacant?”

35.5 Councillor Caulfield replied, “I am surprised to hear that as a supplementary question given that when we came into Administration there were 40 long term voids that we took on that had been empty for a considerable period of time. I cannot say for sure but I am almost 100% certain that they were well over a year.

The mess that the council housing stock was left in has taken us a considerable amount of time and hard work with our tenants in order to come up with a plan but we do have a plan.

We have got £45m worth of investment that will be coming in that will clear all our void properties. We also have a recharge policy that we are bringing out in the New Year and discussing this with tenants now which will be coming to the Housing Management Consultative Committee, so it will no longer be possible for tenants to leave their properties in a state and for council tenants to have to pay to have those properties put back into use. Anyone that leaves their property in such a state will have to pay for it or not be allowed to transfer on the Housing Register, so we can assure you that this will not be happening again. We have got investment to put the situation right and that has only taken us eighteen months in Administration.”

35.6 Councillor Wells asked a further supplementary question, “Would the Cabinet Member for Housing agree with me that as the previous Labour Administration had no plans for the future of our council homes, thereby refusing to invest money and allowing them to fall to a standard below that required of Her Majesty’s Government for decent living, that this is probably the reason why there are old houses and still pockets of them that need major repairs?”

35.7 Councillor Caulfield replied, “I would agree that there was no plan B if the tenants had voted no for the housing transfer. We have come up with a plan B and this will be going ahead from 1 April next year, so I would agree with you that there was no plan B and we have had to come up with one.”

35.8 **(b)** Councillor Marsh asked:

“Would the Cabinet member for Environment describe what he is doing to promote and ensure that cycle lanes and routes are safe to use throughout the city and especially in my ward?”

35.9 Councillor Theobald replied:

“The city council has been awarded Cycling Town status for the second time, which means continued funding for cycle promotion, training and infrastructure over the next three years. In terms of safety, officers are working proactively with Sussex Road Traffic Police strategically to tackle cycling safety issues, including where cycle facilities are compromised by other road users. The council is seeking to widen the remit of this partnership to cover the city as a whole.

The city council has also trained over 1200 school children this year, through Bikeability cycle training, giving children the experience and the skills they need to cycle responsibly and safely. As of 2009, all cycle training courses delivered in our schools will be to this new national standard. Officers are developing Travel Plans with both Brighton and Sussex Universities and Southern Water for their students and staff.”

35.10 Councillor Marsh asked a supplementary question, “I am very grateful for Councillor Theobald’s reply which confirms that there is going to be continued funding for cycle

promotion. No doubt some of that funding will be the extra £1.5m that the Labour Government gave to our city as a cycle demonstration town. We would hope that every penny of it will be spent wisely, encouraging more people to get on their bikes and making it safer.

I would like the Cabinet Member please to tell me when he is going to do something about the lethal cycle lanes in Lewes Road? These are presently situated extremely dangerously in between parked cars and the main carriageway, forcing cyclists to swerve in and out and dice with death on a daily basis and I understand they are advisory, not mandatory.

Please could the Cabinet Member ensure that money is spent to make these safe, to reposition them and to make them mandatory thus ensuring that the many students and other people who use these on a daily basis do not have to daily dice with death?"

35.11 Councillor Theobald replied, "I must have spent 15 to 18 months trying to sort out all the problems that the Labour Administration left me with. This is just another one. I will do my best."

35.12 (c) Councillor Alford asked:

"How many of our primary phase schools are now rated as good or outstanding by Ofsted?"

35.13 Councillor Mrs Brown replied:

"43 of our primary phase schools (76%) are rated as good or outstanding by Ofsted (Two of these are maintained nursery schools). 13 were judged to be outstanding (23%), 30 were judged to be good (53%) and 14 were judged to be satisfactory (24%). We have no schools in an Ofsted 'category' (0%)."

35.14 Councillor Alford asked a supplementary question, "Perhaps the Cabinet Member for Education would give us some reasons to account for these better Ofsted grades that we seem to have at the moment?"

35.15 Councillor Mrs Brown replied, "You are right, this is a real success story. We have far more good and outstanding primary schools than most other authorities and definitely more than our statistical or close neighbours.

I put this success down to the dedication of the staff in our schools and the hard work of the pupils. There is also a close working relationship between the schools and the officers working in the Children & Young People's Trust and we provide prompt support if it is needed and we have also fostered an ethos of high expectation."

35.16 Councillor Hawkes asked a further supplementary question, "Does Councillor Brown welcome the opportunity for the council to bid for a sizeable share of the Labour Government's £9.3 billion building schools for the future programme that aims to rebuild or refurbish every secondary school in the country?"

35.17 Councillor Mrs Brown replied, "We are always very pleased to accept any money from any government if it is going to improve our school stock."

35.18 (d) Councillor Kitcat asked:

"Can Councillor Theobald confirm the timetable for the introduction of communal bins into the city centre and provide details on: The procurement of new bins, including how they will meet accessibility requirements for our older residents; and on preparations for methods to measure and improve recycling rates in bin areas, as agreed at the Environment Committee on 13 September 2007 (recommendation 2.5, as amended)?"

35.19 Councillor Theobald replied:

"I cannot, at this stage, confirm a timetable, but it is anticipated that a phased roll out will commence in January. I have asked that Ward Councillors are informed of these plans as soon as they have been finalised. As you know we already have over 200 communal bins in the city and over 90% of residents have found the bins easy to use. For those residents who cannot take their rubbish to a communal bin we offer to collect the refuse from their home. In February we will be writing to all residents about their new recycling collection days and issuing a calendar of the new dates. In the early summer we plan to implement a new recycling communications campaign targeting the city centre. This is likely to involve door knocking. Again, Councillors will be informed of the details nearer the time."

35.20 Councillor Kitcat asked a supplementary question, "I am disappointed that after 2½ months there is still no timetable for communal bins being introduced but can Councillor Theobald confirm whether any adjudication process will be provided to rule between residents when none of them wish to see a communal bin right outside their property, even beside a window which they open in the summer?"

35.21 Councillor Theobald replied, "You might have noticed that we are trying to embed an existing system with changing our rounds so you will appreciate that and there is not an adjudication system."

35.22 Councillor Fryer asked a further supplementary question, "There are rumours that recycling rounds are also being reduced in February, so can Councillor Theobald confirm that this is the case and reassure us that there will not be the same level of chaos with the changing rounds as has happened in the recent change in rubbish collection rounds as this would have a very negative effect on people's willingness to recycle?"

35.23 Councillor Theobald replied, "I thought that you and your Group would have been aware that this is part of the programme which has gone through Council, so that's already on the cards to do that.

I think that you know that this is probably one of the biggest, if not the biggest, change that has happened in this city and, of course, it is an enormous change and I am sure that Councillor Mitchell would agree with me because under their Administration there were numerous problems.

Quite frankly this is a big change and we have been working with the Unions on this and we will continue to work with the Unions because there will be very considerable long-term benefits for you, me and for our council tax payers."

35.24 (e) Councillor Morgan asked:

"Can the Cabinet Member for Environment reassure the council that there have been no redundancies, and no reduction in crews or rounds, which have contributed to the appalling list of missed refuse collections that residents of my ward and others have had to experience over the past month?"

35.25 Councillor Theobald replied:

"The reason for the refuse changes as we all know is because the new waste transfer station has opened and our crews no longer need to travel to Beddingham to tip. This saves time and means that we have reduced the number of crews. So, to be clear of the order of this – the waste transfer station was agreed and built and opened – then rounds needed to be changed, then crews were reduced and voluntary redundancies offered.

We have been working very well with the GMB, and agreed a voluntary redundancy package. The officer report published in August that you will have read is a public document which explains all this."

35.26 Councillor Morgan asked a supplementary question, "Now that he has confirmed the reduction in crews and redundancies can the Cabinet Member pledge that there will be no further cuts to frontline refuse or recycling services and will he apologise to those residents who have had to wait days or even weeks for their bins to be emptied?"

35.27 Councillor Theobald replied, "We have already indicated our proposals for change which went through this Council. You know what those changes are so therefore there will be no more changes over and above what this Council has agreed at that particular time.

Obviously, I am extremely sorry for residents who have been put to inconvenience. We are doing our best to embed this change: staff are working all hours, seven days a week to try and ensure that this service is a good one for this city but one thing I do know it is a service that we will be gaining financially from this service after all these changes have been embedded."

35.28 (f) Councillor Morgan asked:

"Will the Cabinet Member for Communities explain what she means when she says that future funding to tackle deprivation and social exclusion will go to "people not places"?"

35.29 Councillor Simson replied:

"Councillor Morgan is of course referring to the article in the Argus on 21 October reporting on hidden poverty in the city. Using evidence from the Reducing Inequality Review the article presents information that no party can deny – that inequality is spread throughout the city:

- Of the 25,000 people of working-age receiving benefits across the city 16,000 (64%) do not live in the most deprived 20% areas
- Of the 4,000 children living in low income or out of work families across the city nearly 60% do not live in the most deprived areas
- Of the 41,000 adults with no qualification across the city, 75% do not live in the most deprived areas

With this evidence it would be irresponsible of the Administration to continue to maintain a focus solely on place. Otherwise there is a significant risk that some households, families and children will not receive the support they need to improve their opportunities and meet their aspirations – simply for not living in the right area. Using this evidence I am working hard with all the Directors to look out how we can improve services that support people across the city both in areas where evidence shows that people are experiencing multiple disadvantage but also those in the smaller pockets of deprivation throughout the city.

The future is about ensuring that households and individuals experiencing inequality, wherever they may be in the city, have access to appropriate services and opportunities. This is even more important in the current economic climate. In this time of financial difficulty this is not an easy task and I urge my colleagues of all parties to work with me and my Cabinet Members on ensuring that services are reaching all those who need them. This Administration is committed to helping both people and places.”

35.30 Councillor Morgan asked a supplementary question, “Will the Cabinet Member for Community Affairs explain how communities in areas consistently identified as the most deprived in the city, such as Whitehawk, Tarner and Moulsecomb can seek support from the council under her People Not Places Policy and whether she stands by the description of residents of those areas in a recent council report as ‘the usual suspects’?”

35.31 Councillor Simson replied, “This Administration is fully committed to reducing inequalities for all residents in this city no matter where they live. The reducing inequalities review showed that we have people who need additional services in all parts of the city not just in areas like Whitehawk and Tarner that had previously been targeted.

What Councillor Morgan seems to forget is that it was his Labour Government that withdrew the support for neighbourhood renewal and a range of other funding streams and it was the previous Administration who cut city-wide community development provision out of the mainstream budget and then patched the gap with time-limited funding, a very short-sighted approach. Instead of stopping this kind of neighbourhood support and abruptly walking away from the communities, it was this Conservative Administration who committed to once more put people in their communities all over the city back into the heart of everything we do to do all we can to deal with inequalities across the whole city.

We are doing this in a carefully managed way by using smarter, more effective means, not by throwing money at it which gives little added value but by bringing it back as part of the council's core service which is where it should always have been and we are already seeing the benefits of this by the excellent relationships we are building with all sections of the community.

We are currently working very closely with senior managers in the council to consider the total council budget for next year and as part of this the funding for future neighbourhood support, and I am hoping to make an announcement in the near future on funding for this area of work, but let me assure you that wherever possible we are committed to keeping those things that are working going and, of course, completing commitments to things like the Turner and Eastern Road Charter.

I do want to say though that we are committed once again to all areas of the city. Obviously areas that have more deprivation, if we are looking at people, are going to have more people in that area that are going to need services so there will probably be more money going into those areas but we are committed to looking at both people and places."

35.32 Councillor Duncan asked a further supplementary question, "Councillor Simson will know that a wide range of residents and community groups are tackling issues such as health, community safety and domestic violence in the deprived Turner and Eastern Road areas, a service still supported by the Neighbourhood Management Team thanks to area based funding.

Notwithstanding her previous answer can she give us a solid assurance today that no such group or sub-group will face closure as a result of this Council's approach to area based funding in the coming financial year?"

35.33 Councillor Simson replied, "As I previously stated we are going to be looking at all areas of the city and looking at where the funding is most needed and that is where we will be targeting it."

35.34 (g) Councillor Carden asked:

"Would the Cabinet Member for Environment say what this council is doing to stop the abuse of fraudulent blue badge users from parking in disabled bays in Brighton and Hove?"

35.35 Councillor Theobald replied:

"The city council's Parking Enforcement Team is working with Sussex Police to tackle blue badge abuse in the streets of Brighton & Hove as part of 'Operation Bluebird'. Operation Bluebird is an ongoing joint exercise, which has resulted in the confiscation of about 40 blue badges so far this year. The council has a good record of prosecuting offenders with fines and costs averaging £600 per offence. Only police officers can legally confiscate a blue badge, which is why we have adopted this joint approach.

Since November 2007 the council's Parking Attendants, now called Civil Enforcement Officers, have used new legal powers to inspect blue badges, and police officers and Civil Enforcement Officers now check blue badges as part of their routine patrols."

- 35.36 Councillor Carden asked a supplementary question, "Having met recently with local police officers in Portslade they have highlighted the increasing problem of blue badge theft and fraud in the Ward.

Would the Cabinet Member for Environment say what this council is doing to protect blue badge users and disabled drivers from receiving Penalty Charge Notices when their displayed discs are stolen and in order to limit the distress and financial implications on those that have had their blue badges stolen, would he be prepared to look into a way forward to register or distinguish such cars of disabled drivers?"

- 35.37 Councillor Theobald replied, "We are always looking at ways to protect the disabled and if there is anything that we can do to try and help in that connection we will try and do that and so I am very happy to look into it."

- 35.38 Councillor Pidgeon asked a further supplementary question, "Can Councillor Theobald tell me how many awards for helping people with disabilities has the Council won since this Administration came into office?"

- 35.39 Councillor Theobald replied, "The Council are aware of the fact that I keep coming up and collecting awards. We have won awards for talking bus stops, raising pavements and with our buddying scheme, a number of awards."

- 35.40 (h) Councillor Meadows asked:

"Could the Cabinet Member for Central Services say what actions the council is undertaking to find a more suitable location for Kingsplan Limited, who have been seeking a more appropriate site?"

- 35.41 Councillor Fallon-Khan replied:

"The city council has provided information on potential sites that could accommodate this business operation together with providing information with regards to the Commercial Property Database that the city council provides in partnership with the local commercial agents."

- 35.42 Councillor Meadows asked a supplementary question, "Many local residents have complained about the number of large lorries and I know Kingsplan have been requesting a larger, more suitable site.

As you have stated several waste sites identified in the Local Plan would be useful, unless of course you are going to use them for a winter wonderland theme park. When will Kingsplan and concerned residents be told a suitable site will be found and when will the Cabinet Member confirm these findings will be made available to the public?"

- 35.43 Councillor Fallon-Khan replied, "As we all know Kingsplan are an independent waste recycling company who own a site in East Brighton that they wish to dispose of and use

their capital to invest in larger waste facilities. As such the council is under no obligation to find a more suitable location for Kingspan as the company would be going to the market independently as any business would in the circumstances.

Economic Development and Property have, however, provided Kingspan with information regarding potential sites plus information from the council's city commercial property database.

Planning have provided informal advice to Kingspan regarding potential uses of their current site and have suggested that their next step is to have a formal pre-application discussion with the Planning Team. Their site has an employment use allocation, so any potential use will include this."

35.44 Councillor Mrs Norman asked a further supplementary question, "Would the Cabinet Member agree that each application of this kind should be considered on its own merits?"

35.45 Councillor Fallon-Khan replied, "Yes, we believe that to be the case and we will always believe that every case should be taken on its merits."

35.46 (i) Councillor Hamilton asked:

"The Conservative Administration has pledged to keep council tax increases in line with or below inflation, and is working towards a 3.5% increase for 2009-10. If, as now seems possible, inflation drops below 3.5% by the end of the council's financial year, could the Cabinet Member for Finance promise to reduce the council tax increase accordingly?"

35.47 Councillor Young replied:

"The Administration's budget is being prepared in an unprecedented financial climate which changes daily and is hitting the city and its people hard. Our approach to this budget is based on getting basic services right and improving value for money. With inflation at 5% in September and 4.2% in October, the council tax rise of 3.5% for next year does meet our pledge. Inflation may go down but it may then also go back up again particularly in such volatile times.

What this Administration is absolutely clear about is that the council's finances are planned sensibly. This means formulating a budget well in advance of the next financial year and taking a view on inflation around this time. The government itself does this for a number of purposes, taking inflation into account in September, which as I have said stood at 5%. Once we have formulated our budget there is a proper democratic process within the council including the Overview and Scrutiny Commission in February – open and transparent government is something this Administration values. Councillors will also be aware that we are consulting with stakeholders about the budget. The Administration also needs to give clear political leadership so that officers can prepare in advance for the changes arising from the budget. For all these reasons it is neither sensible nor practical to keep changing the budget right up to the statutory deadline of 10 March."

35.48 Councillor Hamilton asked a supplementary question, "With regard to the first answer, I am interested to know that because inflation was 5% in September, anything that's put on council tax next April that's less than 5% will be regarded as less than inflation.

My question is: the council tax year runs from April 1 until March 31 and it is inflation over that period that is the relevant figure, not the figure in September. From April 1 2007 to April 1 2008 the RPI rate of inflation was 3.8%. Since the council tax figure for 2008 increased by over 3.9%, compared with the 2007 figure, do you agree that Council Leader, Councillor Mary Mears, was wrong to claim in the Argus last week that this year's council tax increase was below the rate of inflation?"

35.49 Councillor Young replied, "We are in a rapidly alternating situation and I will need to keep a close eye on the changes right up until preparation of the final budget but as you are aware it needs to go through Overview & Scrutiny and it needs to go to the Cabinet and then to full Council, so I can't keep changing our figures to match what is going on right up until the presentation."

35.50 Councillor Mitchell asked a further supplementary question, "As the 3.5% increase in council tax proposed by the Conservative Administration only applies to the council tax precept set by the City Council, could Councillor Young confirm that this would represent an increase of just under £42 on a Band D property and not the £48 claimed by Council Leader, Mary Mears, in the Argus this week."

35.51 Councillor Young replied, "I will get back to you on that one."

35.52 (j) Councillor Simpson asked:

"Could the Cabinet Member for Housing please reconfirm her public commitment to not cut frontline services, especially day centres across the city?"

35.53 Councillor Caulfield replied:

"As stated at the last Cabinet Member Meeting for Housing, this Administration is absolutely committed to supporting front line services. As a council we have to constantly look at how we use our resources to ensure that we are providing the best possible services for residents in this city and this may mean changes to the way we provide our services but it does not mean cuts.

If you look at the learning disability services we provide you can see that we are actually looking to increase and expand our day services by introducing the day options team while still retaining our day centres."

35.54 Councillor Simpson asked a supplementary question, "Could the Cabinet Member confirm that the Buckingham Road and Belgrave Day Centres will remain open?"

35.55 Councillor Caulfield replied, "As I have said in the Cabinet Member's meeting and I think I was very clear at that meeting, this Conservative Administration is not about closing day centres for people with learning disabilities. Certainly the Belgrave Day Centre there are definitely no plans to close it. The Buckingham Road Day Centre, as I did say at the Cabinet Member's meeting, there are physical problems with that building that we

need to explore with both service users and staff and family members but as yet there has been no decision to change the use at Buckingham Road.

What you need to appreciate, and I don't know if you have been to Buckingham Road Day Centre, Mr Mayor or Councillor Simpson, but it is a very difficult building for service users to access and we are not able to offer a service to all people that would like to use that service.

In addition people with learning disabilities need rooms where they can have space. There is only one sensory room at Buckingham Road and the rooms that are available are large and the staff have to look after all the service users in big large rooms which are not really suitable for people with learning disabilities that often need one-to-one care.

I don't know what the future will be for Buckingham Road because there are physical issues there but day centres as a whole, including Belgrave, will not be closing under this Administration, and I have to say as I did say at my Cabinet Member's meeting, that this constant questioning is distressing to both the service users, the staff and the carers and relatives of these people. I don't know how much clearer I can be. We are extending day centre services for people with learning disabilities, not closing them."

35.56 Councillor Lepper asked a further supplementary question, "Could the Cabinet Member tell us if any other Member of her Conservative Administration will be closing day centres for older people and those with physical disabilities?"

35.57 Councillor Caulfield replied, "Obviously I cannot speak on behalf of another Cabinet Member but what I can say is this Conservative Administration has made a promise that there won't be cuts to frontline services, so I would suggest that you ask the question about the other portfolio holder's portfolio to the relevant Cabinet Member but I can say that frontline services are safe in the hands of this Conservative Council."

35.58 (k) Councillor Mitchell asked:

"Following the inspection that was made in East Brighton Park, could the Cabinet Member for Environment tell us what were the results of the inspection and the costs of damage to the cricket pitch?"

35.59 Councillor Theobald replied:

"Fortunately on this occasion the damage is superficial and out of the cricket season so there are no direct costs. We have, however, reinforced the bunds around the cricket pitch which cost approximately £50."

35.60 Councillor Mitchell asked a supplementary question, "I would like to ask Councillor Theobald if he could confirm whether East Brighton Park is regularly patrolled by existing or the new Park Rangers and if so why this anti-social behaviour was allowed to happen?"

35.61 Councillor Theobald replied, "We have introduced more Park Rangers, we did that last year, in our budget last time round. They started in August, extra Park Rangers for our

parks. Obviously they do not patrol 24 hours a day and consequently, if somebody is to affect one of our parks at 3 o'clock in the morning it is difficult but I can assure Councillor Mitchell that everything possible is being done. That is why we put more money in our budget and that is why we are employing more Park Rangers to endeavour to make sure that our parks are there and are able to be used by all of our communities."

35.62 (I) Councillor Hawked asked:

"Could the Cabinet Member for Children & Young People update us on the council's progress on the "Adding Up" campaign which agreed to look into ways of easing the impact of school costs on low income families?"

35.63 Councillor Mrs Brown replied:

"The council is aware of the Citizen's Advice Bureau campaign which aims to get schools to adopt best practice with regard to supporting needy families with the cost of school trips, uniform, specialist equipment etc. The campaign is also trying to make it compulsory in law for all LA's to provide uniform grants. At present the council does not provide funding to support parents with school uniforms or other potential pupil costs. Funding is available in the city to needy families through some charities.

All schools are encouraged to make uniforms as accessible as possible to all families by identifying uniform items that can be purchased cheaply through supermarkets and their own school shops. Many schools provide second-hand uniform shops. Schools also fulfil the strict criteria related to school trips ensuring that compulsory and essential educational visits are made available to all students regardless of their ability to pay.

I have asked officers to prepare a paper for my Cabinet Member Meeting in the New Year which outlines the potential costs and practicalities of adopting the aims of the CAB Adding Up Campaign."

35.64 Councillor Hawkes asked a supplementary question, "Could Councillor Brown confirm that she will be bringing forward the report that was agreed at the last Council to a meeting of the CYPT Board setting out the council's approach to working with schools to ensure that families are informed of the support available? In particular, how the LEA will achieve compliance with the new Admissions Code in relation to keeping school costs low and explore the provisions of an appropriate sum within the 2009/2010 budget?"

35.65 Councillor Mrs Brown replied, "We will be looking at all the options and we will be bringing a full paper in, in the New Year."

35.66 Councillor Older asked a further supplementary question, "I was interested in reading the response from Councillor Brown and I noticed the bit about the grants for uniforms. Can the Cabinet Member tell us when the school uniform grant in Brighton and Hove was stopped? I seem to remember that Labour were in control of the Council then, can she confirm it please?"

35.67 Councillor Mrs Brown replied, "Both Brighton and Hove used to provide a very small amount of money to help with uniform costs but I believe it was in 1997 when Brighton and Hove became a Unitary Authority that the then Labour Administration removed the uniform grant facility, saying it was too complicated to deliver fairly."

35.68 (m) Councillor Wells asked:

"Can the Cabinet Member for Central Services tell me what the council is doing to tackle benefit fraud in Brighton & Hove?"

35.69 Councillor Fallon-Khan replied:

"The council only administer housing benefit (HB) and council tax benefit (CTB). However, the council's benefit service acts in conjunction with the Internal Audit section, Job Centre Plus, the Pension Service, the Police and other agencies to tackle fraud across the welfare benefit system and sometimes beyond. There are two main elements to dealing with benefit fraud; prevention and detection.

In terms of prevention our benefit service adheres to a strict series of guidelines to check the validity of benefit claims, both when a claim is first made and during the lifetime of a claim. Both HB and CTB are means tested benefits so these checks necessarily mean looking closely at proofs of income/capital as well as the validity of tenancies and occupation. This work is done efficiently so genuine claimants are paid promptly. Most customers with fraudulent intent are stopped at this stage without any payment being made.

In addition to the ongoing preventative work the Benefit Service has a team of ten that concentrates solely on fraud detection. As well as investigating tip-offs from the public, staff, Councillors, an increasing proportion of their work follows up on sophisticated computer sweeps that identify potential problems. In conducting their investigations and in conducting visits, surveillances and interviews officers adhere to similar guidelines to the police.

In 2007/2008 the council successfully prosecuted 34 customers and applied 107 other sanctions. These are a very positive set of results that compare well with other councils."

35.70 Councillor Wells asked a supplementary question, "We have had some high profile and very successful prosecutions of fraudsters of late. Could the Councillor tell me if there are any more high profile cases pending?"

35.71 Councillor Fallon-Khan replied, "The Benefit Fraud Team consists of nine investigators, one Clerical Officer and a Team Leader and information comes from numerous sources, the main ones being the general public, council officers and data matching in the form of the housing benefit matching service and national fraud initiative. This is an area where I am particularly excited about the progress that we have been making. The Team in Customer Services have been fantastic. One of our five political priorities is to make better use of public money. One of the ways to achieve that is to get back money that is rightfully due to the council. The council tax payers pay it and it has been fraudulently taken by members of our society.

The Investigators all complete professionalism and security training called PINS.

In the last 18 months we have had to look at 1,661 cases. There are three sanctions available to use: formal caution and in the last 18 months 110 people have been issued with a formal caution; an administrative penalty and in the last 18 months 59 people have been given administrative penalties and prosecution and this is usually a sanction that is applied in cases where there is a large over-payment, where there is a previous sanction or evidence of extreme dishonesty. In the last 18 months 52 people have been successfully prosecuted and another 35 cases are currently awaiting prosecution.

I am just going to touch on the method of investigation before I touch on a couple of cases just to answer.

The Benefit Fraud Team has numerous investigation techniques at their disposal. Employers and landlords can be approached to obtain information that is required which they are obliged to give under Section 111 of the Social Security Administration Act and this Act can also be used to obtain information from banks, building societies, insurance companies, schools, utility providers and credit checking agencies. Using the Data Protection Act information can be requested from any source, however there is no obligation on the source to provide it.”

35.72 (n) Councillor Mitchell asked:

“Will Councillor Fallon-Khan please say how much the renting of the 52 concrete blocks placed at the foot of the historic Kemp Town slopes alongside the existing barrier of wooden posts has cost the council to date?”

35.73 Councillor Fallon-Khan replied:

“Concrete barriers were placed alongside the wooden posts to fortify the existing barrier at the Kemp Town slopes to stop illegal incursions that had been previously experienced. The barriers have cost £5,545 to date and this cost includes the installation and the eventual removal of the barriers. The council was made aware that travellers who were being moved on from other sites in the city might attempt to access the Kemp Town slopes which had been used previously on a number of occasions by travellers. The council took action by laying the barriers which allow for public access to the area whilst also potentially saving on the expenses associated with moving travellers and clearing up the site.

The council is currently investigating a more permanent and appropriately designed solution in the form of iron bollards that match the existing bollards in the area. The estimated cost of this will be in the region of £20,000 to £30,000 and a bid has been made to secure funding for next year.”

35.74 Councillor Mitchell asked a supplementary question, “I thank Councillor Fallon-Khan for stating that city residents have so far paid £5,500 for these particular concrete blocks. In the interests of value for money that he has just referred to, bearing in mind that the cost of removing traveller vehicles for that specific area was £1,700 for the past year,

can Councillor Fallon-Khan say for how much longer the city's tax payers will be carrying on renting these concrete blocks?"

35.75 Councillor Fallon-Khan replied, "I will respond to Councillor Mitchell in writing."

35.76 (o) Councillor Mitchell asked:

"Will Councillor Geoffrey Theobald please state the cost of the additional crews brought in to remove uncollected refuse since October 6th during the current service disruption?"

35.77 Councillor Theobald replied:

"There is no additional cost on the service budget because it does not include for the reduction in crews in this financial year on the basis that the savings, that have been made thus far, would be needed in the short term to settle in the changes. In the next financial year the savings from these changes (including recycling and communal bins) will be just under £1m per annum."

35.78 Councillor Mitchell asked a supplementary question, "Bearing in mind that several areas in my Ward and in others across the city are still experiencing some disruption with their refuse collections, does Councillor Theobald still stick to his promise that all of these problems will be resolved within the next three weeks and the new rounds are entirely workable?"

Can he also say why he was not able to do as I asked and to separate out the amount that has been spent on weekend working crews, and I do accept that it is part of the overall budget, but what I was actually asking was for the separated out amount that has gone towards crews working on Saturdays in order to catch up?"

35.79 Councillor Theobald replied, "We don't have a way of separating that out and I would have thought that Councillor Mitchell would know that in our particular budget we budget for a particular amount.

As to the other issue that Councillor Mitchell referred to, obviously we wish to get this service running properly at the earliest possible date and we have pledged to endeavour to do that as soon as possible."

35.80 Councillor Mrs Theobald asked a further supplementary question, "Does the Cabinet Member agree that the introduction of communal bins across the city will all but remove the problem of black bags spilling upon our streets and should be welcomed?"

35.81 Councillor Theobald replied, "Yes."

35.82 (p) Councillor Barnett asked:

"What action is the council and its partners taking to tackle the problem of drugs in our city?"

35.83 Councillor Simson replied:

“Thank you very much for this question as it is an opportunity to confirm the positive work that is underway across the city led by the council and it’s partners. Reducing and preventing drug related harm remains both a national and local priority and tackling illicit drugs misuse is one of the priorities identified in the Brighton and Hove Community Safety, Crime Reduction and Drugs Strategy.

As well as the national focus on reducing both the supply of and the demand for illicit drugs, we and our partners have work underway to address the challenges of protecting communities through robust enforcement; preventing harm to children young people and families; delivering new approaches to drug treatment and social reintegration; and public information campaigns, communication and community engagement.

Whilst all the key actions are detailed in our Strategy, which is extremely comprehensive, I can pick out some areas of focus and challenge for the next three years. For young people and families there will be a continuing focus on supporting the children of drug misusing parents and carers. We will continue to work with communities through local audits aiming at both assisting local populations to reduce local concerns and providing targeted support.

Partners are reviewing treatment services in order to deliver more effective and economical treatment and we will be sustaining enforcement activity, looking to make further improvements in intelligence and reporting in local communities. Illicit drug misuse has a direct impact on the lives of those who use drugs, their families and local communities and we all remain committed to tackling its impact.”

35.84 Councillor McCaffery asked a supplementary question, “I welcome the work of the Conservative Administration to tackle drug misuse in this city and feel it is very important. I also welcome the fact that in your statement you note that it is a priority. I am therefore rather puzzled as to why in the last budget you voted to reduce the funding to substance misuse in the city as indeed part of the budget, perhaps you could explain that?”

35.85 Councillor Simson replied, “The funding you are referring to I believe is national funding that was actually cut by your Government.”

35.86 (q) Councillor Steedman asked:

“Earlier this year, Councillor Mears signed up to the Eastern Road Area Charter, personally committing the Administration to working with local councillors, the police, the PCT and local residents to meet certain service standards and to deliver a better quality of life for all, through partnership working. Could Councillor Mears confirm that she and her Administration are still fully committed to meeting the commitments, standards and actions agreed in the Charter?”

35.87 Councillor Mears replied:

“Yes.”

- 35.88 Councillor Steedman asked a supplementary question, "I would like to thank Councillor Mears for her full and expansive response, and in that case, Mr Mayor, and especially given the intense interest of the Department for Communities & Local Government and also the Government Office for the South East, will Councillor Mears guarantee funding to support the Eastern Road Area Partnership for the forthcoming financial year in order to fulfil all the requirements of this national pathfinder programme?"
- 35.89 Councillor Mears replied, "As you know this authority is part of the national pilot programme to test the effectiveness of neighbourhood charters to improve service provision and quality of life.

The Eastern Road Charter has been developed by partners with the support of the Neighbourhood Management Team over the past ten months and which was launched in June 2008. This has produced an excellent document which local residents and partners are already using to improve the delivery and co-ordination of local services, for example ensuring local access to services for older people in the area.

The Charter is an excellent example of residents, service providers and elected Members working together to meet local priorities. I and my Administration are committed to partnership working and I trust that our joint work in this area will continue to be positive and focus on local needs and reducing inequalities across the city.

To go on to Councillor Steedman's question, yes Councillor Steedman this Administration is committed to working in partnership across the city. As you know the Government is cutting funding severely which makes it very difficult. That is why I was very surprised with the previous Administration's questions today when they go on about council tax, particularly as they had raised council tax in their Administration time to 124% over eleven years, especially in the year 2003/2004 when it was 14.5%. I can assure you this Administration believes in value for money and we will ensure that we work with partners, with you Councillor Steedman in your area, to provide an excellent community service."

- 35.90 Councillor Simson asked a further supplementary question, "Could I ask the Leader of the Council if she is aware that I am actually meeting with both the Eastern Road Partnership and the Tarner Partnership next week to discuss future support for these resident-led partnerships, the neighbourhood charter and the continued reduction of inequalities which many people in these areas have to live with?"
- 35.91 Councillor Mears replied, "Absolutely and you are absolutely right. I would like to point out, just a statistic from working in partnership, particularly in the Tarner area that Carlton Hill Primary School located in the middle of the Tarner area has seen an impressive turn-around in its stats results. In 2004 the school was achieving a 48% pass in Key Stage 2 Level 4 in English. Just last year it has achieved a 100% pass rate at this level. Similarly, it had a 30% pass rate at Key Stage 2 Level 4 in Maths in 2004 which recently rose to 92.3%.

Yes, Councillor Simson, I know you are having these meetings and I recognise all the hard work you are doing within the partnerships."

35.92 (r) Councillor Steedman asked:

“Could Councillor Geoffrey Theobald confirm that a scheme for a new cycle route between the Pier and the Marina will be put in place at the soonest possible opportunity?”

35.93 Councillor Theobald replied:

“Yes, subject to consultation with the public, including the cycle forum and cycle groups.”

35.94 Councillor Steedman asked a supplementary question, “On this particular question, as we heard in the earlier petition this is a vital part of the national South Coast Cycle Route and it is shameful that it has been left for all this time as one of the most conspicuous gaps in that route. It would create a valuable link to the Marina which is desperately in need of better links to the city.

Could Councillor Theobald explain why, given that we were promised completion of the scheme before the end of the financial year, it has been so delayed and could he guarantee that the funds for its construction will be rolled over to the next financial year to ensure that it is actually built?”

35.95 Councillor Theobald replied, “Yes, to the last part. As I have said to an earlier question we took over from an Administration 15 months ago, an enormous amount to sort out from the past Administration and we are gradually doing it and very successfully.”

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

36.1 The Mayor noted that three nominations had been received for the Mayor-Elect and stated that in view of the number of nominations he would ask the Monitoring Officer to explain the process for determining the matter.

36.2 Councillor Mears requested that in order to help Members with the voting process, a recorded vote be taken in accordance with procedural rule 29.2, seconded by Councillor Oxley which was accepted.

36.3 The Monitoring Officer thanked the Mayor and explained that once the nominations had been confirmed, the names of the nominees would be put forward in alphabetical order and Members would need to indicate who they were voting for. Following the vote, should one nominee secure a majority of the votes cast they would be appointed, however in the event that a majority was not secured a second vote would be held between the two nominees who had secured the most votes in the first round.

36.4 The Mayor then invited nominations for the Mayor Elect for the municipal year 2008/2009.

36.5 It was moved by Councillor Mitchell and seconded by Councillor Morgan that Councillor McCaffery be Mayor Elect for the municipal year 2009/2010.

- 36.6 It was moved by Councillor Drake and seconded by Councillor Janio that Councillor Ann Norman be Mayor Elect for the municipal year 2009/2010.
- 36.7 It was moved by Councillor Wrighton and seconded by Councillor Elgood that Councillor Randall be Mayor Elect for the municipal year 2009/2010.
- 36.8 The Mayor noted that a recorded vote be held and asked Members to give the name of their preferred nominee when they were called to vote.

NAME	MCCAFFERY	ANN NORMAN	RANDALL
Cllr Alford		X	
Allen	X	-	-
Barnett		X	
Bennett		X	
Brown		X	
Carden	X		
Caulfield		X	
Cobb		X	
Drake		X	
Duncan			X
Elgood			X
Fallon-Khan		X	
Fryer			X
Hamilton	X		
Harmer-Strange		X	
Hawkes	X		
Hyde		X	
Janio		X	
Kemble		X	
Kennedy			X
Kitcat			X
Lainchbury		X	
Lepper	X		
Marsh	X		
McCaffery	X		
Meadows	X		
Mears		X	
Mitchell	X		
Morgan	X		
Norman, Ann		X	
Norman, Ken		X	
Older		X	
Oxley		X	
Peltzer Dunn		X	
Pidgeon		X	
Randall			X
Rufus			X
Simpson	X		
Simson		X	

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Smart		X	
Smith		X	
Steedman			X
Taylor			X
Theobald, Carol		X	
Theobald, Geoffrey		X	
Turton	X		
Wakefield-Jarrett			X
Watkins			X
Wells		X	
West			X
Wrighton			X
Young		X	
Total	12	27	13

36.9 The Mayor informed the council of the result and declared that having secured a majority of the votes cast, Councillor Ann Norman had been nominated as the Mayor-Elect for the municipal year 2009/10.

36.10 Councillor Ann Norman thanked the Mayor and the council for her nomination and stated that she looked forward to undertaking the role following the Annual Council meeting in May.

DEPUTY MAYOR ELECT

36.11 The Mayor invited nominations for the Deputy Mayor Elect for the municipal year 2009/2010.

36.12 It was moved by Councillor Oxley and seconded by Councillor Mrs Brown that Councillor Peltzer Dunn be Deputy Mayor Elect for the municipal year 2009/2010.

36.13 The Motion was carried.

37. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**(a) Callover**

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

Item 39 – Procedures for the Appointment of Assistant Directors.

(b) Receipt and/or Approval of Reports

37.2 The Chief Executive confirmed that Item No.39 had been reserved for discussion and that the Annual Report of the Standards Committee, Item 38 on the agenda with the recommendations therein be approved and adopted.

(c) Oral Questions from Members

- 37.3 The Mayor noted that there were no oral questions from councillors in relation to matters that had not been called.

38. ANNUAL REPORT OF THE STANDARDS COMMITTEE

- 38.1 The Annual Report of the Standards Committee had not been called and therefore the recommendations contained therein were noted.

39. PROCEDURES FOR APPOINTMENT OF ASSISTANT DIRECTORS

- 39.1 Councillor Ann Norman formerly moved the report which sought to alter the procedure rules for the appointment of Assistant Directors, to ensure direct Member involvement in the process.
- 39.2 Councillor Watkins stated that he felt this was an important change and one that brought the council into line with many other authorities. He also noted that paragraph 3.4 referred to the composition of the selection panel and queried whether it was correct and stated that he would be happy to receive a full written response on the matter.
- 39.3 Councillor Ann Norman stated that she believed the proposed political composition of the selection panels was correct, but would check the matter and confirm in writing.
- 39.4 The Mayor noted that the recommendations of the report had been moved and sought confirmation from the council.
- 39.5 The motion was carried.

40. NOTICES OF MOTION.**(a) Falmer Academy**

- 40.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Mrs Brown and seconded by Councillor Hawkes.
- 40.2 Councillor Fryer moved an amendment, seconded by Councillor Elgood, which was put to the vote by the Mayor and lost.
- 40.3 The Mayor then put the following Notice of Motion to the vote:

“This Council believes that all children should have access to a first class education regardless of where they happen to live and that good education provides the most effective route out of poverty for some of the most disadvantaged children in our society. Nationally and locally, both Conservative and Labour parties recognise that Academies offer an effective means of achieving this through a vision and ethos based on success

and high expectation. In 2008, the number of pupils gaining five A* - C grade GCSEs increased by 2.9% in Academies compared to an improvement of 0.9% in all schools.

Furthermore, this Council welcomes the progress that has been made in developing the proposals for a new state of the art Academy at Falmer and congratulates the council officers whose hard work and dedication has allowed the project to progress so well to date.

Falmer High is already an improving school but the proposed Academy will bring enormous additional benefits to the local children and families and has strong support amongst the wider community. The choice of entrepreneurship and sport as specialisms for the Academy has met with an enthusiastic response from businesses, parents and young people.

Therefore, this Council supports continued close working with the Department for Children, Schools and Families, the Aldridge Foundation, governors, parents and the wider community to ensure that the proposed Academy makes a successful and enduring contribution to secondary education in Brighton & Hove.”

40.4 The motion was carried.

(b) Free School Meals

40.5 The Notice of Motion as detailed in the agenda was proposed by Councillor Fryer and seconded by Councillor Steedman.

40.6 Councillor Meadows moved an amendment, seconded by Councillor Hawkes which was accepted by Councillor Fryer.

40.7 Councillor Mrs Brown moved an amendment, seconded by Councillor Alford, which was put to the vote by the Mayor and lost.

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

“Families surviving on small budgets face many and increasing financial pressures, and while expenditure on rent, heating bills and council tax are fixed, the amount spent on food is in the flexible budget category. The high cost of healthy food is a major obstacle for many parents wanting to provide healthy food for their children.

Healthy school meals can play an important role in tackling health and social disadvantages, but uptake in Brighton and Hove is limited. Uptake can be increased by providing the right eating environment: a 'whole school approach' which sees pupils engage with food throughout their school day, being involved with growing and preparing their food, as well as given the time and space to enjoy eating healthy food together calmly as a social activity. But the cost of school meals can also be a barrier to uptake. Even where young people are eligible for Free School Meals, they don't always take this up as there can be a stigma attached to this entitlement.

This council notes that:

- A 3 year experiment by Hull Council which saw free school meals provided to all primary school children led to Heads and teachers reporting that children were 'more relaxed and better behaved', and 30 per cent of parents said they were trying healthier food at home as a result of the trial.
- The Child Poverty Action Group has called for universal free school meals.
- The Government recently announced a two-year pilot programme which will see free school meals given to all pupils aged four to 11 in two areas over two years, to measure the impact of healthy eating on health, behavior and academic results.

This council notes with concern that:

- 13.5 per cent of children in Brighton & Hove are already obese in the year they start school.
- Less than a third of children aged 10 – 15 in the city eat five or more portions of fruit or vegetables a day.
- A third of Brighton & Hove children are obese by year 6.
- Take up of school meals is around 43 per cent in primary schools and around 34 per cent in secondary schools in Brighton & Hove. More than a third of those entitled to them do not take-up free school meals at primary school, and around half of those entitled to them do not take-up free school meals at secondary school.

This council therefore requests that the Chief Executive writes to the Secretary of State requesting:

1. Funding for pilot schemes similar to that in Hull which will provide all young people at both primary and secondary schools with free school meals.
2. In the event of successful trials, the rollout of a nationally-funded free school meal programme for all primary and secondary students across the country.

And also:

This council expresses its support for local schools, where they can, to take advantage of European and National programmes that fund free fruit and vegetables in schools and continue to work with all schools to promote healthy lifestyles and healthy eating.”

40.9 **The motion was carried.**

Note: Following a question as to whether she had an interest in the matter, Councillor Mears stated that she did not believe she had a prejudicial interest as she did not have a direct involvement in the family firm which supplied fresh fruit and vegetables. However, in the interests of openness and transparency she was happy to take no part in the debate or the decision thereon, and withdraw from the Chamber during consideration of the motion.

(c) Keeping NHS Services Public

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

40.11 The Mayor then put the following Notice of Motion to the vote:

“Since 2006 large private companies have been able to take over or establish GP practices under ‘Alternative Provider Medical Services Contracts’ (APMSC). This new approach, where the need for corporate profit conflicts with patient needs, threatens the trusted model of a partnership of GPs owning and running a surgery for their patients. The city of Brighton & Hove now has five GP practices run by ChilversMcCrea Healthcare.

This council notes with concern that in privately run NHS services including GP practices, polyclinics and independent specialist treatment centres (ISTCs):

- Bids from traditional GP partnerships are often undercut by multi-national health companies;
- Doctors work on shorter term contracts leading to increased staff turnover and dramatically less continuity of care for patients;
- Important information on the cost and level of service provided becomes hidden from scrutiny under the cloak of ‘commercial confidentiality’;
- Proposals are constructed to keep profitable services private while leaving publicly-funded services to pick up the complex, costly cases leaving any cost savings in private hands.

UNISON, the King’s Fund and the House of Commons Health Committee have all raised concerns with these new contractual agreements.

At the Health Overview & Scrutiny Committee’s meeting on 5th November Brighton & Sussex Universities NHS Trust acknowledged a £2-3 million per annum loss for handling the complex cases left to them by the privately-run Sussex Orthopaedic Treatment Centre, which focuses only on simple cases without co-morbidity. Given that the Brighton & Hove Primary Care Trust is currently calling for bids on a new GP-led healthcare centre; this council:

- Rejects the creeping privatisation of NHS services;
- Expresses concern over the financial impact of the Sussex Orthopaedic Treatment Centre;
- And asks the Chief Executive to write to Alan Johnson, Secretary of State for Health and Darren Grayson, Chief Executive of the local PCT asking them to cease further APMSC and ISTC contracts and to reject corporate bids for the proposed GP-led health centre.”

40.12 **The motion was lost.**

(d) HIV/Aids Services in Brighton and Hove

40.13 The Notice of Motion as detailed in the agenda was proposed by Councillor Randall and seconded by Councillor Wakefield-Jarrett.

40.14 The Mayor then put the following Notice of Motion to the vote:

“This council:

1. Acknowledges the work of voluntary organisations, the Primary Care Trust and its own officers who provide a comprehensive care pathway for the rising number of people living with HIV/Aids in Brighton and Hove and, equally importantly, provide a range of preventative services.
2. Welcomes the modest rise in this year’s Aids Support Grant, which partially restores the Government’s cuts of recent years.
3. Applauds the efforts of the Terrence Higgins Trust to supply some of those services formerly provided by the Open Door project, which closed earlier this year.
4. Expresses its concern about future funding for HIV/Aids work when the Aids Support Grant scheme comes to an end in two years time.
5. Expresses its regret that allocations are not made promptly at the beginning of each financial year, leaving voluntary groups, in particular, in a difficult financial position.

It therefore resolves:

1. To continue to keep sexual health and HIV/Aids issues high on its agenda.
2. To continue to recognise the work of voluntary groups in the city who work with those with HIV/Aids and provide educational services to prevent the spread of HIV/Aids.
3. To ask the city’s three MPs to support a lobby of Government to ensure the Aids Support Grant is maintained and ring-fenced, that the grant paid to support work in Brighton and Hove meets the city’s need and that it is paid on time.”

40.15 **The motion was carried.**

(e) Credit Crunch

40.16 The Notice of Motion as detailed in the agenda was proposed by Councillor Young and seconded by Councillor Kemble.

40.17 Councillor Randall noted that a proposed amendment had been circulated with the addendum; however, following further information on the matter coming to light, he wished to alter his amendment and therefore in accordance with procedural rules sought

agreement from the council to that effect. The revised amendment, seconded by Councillor Kennedy was accepted by Councillor Young.

40.18 Councillor Hamilton moved an amendment, seconded by Councillor Mitchell, which was put to the vote by the Mayor and lost.

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

“This Council:

Recognises that the world economy is entering a period of significant downturn and Britain, and more particularly Brighton & Hove, is likely to feel the effects of the difficult financial times. Independent forecasts from the IMF and European Commission predict that Britain’s economy is very poorly positioned to weather the economic storm, despite Government claims to the contrary.

Believes that local business and jobs are vital to the continued prosperity of Brighton & Hove and the Council has a duty to protect and enhance the city’s social, environmental and economic well being. This Council is therefore delighted to be taking prompt action by offering local businesses a ‘recession relief’ package which includes a range of measures designed to help hundreds of businesses with cash flow as the credit crunch tightens. These measures have been widely welcomed.

Recognises the importance of continued publicity of help available to city businesses from local and central government.

Welcomes the agreement by utility companies to match the council’s decision to cease all major city centre roadworks from 5 December until the end of the Christmas period; this will have a positive impact on local businesses as access the city centre will be improved for Christmas shoppers.

Notes with concern that one of the most serious consequences of the credit crunch has been its damaging impact on the housing market and homeowners. Some people in Brighton & Hove may struggle to make mortgage repayments and risk being evicted from their own homes, which would create a demand on many of the council’s services, particularly the homelessness services.

Acknowledges and welcomes the investigatory work already being undertaken by the Council’s Administration to consider the feasibility of a local scheme to help homeowners deal with the effects of the serious economic downturn.

Despite having taken a number of steps to support the economy of Brighton & Hove, the Council continues to investigate what more it can do. In particular this Council will welcome consideration of development initiatives that create employment and increase social capacity while seeking to reduce the negative effects of the economic downturn, rising energy costs and rising carbon dioxide emissions. In consideration of such initiatives the Council’s possible role as an enabler should be remembered while it is recognised that its powers are limited by the Government.

Therefore, this Council resolves to instruct the Chief Executive to write to the Secretary of State for Communities and Local Government to ask her to give councils more discretion to set business rates locally, as suggested by the Local Government Association.”

40.20 **The motion was carried.**

(f) Fuel Poverty

40.21 The Notice of Motion as detailed in the agenda was proposed by Councillor Caulfield and seconded by Councillor Mears.

40.22 Councillor Elgood moved an amendment, seconded by Councillor Watkins, which was accepted by Councillor Caulfield.

40.23 Councillor Simpson moved an amendment, seconded by Councillor Hamilton, which was accepted by Councillor Caulfield.

40.24 Councillor Randall moved an amendment, seconded by Councillor Kennedy, which was put to the vote by the Mayor and lost.

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

“This Council notes with concern that in 2008, millions of people still struggle to heat their homes properly because of their inability to pay their fuel bills; which are on average more than £1000 annually. The Government’s own figures estimate that the number of ‘fuel poor’ households in England is now higher than at any time recorded since Labour came to power.

In 2000, the Government introduced a Fuel Poverty Strategy and the Warm Homes and Energy Conservation Act and committed itself to ending the fuel poverty of vulnerable people by 2010, and to end fuel poverty for everyone by 2016. However since 2004, the number of English households in fuel poverty is estimated to have risen almost three-fold, when it stood at 1.2 million. Even the Government now accepts that it will fail to meet its legal duty to reduce fuel poverty in the time frame that it created.

This Council recognises that local authorities are doing what they can to protect people from fuel poverty. Last month, Brighton & Hove City Council began a programme of works to establish how it could cut the fuel bills of council tenants and increase the energy efficiency of their homes.

However local authorities can only do so much, therefore this Council calls on the Government to fulfil its responsibilities to help the residents of Brighton & Hove who are struggling to pay their energy bills and as a result face a bleak, cold winter.

This Council instructs the Chief Executive to write to the Secretary of State for Energy and Climate Change to ask him to:

- Take more effective practical steps to help homeowners reduce their energy bills, ensuring additional costs are not passed on to consumers.

- Use OfGem's powers more effectively to ensure energy companies give customers a better deal.
- Take urgent steps with the Chancellor of the Exchequer to extend the Winter Fuel Payment to severely disabled people who are in receipt of the Disability Living Allowance.

This council welcomes government, charity and energy provider services that offer information and help to lower fuel costs as well as providing practical advice for people that are finding it difficult to pay bills. This council also notes the importance of getting timely information to residents when fighting fuel poverty and encourages greater awareness of the following points;

- The Winter Fuel Allowance with over 60's households receiving £250 and the over 80's getting £400, paid directly to them.
- Those that own or rent their homes privately and receive benefits can apply for grants of up to £2,700 under the government's Warm front scheme.
- The Citizens Advice Bureau, based in Hove have trained debt advisers to help people find the best solutions for getting out of debt and to pay the bills.
- Most energy suppliers now have a charitable trust or fund to help low income customers who are struggling with their bills. These grants could be used to write off existing debt or to help pay off incoming bills.
- Many energy suppliers have special, cheaper social tariffs available for lower income households.
- The provision of an extra winter payment in January for pensioners of £60 and £120 for couples, benefitting over 12 million pensioners."

40.26 **The motion was carried.**

(g) Government Surveillance of Communications – The Data Base State

40.27 Councillor Oxley suggested that in view of the lateness of the hour, the Notice of Motion should be deferred to the next meeting, in order to give the matter due consideration. He noted that amendments had been submitted by the Liberal Democrat and Green Groups and stated that he was happy to discuss with the proposers of each whether a composite motion could be brought to the next meeting.

40.28 The Mayor noted the request and council's agreement to defer the motion, together with the amendments to the next meeting.

41. REFERRED NOTICES OF MOTION

41.1 The Mayor noted that the Notice of Motion, concerning Green Spaces and Health Inequality had been referred to the Environment Cabinet Member meeting for consideration under procedural rule 8.2.

41.2 The information was noted.

42. NOTICES OF MOTION REPORTED TO COUNCIL FOR INFORMATION ONLY

42.1 The Mayor noted that the Notice of Motion as detailed in the agenda had been referred to the Environment Cabinet Member meeting on the 6 November 2008, and the decision taken was being reported back to the council for information.

42.2 The information was noted.

The meeting concluded at 11.13pm

Signed

Chair

Dated this

day of