

**WRITTEN QUESTIONS FROM COUNCILLORS**

The following questions listed on pages 37 - 40 of the agenda have been received from Councillors and will be taken as read along with the written answers listed below:

**(a) Councillor Cox**

“At the last Full Council of 17 July I was advised in answer to a written question that there had been just 2 prosecutions for fly-tipping in the last 3 years. I have been informed that the Council does have specialist surveillance equipment which was purchased for the purpose of catching fly-tippers.

1. How much did this equipment cost?
2. How many times has it been deployed since 1 April 2013?”

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

“City Clean does not have any specialist surveillance equipment and has not had any since early 2013, but could either hire or buy as required. City Clean are working with the Travellers Services who will be piloting the use of portable CCTV cameras to deter criminal damage and flytipping in the city’s parks.

Previously the council was in possession of CCTV cameras worth £5k. In 2013 cameras deployed to catch flytippers were destroyed, we assume by those flytipping.”

**(b) Councillor Duncan**

“Can the Chair of the Economic Development & Culture Committee tell me what plans he has to compensate residents of Queens Park ward for their limited access to Madeira Drive and any part of the beach between Brighton Marina and the Palace Pier during privately-run events?”

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

“There are specific provisions under the East Sussex Act which permit the use of Madeira Drive for outdoor events for up to 28 days each year. There is no requirement in the Act to compensate residents of Queens Park or any other ward for any restricted access to Madeira Drive or the beach. The overwhelming majority do not restrict public access to Madeira Drive as they are open public events. Outdoor events are important both to the city’s tourism economy by attracting visitors to the city, and to residents as part of the vibrant city that they live in.

Therefore, there are not any plans to provide compensation to Queen’s Park residents.”

**(c) Councillor Duncan**

“In July of this year I informed the Head of Democratic Services that I intended to submit a Notice of Motion for discussion at this meeting of the City Council. The NoM would have addressed the City Council’s ethical procurement policy with respect to contracts with companies and other providers complicit in Israel’s illegal occupation of Palestinian territories. I was subsequently informed that the proposed NoM would not be accepted onto the agenda. Can the Leader of the Council specify which democratically-elected councillors were consulted about, or otherwise involved in, the decision to exclude this NoM from the agenda?”

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

“The issue of the Gaza conflict was primarily a matter concerning international relations, which is the responsibility of national government rather than local authorities like Brighton & Hove as a local authority. The Council’s constitution, under Standing Order 8.10, provides: “Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the authority, the area of Brighton & Hove and/or its inhabitants.” The proposed notice of motion did not satisfy this requirement.

The Council’s protocol on Notices of Motion, which provides more detailed guidance, states: “Council procedure rule [8.10] requires a Notice of Motion to relate to Council functions or affect the Council or the area of Brighton and Hove. The connection has to be real and not too indirect, tenuous or theoretical. For example, the closure of a local post office, or changes introduced by utility companies, although not necessarily primary Council functions, are likely to affect the wellbeing of the inhabitants of Brighton and Hove and would be appropriate to raise by way of a Notice of Motion. By comparison something that is the primary responsibility of central government and does not have particular direct impact on Brighton and Hove (for example, foreign policy generally that has no particular impact on Brighton and Hove) would not be admissible. The Council should, as far as possible, concentrate on issues and services that it has the responsibility for or where there is direct impact on Brighton and Hove.” The notice of motion did not comply with this requirement.

The Council has a duty to promote good community relations. Given polarity of views and the strength of opinion held by members of the community on both sides, debating the motion at a time when tensions were already high would not have been conducive to promoting good community relations. This is evidenced by the number of e-mails and representations the Council was getting from representatives of different communities with diametrically opposing views. Holding a debate would simply have inflamed the situation further.

There is a statutory limitation on taking non-commercial considerations into account in the awarding of contracts. Although there is the social value exemption, it is not clear that that would apply in the present case due to the absence of links with Brighton & Hove. The proposal would have had

significant resource implications and it was not clear how practicable it would be.

Having regard to the above considerations, the notice of motion was assessed as being unsuitable and you were advised of that by the Head of Democratic Services as is the normal practice. The Mayor was briefed about this and the reasons for the advice as part of the Council agenda setting meeting.

I believe that your proposed notice of motion was dealt with properly and in accordance with normal practice.”

**(d) Councillor Duncan**

“Can the Chair of the Health and Wellbeing Board give this Council an assurance that no services currently provided by an NHS trust will be provided by a private company or any other non-NHS body in future?”

**Reply from Councillor J. Kitcat, Chair of the Health & Wellbeing Board.**

“Unfortunately not. The Health and Social Care Act introduced by this government builds on the marketisation introduced by previous governments and enshrines the principle of ‘any willing provider’ in law. Under national legislation virtually all new or changed services must be opened to a competitive bidding process.

We are however able to take social value into account, and hope to see local and not for profit providers like NHS Trusts stepping forward to run local public services.”

**(e) Councillor Duncan**

“Can the councillor responsible for procurement tell me which contracts in the areas of waste, transport, security services, education, healthcare or IT, worth in excess of £10,000, are due to be awarded, or renewed, between now and the end of 2017?”

**Reply from Councillor Sykes, Deputy Chair (Finance) of the Policy & Resources Committee.**

“The council’s Contract Register is published on the Website and the information sought is available there.”

**(f) Councillor Duncan**

“Can the Chair of the Environment, Transport & Sustainability Committee confirm how many sheep taking part in this Council's 'lookerer' scheme have been injured or killed, either by members of the public (or their animals), or to be sold as meat, since May 2011, and what steps this Council plans to introduce to prevent such accidents and deaths in future?”

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

“It is not possible to give an exact number of sheep as our grazier does not run a flock exclusive to our land, the sheep move between our sites and other sites that he grazes. However we generally have about 800 sheep on our sites between September and April with low numbers of sheep at other times of the year.

All sheep are eventually slaughtered (and generally enter the food chain) because as sheep age their teeth wear down and they are unable to get enough nutrition to maintain good health. Leaving them to slowly starve is considered inhumane and Defra’s “Code of conduct for the welfare of sheep” states “Sheep with poor teeth should preferably be culled.”

We take the welfare of the sheep seriously and for that reason have instigated a volunteer shepherding scheme. Our sheep are generally checked at least twice a day (many of the volunteers look in on the sheep even when they are not on the official rota) by volunteers with additional checks a couple of times a week by the grazier. In addition to the shepherding we also use permanent fencing where possible and electric netting in other places to help deter dog attacks. We also endeavour to maintain up to date signage on our sites, warning of the pending arrival or presence of sheep with the aim that no dog walker should come across the sheep without having seen a sign warning of their presence. We also maintain a twitter account @BHSheep to keep people informed of the sheep movements.

This high visible presence encourages responsible behaviour in the majority of dog walkers and we get less dog attacks than might be expected in an urban fringe location, probably on a par with more rural farms. We do get 2 or 3 serious dog attacks a year however most sheep recover (with veterinary attention if necessary) so the number killed in a year is generally 1 or less.

We do work with the police in situations where dogs are in with the sheep or an attack has occurred as it is an offence under the Dogs (Protection of Livestock) Act 1953 to allow your dog to worry livestock. While prosecution is a possibility in these situations in the majority of cases the dog attack has not resulted from malicious intent (most dog owners are upset that their pet can have done such a thing) and the offence is unlikely to reoccur so we (and the police) have considered that it would not be constructive to pursue this option.

It is no more possible to prevent all dog attacks on sheep than it is to prevent all dog attacks on humans. The law is quite clear that it is the responsibility of dog owners to keep their dogs under control and we feel that we have taken all the reasonable steps that we can to minimise such attacks.”

**(g) Councillor Duncan**

“Can the Chair of the Environment, Transport & Sustainability Committee tell me what plans he has to compensate residents of the city for the poor refuse collection service being delivered during the ongoing dispute between CityClean staff and this council?”

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

“We are disappointed that GMB members felt they had to take industrial action. I apologise to our residents for the inconvenience and disruption to collections caused as a result. Managers have proposed a full service redesign that will review job roles and make CityClean the modern, flexible and responsive service that residents rightly expect. Importantly this would maintain fair pay for all men and women across the organisation. We remain committed to dialogue with the GMB to resolve this dispute.”

**(h) Councillor G. Theobald**

“The recent Peer Review of Brighton & Hove City Council by the Local Government Association concluded that the Council’s relationship with the Trade Unions is poor. Just 23% of Council staff themselves think that the Council and Trade Unions have an effective working relationship. The Council currently pays for 7 full-time staff to carry out Trade Union activity in addition to 161 ‘Workplace Representatives’ whose paid time off is not monitored or collated. The Trade Union Facilities Agreement which sets out these various arrangements has never been formally reviewed since it was drawn up in 1997 despite it being written into the Agreement that it should be subject to ‘regular review’. In the light of all this, will the Leader of the Council commit to an urgent and fundamental review of the Council’s Trade Union Facilities Agreement?”

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

“The facilities agreement in respect of GMB and Unison as our recognised trade unions for collective bargaining purposes has not been formally reviewed since 1999. However over the years there have been changes agreed to the facilities time for both unions which means that the formal agreement is not up to date. Officers have informed both unions of the intention to review the facilities agreement in terms of both its spirit and its practical operation. This will include introducing a central monitoring system for recording time against trade union duties. The scope for the review will be agreed and consulted on in the usual way.”

**(i) Councillor Carden**

“At the Council last December, I raised the need for a bus shelter at the junction of Thorn Hill Rise and New England Rise and the Chair of the Environment, Transport & Sustainability Committee replied

'I appreciate the point Councillor and officers will certainly come and have a look at the place and check that we've got our understanding correct. With regard to the other shelter, we'll listen to what you have to say about the usage rates and whether that potentially could be different but I do hear what you're saying.'

Can the Chair now confirm that officers have re-visited the site and that a bus shelter is going to be provided?"

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

"The 'New England Rise' bus stop site has now been assessed and I'm pleased to confirm that it should be feasible to install a shelter there. As soon as new shelters do become available we will prioritise the list of requests that we currently hold, which includes the New England Rise bus stop.

The council is in the process of retendering the contract for bus shelter provision and, unfortunately, we do not anticipate any additional shelters becoming available until the new contract is awarded. We are at the stage of drafting the Invitation to Tender for the new contract. Meanwhile the existing contract with Clear Channel Adshel has been extended until the end of February 2015.

At present we are unable to indicate when a shelter could be installed at the New England Rise bus stop."