

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 1 MAY 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor J Kitcat (Chair) Councillors G Theobald (Opposition Spokesperson), Morgan (Group Spokesperson), Hamilton, Lepper, A Norman, Peltzer Dunn, Randall, Shanks and Sykes.

PART ONE

164. PROCEDURAL BUSINESS

(a) Declarations of Substitutes

164.1 Councillor Sykes declared that he was attending the meeting as a substitute for Councillor Littman.

(b) Declarations of Interest

164.2 Councillor Hamilton declared a personal and non-prejudicial interest in Item 171, Local Government Pension Scheme as he was a member of the scheme that related to councillors.

164.3 The Chair noted that the report only related to staff who were members of the scheme and therefore it did not affect any councillor who was also a member of the scheme.

(c) Exclusion of the Press and Public

164.4 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

164.5 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

165. MINUTES

165.1 The minutes of the last meeting held on the 20th March 2014 were approved as a correct record of the proceedings and signed by the Chair.

166. CHAIR'S COMMUNICATIONS

166.1. The Chair noted that the partial collapse of the A259 had occupied the minds of many people since last week and he was mindful that incidents like this caused frustration and anxiety. The immediate concern had been for the safety of road users and the people at the Fortune of War and he was pleased to say that the swift actions of everyone involved meant that no serious problems occurred. He was especially grateful to the builders working at the Fortune of War for taking such decisive action.

166.2. The Chair stated that assessment damage to the road and the required repairs were being determined, though temporary diversions to ensure traffic flow had been secured along the route. Contrary to reports in the local press the road was not closed. Proper and complete repairs and renovations to the seafront in its entirety would require far greater resources than were currently available and he shared the concerns of his opposition colleagues that these were currently beyond the council's reach. Everyone recognised its value and importance and he hoped everyone could put aside differences to help procure the kinds of funding required.

166.3. The Chair then noted that Item 173 on the agenda, Brighton and Hove Seaside Community Homes – Registered Provider Application had been deferred.

166.4. The Chair suggested that Item 172 on the agenda, Shoreham Airport should be taken first in view of the level of interest in the matter and the attendance of representatives from the Airport.

167. CALL OVER

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

Item 170	Asset Management Fund 2014/15
Item 172	Shoreham Airport
Item 174	Rottingdean Terraces
Item 176	Health & Wellbeing Board
Item 178	Area Panel Boundaries and the Housing Management Consultative sub-Committee
Item 180	Shoreham Airport – Exempt Category 5
Item 181	Part Two Minutes – Exempt Category 5

167.2 The Head of Democratic Services confirmed that the items listed above had been reserved for discussion, and that the following reports on the agenda with the recommendations therein had been approved and adopted:

Item 171	Local Government Pension Scheme 2014 – Employer Discretions
Item 175	Sussex Stationery Consortium Procurement of Office Supplies
Item 177	Review of Code of Conduct Complaints Procedure.

168. PUBLIC INVOLVEMENT

168.1 The Chair noted that no public questions or deputations had been received for the meeting.

169. MEMBER INVOLVEMENT

169.1 The Chair noted that Councillor Robins had submitted a letter for consideration in regard to the Old Police Station in St. Andrew's Road, Portslade. He welcomed Councillor Robins to the meeting and invited him to come forward and to address the committee.

169.2 Councillor Robins thanked the Chair and referred to his letter that had been included in the agenda. He stated that the local community believed that consideration should be given to enabling the old police station to be used as a community facility and become a heritage attraction rather than simply for housing. He therefore asked that the local community be given time to determine whether there was sufficient interest to retain the building as a community asset and secure its future.

169.3 The Chair thanked Councillor Robins and noted that there had been a change in circumstances which provided a three month window of opportunity for alternative proposals for the use of the building to be brought forward. He stated that it was the Administration's view remained that the building/land should be used for necessary housing provision. He would also ensure that a full written response was sent to Councillor Robins.

169.4 Councillor G. Theobald stated that the Conservative Group fully supported the retention of the police station as a community asset.

169.5 Councillor Hamilton welcomed the 3-month period and hoped that a viable proposal could be brought forward.

169.6 **RESOLVED:** That the letter be noted.

169.7 The Chair noted that a Notice of Motion, concerning the implementation of a warning system about pay day lenders on all council computers and via publicly accessible internet connections provided by the Council, had been referred to the committee for consideration.

169.8 The Chair proposed that the notice of motion be noted and that officers be requested to bring a report to a future meeting of the committee.

169.9 **RESOLVED:** That the notice of motion be noted and a full report be brought back to the committee in due course.

170. ASSET MANAGEMENT FUND 2014/15

170.1 The Executive Director for Finance & Resources introduced the report which sought approval for the £0.275 balance of the 2014/15 Asset Management Fund allocation.

170.2 Councillor A. Norman welcomed the report and the inclusion of changing rooms at the Brighton Centre as it was important to have such facilities at major venues in the city.

170.3 The Chair noted the comments and put the recommendations to the vote.

170.4 **RESOLVED:** That the recommended remaining allocations of AMF bids totalling £0.275 million as detailed in paragraph 3.4 of the report be agreed.

171. LOCAL GOVERNMENT PENSION SCHEME 2014 - EMPLOYER DISCRETIONS

171.1 RESOLVED:

- (1) That it be agreed to maintain its current pension discretions as set out at paragraphs 2.1.1- 2.1.7 and apply these to the Local Government Pension Scheme Regulations 2013. Specifically these are:-
 - (i) The council continues its current practice not to fund in whole or in part, any purchase of additional pension benefits via Additional Regular Contributions (ARCs) or Purchase of Added Years or Additional Pension Contributions (APCs) as set out at section 4.1 of the report.
 - (ii) The council maintains its policy that any actuarial reduction due to early payment of benefits due to flexible retirement is absorbed by the individual member unless they have been placed at risk of redundancy as set out at paragraph 4.2.10
 - (iii) The council maintains its policy, to support applications for Voluntary Early Retirement made on compassionate grounds and, where agreed, to waive any actuarial reduction as set out at section 4.3 of the report. In all other applications for voluntary retirement, the actuarial reduction will be absorbed by the individual member.
 - (iv) The council maintains its policy not to award any additional pension as detailed in section 4.4.
 - (v) The council continues to assess and apply rebanding of pension contributions on an annual basis as at 1st April regardless of material changes throughout the financial year as detailed in section 4.5.
 - (vi) The council does not switch on the 85 year rule for employees who voluntarily retire between the ages of 55-60 and continues with its current policy to only consider this as an exception on compassionate grounds.
- (2) That the council's pension policy be updated in accordance with the new scheme and delegations.

172. SHOREHAM AIRPORT

172.1. The Executive Director for Environment, Development & Housing introduced the report, which provided an update on negotiations taking place between the Shoreham

Airport freeholders; Brighton & Hove City Council and Worthing Borough Council; the lessees Albermale Shoreham Airport Limited and potential lessees, Brighton City Airport Limited (BCAL), on the future lease and management arrangements at the Airport.

- 172.2. The Executive Director for Environment, Development & Housing noted that representatives from Albermale and BCAL were present, as well as Mr. Edie who was representing Shoreham Airport Operators & Tenants Association. He stated that as the airport's freeholders, both Brighton and Hove and Worthing Councils had an interest in the future viability of the airport and noted that protracted discussions had taken place between all parties and that the proposed transfer of the lease and management arrangements was considered to be the best way forward.
- 172.3. The Chair then invited Mr. Edie to come forward and address the committee.
- 172.4. Mr. Edie thanked the Chair for the opportunity to attend the meeting and outline the concerns of the Operators and Tenants Association. He stated that the Association believed the item should be deferred from consideration as there was insufficient information to show that BCAL was a viable operation and would be able to run the airport. The current proposals relied on an increased level of revenue but did not indicate where that would come from. There had already been an increase in the level of rent by 30% without consultation and several owners of private aircraft had since moved their planes to other airports. He therefore asked that the matter be deferred to allow for an independent review of the operation of the airport and consultation with all the stakeholders.
- 172.5. Councillor Hamilton queried when the association had first heard about the proposals to change the management and operation arrangements at the airport.
- 172.6. Mr. Edie stated that it was only at the time when the requirement to speak at the committee meeting was about to expire.
- 172.7. Councillor Randall asked how many members the association had.
- 172.8. Mr. Edie stated that he was the Chairman and the association had 24 members.
- 172.9. Councillor Peltzer Dunn queried whether a copy of the Business Plan would be made available.
- 172.10. The Executive Director stated that it was not available at the meeting, but noted that a representative from BCAL was present.
- 172.11. The Chair stated that the committee were not being asked to agree the Business Plan and noted that the transfer of the lease to BCAL could be made by Albermale without having to refer to the two councils.
- 172.12. Councillor Hamilton referred to page 41 of the report and noted that Flying Time Aviation was a growing business and that its Directors were also listed as those for BCAL and queried whether this was appropriate.

- 172.13. The Executive Director stated that it could be regarded as an advantage as the proposed new operator had a clear understanding of the business of running an airport. He noted that Albermale was largely a property company and did not have the experience of running an airport, but wished to retain an interest in the land side of the airport. He also noted that should an operator not be found, the responsibility would fall back to the two local authorities to find one.
- 172.14. Councillor Peltzer Dunn expressed his reservations about having been sufficiently briefed on the matter and concerns about the lack of consultation with various stakeholders at the airport.
- 172.15. The Chair noted the comments and suggested that the committee move into closed session to discuss the matter further and enable the representatives from Albermale and BCAL to be called in to answer any questions.
- 172.16. The Chair then adjourned the open part of the meeting at 4.25pm and asked for members of the press and public to leave the chamber.
- 172.17. The Chair reconvened the meeting at 6.00pm and thanked the members of the press and public for their patience. He then stated that the report had been considered and that he would put the recommendations to the vote.

172.18. **RESOLVED:**

- (1) That the main principles in accordance with "List of Proposals" agreed by Worthing Borough Council (set out in Appendix 1) to the report be agreed:
 - (i) ASAL shall surrender Airport Lease (subject to 2.1.2 to 2.1.7 below):
 - (ii) The Councils grant a long lease of the Terminal Building, Hangar and car park to ASAL on substantially the same terms as the surrendered lease;
 - (iii) ASAL shall grant BCAL a lease of the Terminal Building, Hangar and car park on similar terms to the Councils' lease to ASAL;
 - (iv) The Councils grant a long lease of the Eastern Development Area and Western Development Area to ASAL on the same terms as the surrendered lease;
 - (v) The Councils grant a long lease of the airport operational land (i.e. the old Airport Lease minus the sections granted under 2.1.2 and 2.1.4) to BCAL on substantially the same terms as the surrendered lease;
 - (vi) The £1m deferred consideration shall be further deferred until a building built on the Eastern Development Land or Western Development Land is completed and occupied in part or whole.
- (2) That the Committee provide delegated authority to the Executive Director Environment Development & Housing and the Executive Director of Finance & Resources to enter into leases and other supplementary agreements in order to complete 2.1.

173. BRIGHTON AND HOVE SEASIDE COMMUNITY HOMES - REGISTERED PROVIDER APPLICATION

173.1 The item was deferred.

174. ROTTINGDEAN TERRACES

174.1 The Assistant Chief Executive introduced the report which resulted from the Notice of Motion that had been approved at Council and considered at the last meeting. She stated that it was proposed to make a contribution of £3,000 towards the costs of the access ramp for the Terraces as £1,000 had already been incurred in terms of professional time and the preparation of plans etc.

174.2 Councillor Morgan noted the proposal to develop a model form of legal agreement with groups who wish to fund projects on council land or apply for funding and suggested that it be taken to the Constitution Working Group for consideration.

174.3 Councillor G. Theobald stated that the Conservative Group were broadly in support of the report although would have preferred to have met the £4,000 costs for the provision of the ramp in full.

174.4 The Chair put the recommendations to the vote.

174.5 RESOLVED:

- (1) That an allocation of up to £3000 towards the cost of the ramp to the Rottingdean Terrace Stage subject to satisfactory granting of planning permission be agreed; and
- (2) That officers be instructed to develop a model form of legal agreement with groups such as parish councils who wish to fund projects on council land or apply for funding.

175. SUSSEX STATIONERY CONSORTIUM PROCUREMENT OF OFFICE SUPPLIES**175.1 RESOLVED:**

- (1) That the procurement by Brighton & Hove City Council on behalf of the Sussex Stationery Consortium of a contract for the provision of office supplies for a term of 3 years from 18 December 2014 to 17 December 2017, with an option to extend the contract for up to 12 months to 16 December 2018 be approved; and
- (2) That the Executive Director for Finance & Resources be granted delegated authority:
 - (i) To carry out the procurement of the contract referred to above, including the award and letting of the contract; and

- (ii) To exercise the option to extend the contract by up to 12 months should he/she consider it appropriate, at the relevant time.

176. HEALTH AND WELLBEING BOARD

- 176.1 The Monitoring Officer introduced the report which set out proposed changes to the role, purpose and ways of working of the Health & Wellbeing Board to reflect the need for greater co-ordination and integration of health and local authority functions. He noted that the changes would provide the Board with real decision-making powers which would enable it to be forward thinking and initiate action and policy development. It was in line with the intentions of the Health & Wellbeing Act and had the full support of the cross-part Constitution Review Working Group and the Leaders Group. He was aware that some Members had expressed reservations about the proposed changes but stated that the remit of the Board would be kept under review and any changes could be brought forward as part of a report on the review of the constitution.
- 176.2 The Chair welcomed the report and stated that the integration of health and local authority functions was a positive approach and step forward. He noted that the Clinical Commissioning Group (CCG) had been fully consulted and were supportive of the changes and that many other authorities were in the process of making similar arrangements. He therefore hoped that the proposals would be supported.
- 176.3 Councillor Morgan stated that he believed it was the right way forward to integrate the various functions and welcomed the political consensus, although he did have reservations around the constitutional aspects i.e. that the local authority membership did not reflect the committee system that the council had adopted and meant that decision-making was in the hands of a small number of elected representatives. However, he was prepared to support the recommendations and to keep the process under review.
- 176.4 Councillor G. Theobald stated that whilst he supported the proposals, he was concerned about the establishment of an Officer Board that would be able to influence the agenda setting for meetings of the Health & Wellbeing Board, as set out in paragraph 8.4 of the report.
- 176.5 The Monitoring Officer stated that no additional powers were being given to officers, but rather the need for various officers to meet was being highlighted as the Board's functions cut across a number of areas. There would be a need for those lead officers to meet and discuss matters and identify reports that would need to be taken to the Board for consideration.
- 176.6 Councillor A. Norman stated that the Board was going to be a very powerful committee and noted that reference was made to referred powers at paragraph 7.7 of the report for housing, transport, environmental health and arts and culture and asked for clarification of this in respect of the formal executive committees that existed.
- 176.7 The Monitoring Officer stated that the respective committees retained the decision-making powers for their areas, however the intention was to identify that the Board could discuss those matters as they were likely to have an impact on health

considerations. He noted that the constitution gave every committee referred powers to discuss any areas that may impact on their own responsibilities.

176.8 Councillor Randall also referred to paragraph 7.7 and welcomed the recognition of the fact that arts and culture could have an impact of the health and wellbeing of individuals.

176.9 Councillor Peltzer Dunn referred to paragraph 8.4 and stated that he could accept the first bullet point but had concerns over the remaining bullet points as it appeared agendas would be officer led rather than Member led; and queried who would be able to put items onto the agendas of the Board.

176.10 The Monitoring Officer stated that it was intended to have Chair's pre-meetings whereby possible items for future agendas could be raised and agreed.

176.11 The Chair stated that he expected the agenda setting process to follow that of committees and therefore Members and members of the public would be able to influence the agenda.

176.12 The Chair then put the recommendations to the vote.

176.13 **RESOLVED TO RECOMMEND:**

- (1) That the proposals set out in paragraphs 6.7 to 11.4 and appendix 2 to the report be agreed;
- (2) That the proposed changes come into effect immediately after Annual Council meeting on 15th May 2014;
- (3) That the Chief Executive be authorised to take all steps necessary, conducive or incidental to the implementation of the proposals, including entering into section 75 Agreements;
- (4) That the intention to provide system leadership, achieve greater joint commissioning and integration of services between the Council and the CCG be noted;
- (5) That it be agreed to keep the effectiveness of the arrangements under review; and
- (6) That the recommendations of the Independent Remuneration Panel regarding allowances for the Lead Member for Adult Social Services as set out in paragraph 9.2 of the report be agreed.

177. REVIEW OF CODE OF CONDUCT COMPLAINTS PROCEDURE

177.1 **RESOLVED:**

- (1) That the Standards Panel's designation being altered from a Sub-Committee to a Panel be agreed; and
- (2) That the recommendation of the Independent Remuneration Panel as set out in the note attached as an annexe to the extracts from the Audit & Standards Committee meeting be agreed.

178. AREA PANEL BOUNDARIES AND THE HOUSING MANAGEMENT CONSULTATIVE SUB-COMMITTEE

- 178.1 The Monitoring Officer introduced the report which set out proposed changes to the council's resident involvement structure by realigning geographical boundaries of Area Panels to match ward boundaries. The report also proposed that the Housing Management Consultative Sub-Committee be discontinued and that revised arrangements and ways of working be introduced to ensure more effective tenant consultation and input into the decision-making process. Whilst there had been an effective role under the executive system, it was felt that under a committee system there was a level of duplication with both the Area Panels and the Sub-Committee. The Monitoring Officer also noted that future reports to the Housing Committee would include comments from the Area Panels the Tenant Scrutiny arrangements had now come into operation and had taken two reports to date to the Housing Committee.
- 178.2 Councillor Randall welcomed the report and stated that he felt there were a number of avenues whereby tenants could put forward their views and influence matters right up the Housing Committee itself and therefore the sub-committee was not needed. He was aware that an indicative vote by tenants at the last sub-committee had shown support for its retention, but that there had been divided views at the Area Panels. He also noted that the Leaders Group supported the proposal and that Councillor Peltzer Dunn had expressed his opposition to it at various meetings.
- 178.3 Councillor Peltzer Dunn stated that he wished to move an amendment on behalf of the Conservative Group to delete the second recommendation listed in the report and thereby effectively retain the Housing Management Consultative Sub-Committee. He acknowledged that there were a number of avenues for tenant consultation but felt that the loss of 6 meetings a year would have an impact. He fully supported the changes for the Area Panels but felt that the sub-committee provided an opportunity for residents across the city to make representations directly to Members.
- 178.4 Councillor G. Theobald formally seconded the amendment.
- 178.5 The Chair noted the comments and stated that as part of the establishment of the tenant scrutiny process it had been envisaged that the sub-committee would be discontinued. The Housing Committee was open to anyone to attend and for public items to be raised, and he believed with the various opportunities for matters to be raised the loss of the sub-committee would not diminish the voice of tenants from being heard.
- 178.6 Councillor Morgan stated that he welcomed the realignment of the Area Panels and noted that as part of the review of the constitution with the introduction of the committee system, the Working Group had maintained that the need for sub-

committees should be limited. Now that the tenant scrutiny process was in place and the area panels reformed, he believed that it was appropriate to discontinue the sub-committee but noted that the arrangements could be kept under review as part of the general review of the constitution.

178.7 The Chair noted the comments and put the Conservative Group amendment to the vote which was lost. He then put the recommendations to the vote

178.8 **RESOLVED:**

(7) That the redrawing of the 4 Area Panel area boundaries, as shown in appendix 1 to the report, to align with ward boundaries be agreed;

(8) That the abolition of the Housing Management Consultative Sub-Committee be approved.

Note: Councillors A. Norman, Peltzer Dunn and G. Theobald wished their names recorded as having voted against resolution (2) above.

179. ITEMS REFERRED FOR COUNCIL

179.1 **RESOLVED:** That item 178, Area Panel Boundaries and the Housing Management Consultative Sub-Committee, be referred to Council for information.

Part Two Summary

180. SHOREHAM AIRPORT - EXEMPT CATEGORY 5

180.1 **RESOLVED:** That the information contained in the appendix be noted.

181. PART TWO MINUTES - EXEMPT CATEGORY 5

181.1 **RESOLVED:** That the part two minutes of the last meeting held on the 20th March 2014 be approved as a correct record of the proceedings and signed by the Chair.

182. PART TWO PROCEEDINGS

182.1 **RESOLVED:** That the information contained in the appendix, Item 180 to the report listed at Item 172 on the agenda and the minutes of the last meeting, Item 181, remain exempt from disclosure to the press and public.

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of

2014