

**BRIGHTON & HOVE CITY COUNCIL****COUNCIL****4.30pm 28 MARCH 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

**PART ONE****95. DECLARATIONS OF INTEREST**

- 95.1 Councillors G. Theobald, A. Norman, K. Norman, Hyde, Smith, Carden and Hamilton declared a personal but non prejudicial interest in Item 111(f), Notice of Motion concerning a National Evacuees Memorial as they were all members of the Royal British Legion.
- 95.2 Councillors Mitchell and Jones declared a personal and prejudicial interest in Item 111(d), Notice of Motion concerning Hospital Food as they were employed by the National Health Service and would therefore leave chamber when the item was considered.
- 95.3 Councillors Rufus and Buckley declared a personal but non prejudicial interest in Item 108, a report on the Admissions Arrangements for Brighton and Hove Schools 2014/15 as they had children at school.
- 95.4 No other declarations of interests in matters appearing on the agenda were made.

**96. MINUTES**

- 96.1 The minutes of the last ordinary meeting held on the 31<sup>st</sup> January 2013 were approved and signed by the Mayor as a correct record of the proceedings subject to the inclusion of a noted at the end of paragraph 80.72 on page 24 to show that the Conservative Group abstained from voting on the City Plan; and

- 96.2 The minutes of the Budget Council meeting held on the 28<sup>th</sup> February 2013 were approved and signed by the Mayor as a correct record of the proceedings subject to the inclusion of a note at the end of paragraph 90.25 on page 43 to show that the Conservative Group voted against the 2013/14 General Fund revenue Budget.
- 96.3 Councillor G. Theobald raised a point of order and sought clarification from the Monitoring Officer in regard to the two Notices of Motion appearing on the agenda, Items 111 (a) and (b) which referred to 'Bedroom Tax,' and queried whether they should be accepted as they referred to a non-existent tax and having regard to a recent briefing from the Section 151 Officer on the welfare reforms, he questioned whether the second notice of motion from the Green Group was contrary to the advice of the Section 151 Officer. He also noted that the Conservative Group had been advised that their proposed amendment to the notice of motion on free school meals, Item 111(c) should be changed so as not to be deemed political and to take out the reference to 'Labour'.
- 96.4 The Monitoring Officer stated that both notices of motions had been accepted and that the Green Group's motion merely requested the relevant committee to give consideration to the matter and therefore was not substantive in nature. The question of the use of political party references had been previously raised with the Whips and agreed that such references should only be made where they were necessary for the point in question, otherwise they should not be included. In regard to the Conservative Group's amendment the advice given was that the reference to 'Labour' should be removed as the term 'Previous Government' was sufficient. He noted that the Housing Act 1986 Section 2 made reference to not engaging in aspects of a party political nature and that this had to be balanced with the Human Rights Act Article 10, where views around the well-being of residents and the city could be expressed within the chamber. He hoped to be able to discuss the matter and composition of notices of motions with the Whips in the future so that agreement could be reached on the nature of such motions. However, as things stood both motions were acceptable under the council's constitution.
- 96.5 The Mayor noted the comments and thanked the Monitoring Officer.

## **97. MAYOR'S COMMUNICATIONS.**

- 97.1 The Mayor I stated that he was sure that all Members would join him in offering the council's condolences to Councillor Carden on the recent loss of his wife Merle, who had been a wonderful Mayoress during Councillor Carden's time as Mayor; and it is with this in mind that he wished to ask councillors to stand to hold a minute's silence in memory of Merle."

A minute's silence was then held.

- 97.2 The Mayor stated that he was pleased to announce that Brighton & Hove City Council had achieved the gold standard after signing up to a WWF pledge to ensure all the wood and timber products purchased were from legally felled timber within well managed forests. The Council received top marks when it signed up to the gold pledge for wood procurement as part of the WWF 'What Wood You Choose?' campaign in

January 2012. The council was only the second authority in the United Kingdom to have been awarded the WWF UK gold pledge certificate, and he invited Catherine Vaughan, Director of Finance and Councillor Littman, Deputy Chair of Policy & Finance Committee to come forward to receive the award.

97.3 The Mayor informed the council that he had recently received a party from the British Red Cross who had held their annual assembly at the Brighton Centre, and he was pleased to say that the feedback from them on how well staff and the centre had accommodated the conference had been excellent and so much so that they had booked to return for the next two years.

97.4 The Mayor noted that he had been invited to speak at a conference in Finland on Future Cities and that the Dome Foyer was now being used for a number of events. He also noted that the Mayor of Dieppe was due to attend the Children's Parade and walk in the parade as part of the opening on the Brighton Festival.

#### **98. TO RECEIVE PETITIONS AND E-PETITIONS.**

98.1 The Mayor invited the submission of petitions from councillors and members of the public. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.

98.2 Councillor Barnett presented a petition signed by 315 residents, concerning their objection to a planning application for the change of use of a shop in Hangleton.

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

99.1 The Mayor reported that five written questions had been received from members of the public and invited Ms. Ferguson to come forward and address the council.

99.2 Ms. Ferguson thanked the Mayor and asked the following question; "We appreciate that the Transport Committee has a mandate to ensure traffic moves in a safe manner at 7 Dials and that a public consultation exercise was undertaken in relation to the new proposals. However, the tree campaign highlights other aspects of life in the city, such as the need to maintain the character of the area, health and well-being, and sustainability of the environment.

Given the strength of feeling to retain the Elm Tree, will the council agree to a multi-disciplinary approach to review the proposed plan, consult further with residents and secure an alternative plan that will save the Elm Tree and achieve improved traffic control?"

99.3 Councillor J. Kitcat, Leader of the Council replied; "The Council's cross party Transport Committee unanimously agreed the plans on the 15<sup>th</sup> January 2013 to make the Seven Dials Roundabout safer for everyone including motorists, pedestrians and cyclists. This followed the extensive public consultation exercise where the majority of those who responded indicated they were in favour of the proposals. The detailed plans included the intentions to remove the tree on the corner of Vernon Terrace and to do that would provide a wider pavement area for disabled users. The Council also

proposed to plant ten new mature trees in the area and this was supported by all parties on the Council as well as the Council's arboriculturalist and that was mentioned at the committee meeting where the decision was taken.

However I recognise, very much, that since the Committee decision was taken and the work was about to begin, there was a very clear local and community concern about the future of the tree therefore the officers implementing the Committee's decision have suspended any works that could affect the tree until a conclusion could be come to and later on, on the agenda in this meeting we will be discussing a petition from the campaign and I will be proposing an amendment to the recommendation so we'll seek to bring it back to the Transport Committee where I'm hopeful a compromise position could be found that could save the tree whilst retaining the safety improvements."

- 99.4 Ms. Ferguson asked the following supplementary question; "One of the problems with the Seven Dials process was that the main Transport Committee report did not mention that a tree was meant to be felled. The news was buried in an appendix and nowhere in the report was it stated that the tree was an Elm.

Will the Council ensure that all future reports to the Transport Committee and its successor should specifically state if a tree is to be felled or substantially cut back? And if the tree is an Elm or other noteworthy species; the report should adequately describe the species."

- 99.5 Councillor Kitcat replied; "The report including its appendices did very specifically point out that the tree was going to be felled and it indicated that on the diagram and further more that was projected on to a large screen and verbally referred to by officers at the committee. I accept it didn't specify the species of the tree but it did clearly indicate that in writing and in all the other forms of presentation that a tree was to be felled and I believe that the committee made a fair and correct decision at that time. There are over 17,000 trees on the City Council's highways alone, that's beyond the trees that we have in our parks and gardens, so there are a very significant number of trees and I think officers always have to take a balance on how they present things to make it as appreciable and understandable for everyone involved but I think in this case the report was very clear about the future of the tree should a decision be taken. However we fully understand the concerns of the community which is why we are going to be recommending it goes back to the Transport Committee and I hope that recommendation will get support from the Council later on."

- 99.6 The Mayor thanked Ms. Ferguson her questions and invited Mr. Furness to come forward and address the council.

- 99.7 Mr. Furness thanked the Mayor and asked the following question, "Regarding the proposed felling of the elm tree at the Seven Dials, could you please tell us, Councillor West, whether;

- 1) The Arboriculture Department under the watchful eye of Di Morgan were consulted; and
- 2) Whether this department had made you aware that the elm in question is a Wheatley Elm – the rarest form of elm in the world?"

- 99.8 Councillor West, Chair of the Environmental & Sustainability Committee replied; “For the first part my answer is that the arboriculture department was consulted on the proposal to remove the elm tree at Seven Dials and were asked to provide up to ten new trees in the immediate vicinity of Seven Dials. They agreed providing ten trees in place of the single elm tree would result in a significant improvement to the area. On the second point, I have been made aware that an arboriculturalist has confirmed that this is indeed a Wheatley Elm.”
- 99.9 Mr. Furness asked the following supplementary question, “It may surprise you to know that I fully back you on this Council’s bid to declare or to have declared a biosphere zone in the Greater Brighton area but I fail to see how the way that the Council is managing the environment, I fail to see how this gives us any grounds whatsoever. The Arboriculture Department, you say they were consulted; I would like to know if the Arboriculture Department are being allowed to do their job properly? Because I’m getting, calls from people over this city that trees are disappearing at a remarkable rate on a daily basis. It’s like a slash and burn policy and now I see that Friends of the Earth are saying that the elm tree should come down; with friends like that the Earth doesn’t need many enemies.”
- 99.10 Councillor West replied, “With regard to the biosphere I thank you for pointing that out and for your clear support for that initiative. There are different aspects of the Biosphere bid. Two key parts of it really are the social economic benefits of a Biosphere and the relationship of people and nature and we will have to look at many different aspects of life within the city and it is important as with the work we’re doing at Seven Dials, to improve the conditions for people to be able to get about properly and that is the entire purpose of that initiative and I think the work fits very well with the concept of the Biosphere because it’s promoting sustainable transport and meeting in the wider principles of what a Biosphere is.

With regard to trees disappearing around the city, we do actually have an awful lot of trees that become casualties every year, street trees have a very hard life and that they have to be cut down if they become diseased otherwise they will infect the rest of the population. It is obviously sad when they are lost but that is necessary to do. We have to keep the tree population healthy.

I’ve got a few interesting statistics, the Leader of the Council mentioned the number of street trees we have which is considerable. I understand in the case of Elms there are actually 19,000 elm trees within the city of which 1400 are Wheatley elms like the one at Seven Dials. So it isn’t a lone-survivalist tree but I think we do need to get things in to perspective and the wider benefits of the scheme and in particular the intentions around that tree were well taken by the Transport Committee and we had to weigh up the benefits to the public, in particular, people with mobility disabilities and the sight impaired, but I understand that there is a petition debate today and we are going to be offering a recommendation to take another report to the Transport Committee to consider any potential options there are to save that particular tree.”

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

- 99.12 Ms. Paynter thanked the Mayor and asked the following question, “How many street trees has Brighton & Hove City Council planted in Brighton, Hove and Portslade in each of the financial years since the Green Party took over the Administration of the city and have any of them been Wheatley Elms?”
- 99.13 Councillor West, Chair of the Environment & Sustainability Committee replied, “Tree planting is carried out between December and March of each year and a number of street trees have been planted in the two financial years since the Green Party took over administration. So between December 2011 and March 2012, 346 street trees were planted and in 2012/2013 the number is 213 trees planted. These are the figures for street trees however we have planted a considerable number of trees within parks and public open spaces. During this period we have planted 4 Wheatley Elms in Preston Park but Council no longer plants Wheatley Elms as street trees due to the long term problems caused by roots to the infrastructure of the highway.”
- 99.14 Ms. Paynter asked the following supplementary question, “You’ve given me an extremely small number of tree plantings for the time you’ve been here. Victorians and Edwardians planted a staggering number of street trees and park trees in a much smaller space than the city occupies at present. It’s a wonderful legacy, they got the ball rolling. This is an area in Hove where there were virtually no trees to begin with, according to Judy Middleton in the trees of Hove article on her ‘Hove, Portslade and Brighton in the past’ website there are today more elm trees in Brighton and Hove than in the rest of Britain altogether. That’s quite a legacy and that was all done in the past before there was any such thing as a Green Party or an environmental movement per say. I do wonder how tree conscious the Green Party are having morphed from environmental activism towards the embrace of quite pc hard left politics. I’m wondering if the Green Party has any intention whatsoever of putting together a tree policy which involves preservation of mature trees?”
- 99.15 Councillor West replied, “I would certainly need to check what exactly the existing tree policy is, I’m sure we have one, we have policies on just about everything in this Council. I don’t agree with you that we are not planting many trees; I did read out the numbers that we are planting. I think 2000 got planted in Stanmer Park in the last couple of years as well. We are certainly committed in that way and I think I can probably better respond to you after I have asked officers about specific policies. I would just like to re-iterate that the matter of this particular elm was dealt with by the cross party Transport Committee who considered, very well, and openly and were fully aware of the matter of the tree and the decision was made.”
- 99.16 The Mayor thanked Ms. Paynter for her questions and invited Mr. Kemble to come forward and address the council.
- 99.17 Mr. Kemble thanked the Mayor and asked the following question, “At a meeting of the Transport Committee on 15th January 2013 a number of representatives from the Taxi Forum were in the public audience. During the debate on the 20mph speed limit across the City, Councillor Davey publicly stated that the taxi trade had been consulted. However there is no mention of this in the minutes of the meeting. Would Councillor Davey now publicly state what consultation was carried out?”

- 99.18 Councillor West as Chair of Environment & Sustainability Committee replied on behalf of Councillor Davey who was absent from the meeting, "I appreciate that the Taxi trade are currently seeking an injunction on 20mph. The report that went to the Transport Committee that agreed the 20mph scheme does set out in detail the consultations that took place. In particular of the case of the taxi trade, the concept of the 20mph scheme was set out in paragraph 3.5 of the report and that mentions the fact that there were discussions in 2010 at the Taxi Forum and there were also discussions at the Transport Partnership which the Taxi Forum are members of. Then specifically talking about the first phase of the 20mph scheme, meetings were held between officers and representatives of the Taxi trade to discuss the detailed proposals of phase 1 area on the 26<sup>th</sup> November, the 10<sup>th</sup> December and the 9<sup>th</sup> January. I think that it could be said that Taxi Trade was very aware of the proposals and there was certainly a great deal of contact and consultation with them."
- 99.19 Mr. Kemble asked the following supplementary question, "In the Taxi Trade Forum minutes of the 6<sup>th</sup> December when the 20mph limit was discussed, a response by a Council Officer, who I will not name, to the issue of lack of consultation within the trade is recorded as saying, "I realise that this had been an oversight and apologise to the Taxi profession not being properly consulted." Perhaps you would like to explain that Councillor West?"
- 99.20 Councillor West replied, "I'm not in the position to comment on that, I'm sure that Councillor Davey would be in a better position than I. I will respond in writing."
- 99.21 The Mayor thanked Mr Kemble for his questions and invited Ms. Shepherd to come forward and address the council.
- 99.22 Ms. Shepherd thanked the Mayor and asked the following question, "As residents of Roedean we overlook the Marina and most of us visit regularly for shopping, eating, sailing and to enjoy the marina environment. In the light of the many points raised by expert witness, Professor John Watts one of the architects involved in the construction of the Marina, we are concerned as to the future safety for residents and visitors alike if the planned development should proceed. In particular we ask where the RNLI station will be relocated and when bearing in mind this provides a vital service not only to this Marina but other communities along the coast."
- 99.23 Councillor Bowden replied, "The planning permission granted in 2006 relocated the lifeboat station or the boathouse on the West Quay, neither of the current undetermined applications for minor material and non material amendments to the 2006 approval change the location of these facilities to ensure the retention of this important facility, the Section 106 legal agreement relating to the 2006 planning approval ensures that a temporary RNLI lifeboat station will be provided before a new one is built so that there is no break in service during the development. The Council will seek similar requirements should the current application be approved."
- 99.24 Ms. Shepherd asked the following supplementary question, "Bearing in mind that Brighton and Hove City Council's City Plan aims, and I quote, 'to protect and enhance areas of Marine character and the role for Marine related leisure, recreation and employment opportunities and secondly to balance uses with an emphasis towards

boating, surfing, leisure and recreation. How does the Council justify the loss of 80 berths in Brighton Marina which is part of the current development plan?"

99.25 Councillor Bowden replied, "The City Plan also sets out a housing need, so there is also another balance to take into account and I'm sure when this application re-emerges, if it does, then this City Plan will be take in to account what it says about housing as well as other leisure activities so watch this space."

99.26 The Mayor thanked Ms. Shepherd for her questions and noted that this had concluded the item.

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

100.1 The Mayor reported that one deputation had been received from members of the public and invited Professor Watts as the spokesperson for the deputation to come forward and address the council.

100.2 Professor Watts thanked the Mayor and stated that:

"This deputation is brought by the below named Societies and Associations on behalf of their members and by individuals in the public interest of all residents of Brighton who are concerned for the preservation and protection of the amenity provided by the Brighton Marina. The deputation is consequent upon amendments to planning permission BH2006/01124 sought by a current S73 planning application BH2012/04048.

The Brighton and Hove City Council are the superior landlord and the freeholder of Brighton Marina and as such have Corporate Responsibility under the Brighton Marina Act 1968 Part V Section 58 (2) (b) for ensuring the safety of residents and users of Brighton Marina. This is separate to the granting of Planning Permission.

1. Reference the entrance to the harbour and alterations to the Spending Beach. The Marina was designed as a safe harbour for all boats and sailors of professional and amateur ability. The Spending Beach is made up of two parts – the shingle and the armouring. The armouring at Brighton Marina is the 'akmons' – the strange shaped concrete blocks. This absorbs the energy of the waves and prevents the waves from reflecting back on each other and increasing their energy. The applicant in the 2006 planning application introduced 'wave chambers' to absorb the energy and removed the armouring and said this was the best solution. The Council approved the application. Now the same applicant is proposing to remove the wave chambers and introduce over 300 piles into the Spending Beach necessitating the removal of all of the armouring. The applicant now says this is the best solution but in truth does not know which is the best solution because there is insufficient evidence that a model has been tested in a marine laboratory with wave machine. In order to push the application through the planning process it appears the applicant is willing to put the lives of yachtsmen and other sailors at risk. Before the Marina was built (1971-1979) a model was tested for three and a half years in the largest marine laboratory in Europe under all climatic conditions and the result has stood the test of time. Past experience indicates that driving a huge number of piles into the Spending Beach will fracture the original sea bed under the Spending Beach and could in a worst case scenario

destabilise the Western breakwater.

2. The applicant seeks to put an underwater car park in the tidal harbour. It is a huge structure, three storeys high and the area of two football fields. It will displace an estimated 53,000 cubic metres of water and take up 12% of the Outer Harbour. It is proposed to drive sheet steel piles into the sea floor to form a coffer dam and to pump out water in order to construct the car park structure. This will fracture the chalk sea bed and could destabilise the wall that keeps the tidal water from the reclaimed land. It could be termed an underwater hazard under Section 24 of the Brighton Marina Act. The structure will reduce the efficiency of sluice gates that serve to change the water in the Inner Harbour and the anaerobic conditions in the inner harbour could become an environmental concern. Access for emergency services to the car park appears not to comply with Section 35 of the East Sussex Act 1981.

3. The main drainage in the Marina is mainly gravity with three pumping chambers. The original design was for 850 dwellings, a hotel and retail etc. The standby capacity was 3.5 days. According to Southern Water the original pipes are now 40 years old and have been 'sleeved' twice reducing the size from 300mm to 200mm. Southern Water estimate the standby capacity is now 3.5 hours. Adding 192 dwellings to this is an environmental concern.

4. The micro-climate at the base of the proposed F1/F2 towers will be unacceptable. The applicant admitted in 2006 that pedestrians would not be able to stand around. The 'venturi' effect between the blocks in a westerly gale could be dangerous and pedestrians caught by wind could be injured. It appears that this has never been tested using criteria taken from the 'as built' Marina. Wind data is from Shoreham Airport.

The undersigned request that Brighton and Hove Council exercise their powers under the Brighton Marina Act 1968 Part V Section 58 (2) (b). We seek the Council's reassurance that all points raised will be rigorously tested by independent experts before any further development is considered."

100.3 Councillor Bowden replied,

"I understand that the purpose of the deputation is to bring to the Council's attention, non planning statutory provisions under the Brighton Marina act 1968 and the Marina and Coastal Access Act 2009. Consistent with previous practice, I would not expect the Company to submit plans to the Council under the 1968 Act unless and until such time that planning permission has been obtained. In other words if planning permission is granted that is entirely without prejudice to the separate requirements of the 1968 Act.

The Marine Management Organisation does not have any planning jurisdiction at the Marina but any additional requirements under the 2009 Act to have a license from the Marine Management Organisation will be dealt with by that body."

100.4 The Mayor thanked Professor Watts for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Economic Development & Culture Committee for

consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

## **101. PETITIONS FOR COUNCIL DEBATE**

- 101.1 The Mayor stated that the council's petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. He had been notified of one such petition which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.
- 101.2 The Mayor also noted that there was an amendment from the Green Group to the recommendation contained in the covering report on the petition, which Councillor Jason Kitcat would move during his response to the petition.
- 101.3 The Mayor then called on Ms. Ferguson to present the petition concerning the Elm Tree at Seven Dials.
- 101.4 Ms. Ferguson thanked the Mayor and stated that the petition sought to secure the future of the Elm Tree at Seven Dials and called on the Council to review the options in relation to the proposed scheme at Seven Dials so that the tree could remain rather than being destroyed. The petition had been signed by 4,318 people and it was only because of the vigorous campaign to save the tree that it has not been felled on the 7<sup>th</sup> March. She hoped that the council would reconsider and listen to the views of the local residents and find a way to save the tree. The petition stated, "There is an ancient tree at 7 Dials at the corner of Vernon Terrace. There is a plan to cut the tree. Why? The planners say that they want to replace the traffic lights in Vernon Terrace by a zebra crossing. If that happens then according to them, the elm tree which has been there for more than 100 years may obstruct visibility when people are waiting at the kerb for traffic to stop. The planners have decided to chop down the tree to open visibility. This action was not part of the consultation process for 7 Dials and therefore was not considered by residents who in any case find both zebra crossings and the removal of the tree unacceptable. It is better for the survival of this tree (and many users of the crossing at Vernon Terrace) to keep the traffic lights in Vernon terrace and scrap the zebra crossing."
- 101.5 Councillor J. Kitcat thanked Ms. Ferguson for presenting the petition and stated that he was pleased to report that the tree was in good health having recently been checked for any sign of disease. He hoped that a positive way forward could be found and moved an amendment to the report to add a further recommendation requesting officers to bring a report to the transport Committee on the 30<sup>th</sup> April outlining options for the proposed traffic calming scheme and the possible retention of the tree. He also noted that the Seven Dials area was the second most dangerous junction in the city and hence the consultation process on the scheme and the previous report to the committee in January.
- 101.6 Councillor Buckley formally seconded the amendment and stated that she was pleased to do so and hoped that a way to retain the tree within the scheme could be found. She noted that two other elm trees had been previously lost and therefore felt

that there was a need to look at saving the current one. She also noted that the last report to the Transport Committee in January had been approved unanimously and had included the felling of the tree; however she noted the public concern and hoped that a revised scheme could be identified.

- 101.7 Councillor Mitchell stated that she wished to pay tribute to the campaign to save the tree and she fully supported the amendment moved by Councillor Kitcat. There was a need for road improvements in the area but she hoped that changes could be made to save the tree within the scheme. She also noted that the previous report had made it clear that the tree had been designated to be felled and felt that officers had been unfairly treated. However she was now hopeful that a way forward could be found.
- 101.8 Councillor Cox stated that he also wished to pay tribute to the campaign and welcomed the comments of the Leader of the Council. The report had been clear on the proposed loss of the tree as part of the improvement scheme and there had been representations from the Federation for the Disabled on the dangers of the tree, and the need for it to be felled had been made clear at the public meeting on the scheme. He supported the proposed amendment and hoped that an alternative solution could be found.
- 101.9 Councillor Phillips stated that as a member of the Transport Committee she had received representations on aspects of the proposed scheme but not about the felling of the tree. However, she recognised that there was a large amount of support for the tree and that this should be taken into account and welcomed the opportunity to give the matter further consideration.
- 101.10 Councillor Mitchell noted that the consultation process reported to the Transport Committee in January had not been approved by the committee in the first instance.
- 101.11 Councillor Hawtree stated that he had recently spent some time at the request of the Federation for the Disabled going around the Seven Dials area blindfolded and with a guide dog, for which he had tremendous regard. It had been an illuminating experience and one which highlighted the dangers faced by disabled people in the area, albeit that he passed the tree unscathed.
- 101.12 Councillor C. Theobald stated that the elm tree had been saved in past from proposals to fell it and she believed that it should remain in situ. She noted that the improvement scheme did include additional planting of trees but did not think that it should be as a replacement to the felling of the elm tree.
- 101.13 Councillor Peltzer Dunn noted the concerns raised by the Federation for Disabled in regard to the dangers in and around the Seven Dials area and felt that these and the concerns over the tree should have been accounted for before the improvement scheme was agreed. He also noted that the city held the national elm collection and stated that this needed to be protected and therefore an alternative scheme should be considered.
- 101.14 Councillor Mears stated that it appeared from the level of support for the tree that the consultation process had not made it clear that the tree would be lost and welcomed the opportunity for further consideration by the committee in April.

101.15 The Mayor noted that Councillor Kitcat was happy to move to the vote and that an amendment had been moved. He therefore put the recommendations as amended to the vote which was carried.

101.16 **RESOLVED:**

- (1) That the petition be referred to the Transport Committee for consideration; and
- (2) That officers be requested to prepare a report for the 30<sup>th</sup> April Transport Committee, detailing alternative options for Vernon Terrace and Seven Dials that could retain the tree.

**102. WRITTEN QUESTIONS FROM COUNCILLORS.**

102.1 The Mayor reminded the Council that written questions from Members and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below:

**(a) Councillor Morgan**

102.2 “Will the city council install a marked no parking bay outside of Walter May House, a sheltered housing block on Whitehawk Road, to allow occupants with disabilities and wheelchair users to board minibuses and taxis safely? Since the introduction of controlled parking in the area the road outside has become congested with parked vehicles, meaning residents and day care staff have had to board transport in the road as traffic passes.”

**Reply from Councillor Davey, Chair of the Transport Committee.**

102.3 “I have asked officers to investigate this location and they did confirm that whilst there are no restrictions in place in this area, this does mean that vehicles for Walter May House residents can park here as well when parking is available. I appreciate that at certain times there may not be any free spaces making loading more difficult for residents and staff.

Currently, Traffic Officers are fully engaged on a full and extensive work programme and whilst the funding for minor traffic schemes such as this was withdrawn by Budget Council, I will discuss proposals with the Head of Transport to see how we can address these small projects in the future.”

**(b) Councillor K. Norman**

102.4 “How many expressions of interest have been received for the purchase of the mayoral number plate CD1 since it was put on the market last year?”

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

102.5 “There has been one formal expression of interest.”

**(c) Councillor Janio**

- 102.6 Concerns have been raised with me by residents about the rigid implementation by the Council of the policy of reducing the size of all allotments that become free from 10 rods to 5 rods. Will Cllr. West please look into this issue as part of the review of the Allotment Strategy in the coming months and consult with all interested parties to see if a more flexible approach might be possible?

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

- 102.7 “Thank you for your question. As you know allotments are very popular in the city and we simply do not have enough plots for everyone on the waiting list – that is around 2,000 people. Some people have been waiting for a plot since 2003. We are looking for additional land but there is no way we will be able to find and afford to provide plots for everyone. That is why, several years ago, the size of the plots were reduced to a size which still allows sufficient amount of cultivation for families and is more manageable. As you point out, we are working with the Allotment Federation and we are agreed that we must get more people growing. We will be exploring how we do that within our current budgets and we are more than happy to review all policies and look at the issues of plot size as part of that review.”

**103. ORAL QUESTIONS FROM COUNCILLORS**

- 103.1 The Mayor noted that notification of 8 oral questions had been received and that 30 minutes was set aside for the duration of the item. He then invited Councillor A. Norman to put her question to Councillor Shanks.

**Music Service – Councillor A. Norman**

- 103.2 Councillor Norman asked the following question, “An additional £50,000 for the Music Service was agreed at Budget Council, can you please confirm that this money will be available for music service provision in 2013/2014?”
- 103.3 Councillor Shanks replied, “I can confirm that and we’ve been in discussion with the excellent Head of Music. At the moment we have a subsidy of 80% for children who want free school meals, so we’re proposing to make that 100% subsidy which has been raised before in Children’s Committee so that all children who have free school meals will have free music lessons and we would also move to a 50% subsidy for those people are presently on 80% subsidy who are on other forms of benefit. We will then be able to allow an extra 70 children to take up lessons using that money. I think that’s a good use of those funds and I hope that we’ll have cross party support for that.”
- 103.4 Councillor Norman asked the following supplementary question, “I would like confirmation please that this additional money will be available for the Music Service to use in the way that the service thinks most appropriate. It should be for the Music Service to decide how it’s spent and I hope very much from Councillor Shanks’ initial answer that that is the case but could you please confirm that the Music Service will be

able to use this money to enhance music and study support provision in the City as that service thinks best?"

- 103.5 Councillor Shanks replied, "This was the reply that we had from the Music Service of how they thought this was best to use this. Of course one of the aims is to improve access to music for young people who can't afford it. That's how they feel they can best use this and obviously we will support that because that's one of the aims of the service and to have a national local subsidy to include that access."

### **Lewes Road**

- 103.6 Councillor Marsh asked the following question, "It's on behalf of the beleaguered residents of Coombe Road Councillor West who are very fed up with the difficulties of accessing the Lewes Road from the Coombe Road but more especially about their road being used as a rat run which actually has happened before this latest set of traffic controls and they've come up with a couple of ideas and I would be very interested for Councillor Davey to consider these two ideas.

The first idea that they would like you to consider please, is that the Coombe Road area becomes an access-only area and that we have some signage put up which will discourage anyone except residents and those having genuine access to the area from using the area. So for example, Meadowview residents would come along Bevendean Road and then down Bear Road and people coming along Lewes Road would not be encouraged to zip off into Coombe Road and cause lots of queues and traffic mayhem. So that would be a nice consideration for us.

The second they've come up with which could be an addition or it could be a substitution is that there is a left turn permitted onto Bear Road from the Lewes Road which currently there isn't. Residents feel that perhaps because there isn't that's why people are zipping up Coombe Road and using it as a rat run and cutting off that corner, whereas if non-local traffic were actually able to access Bear Road from the Lewes Road and go up there, then this would actually make and enhance the area of Coombe Road very much and I would like some consideration given to that if you please."

- 103.7 Councillor West replied on behalf of Councillor Davey who was absent, "The question of access into Coombe Road, I understand at the moment the work on the Lewes is the junction at the bottom of Coombe Road and the way that that works with Saunders Park Avenue as well; obviously that is on temporary traffic lights and one would expect there to be a certain level of disruption. However I believe that is quite limited and officers, in response to your request, have been to have a look at the situation of people coming out of Coombe Road and they have increased the amount of green times to improve how many vehicles can move and I think that that should hopefully help people. It is going to be another 3 or 4 weeks before that work is completed. There was a problem with some utilities under the pavement which have extended the time of the works so you'll need to bear with us on that.

The issue on how to address rat running in that area and making it access only; well it is actually on a bus route and there would be knock on effect if we actually made Coombe Road just access-only. That would impact on Bear Road, Vogue Gyatory

and more widely perhaps, so although officers are mindful of what you are saying there would be a downside of that and I think the point about this, perhaps to understand is, the improvements that we're making on the Lewes Road; only about a third of people travelling down the Lewes Road corridor at the moment are in cars. An awful lot of people are travelling sustainably already and the work that we are doing investing in the Lewes Road is to actually increase the modal shift so that even more travelling sustainably. So the best way to address the traffic issues in the Coombe Road area are to support the investment that we are putting in to Lewes Road because that would make it so much easier for people to travel sustainably from those areas and that will have a positive effect on reducing traffic problems in the areas you represent"

- 103.8 Councillor Marsh asked the following supplementary question, "Councillor Davey has turned down this request but I would ask again on behalf of not only the residents of Coombe Road, Meadowview, Bevendean and Moulsecoomb that we do have a residents and local stakeholders regular meeting, say monthly, where issues can be taken up. Problems that arise during the improvement works can be looked on and tweaked and resident's concerns addressed. We're very appreciative of Robin Reed who was sitting there until a little while ago of sending us monthly updates about what's going on but that's a one way system, it doesn't enable residents to actually feed and it does mean an awful lot of work not only for Robin and his colleagues but my Ward Colleagues that the residents also try to pick up on these issues.

We did have for the AMEX Stadium, a Resident's Liaison Group, I know I've been turned down before but if you don't ask you don't get. Residents feel very strongly about this. It's a long-term situation; please can we have a resident's group?"

- 103.9 Councillor West replied,

"I know that Councillor Davey has actually been to look at the junction. First of all you were talking about the access problem which I understand are actually related to the works on Lewes Road and then secondly you were referring to rat running, Councillor Davey has been there along with officers to look at the access issue and as I say that situation has been improved.

We are doing major works along Lewes Road for good benefit so on has to bear with that. I know that officers are working incredibly to engage on a continual basis with the local community to make sure that the temporary issues that you're facing are dealt with as soon as possible but also that we remain focused on the great benefit that we will receive from the changes that we are highly investing in as an administration.

I do think many people that are in the community there are appreciative of the work we're doing and we'll be very grateful for when the work is complete."

### **Carbon Footprint**

- 103.10 Councillor Janio asked the following question, "Would Councillor West agree with me that Brighton and Hove Council's shocking drop of 649 down the Carbon Reduction Commitment League last year was a sad reflection on the chaotic way in which this Council has been run over the last couple of years. And that a change of direction

propelling us back towards the top of the league will only be achievable under a future Conservative administration following the Local Elections in 2015?"

- 103.11 Councillor West replied, "No, I don't agree because the thing with this league table is that as we mentioned at Policy & Resources Committee, it's actually quite flawed. The organisation that actually came on the very top of the league table on this occasion is a construction company. It doesn't necessarily spring to your mind that they're going to have the best carbon footprint of all the organisations. They admitted themselves that the reason why they did so well out of it is because they no longer have to report the amount of fuel they were using. So this particular league table makes absolutely no sense.

One of the beneficial points about it is that it takes into consideration, early actions like the fitting of automatic meter reading which is something that we're introducing which yourselves didn't do, so the legacy that we have is that as a Council is that you weren't doing certain things before us that would have been beneficial to our standing within the league table. But if he wishes to look forward to an opportunity where a Conservative administration of this Council will improve our standing in the league table I'm afraid he'd be disappointed because his Government is actually scrapping this flawed system and we won't have this league table anymore."

- 103.12 Councillor Janio asked the following supplementary question, "Would Councillor West agree with me that until the Conservatives do form the next Administration it would be advantageous if a cross party consensus were to develop with a regard to the environmental policies across this city and that the recent decisions by the Labour Party such as refusing to support the Eco Show and a shameful lack of support for the Biosphere Reserve Conservative Initiative, supported by the Greens, is not only not helpful it is also extremely regrettable."

- 103.13 Councillor West replied, "I think the question was, am I very unhappy that the Labour Group didn't support the Biosphere Reserve? I think that it was regrettable that that was the situation; I think that, like with One Planet Living, the Labour Party have realised they need to catch up with the direction this city is going in, that we are collectively behind the various positive initiative that this Administration is putting forward and that it is in the best interests of the economy as well as the local environment of this city that we do these things. So I am very glad that the Labour Group is finally catching up and that at Policy & Resources Committee, last week, they actually supported the One Planet Sustainability Action Plan which they hadn't seen any value in before."

#### **Grit Bins, Downs Park Estate, North Portslade**

- 103.14 Councillor Gilbey asked the following question, "Downs Park is a Housing Estate; it has no shops no and no other infrastructure in my ward. It has one grit bin which is at the very end near Hangleton Bottom on Foredown Hill; it is a very hilly area there are 1000 people living there. It is about 200,000m<sup>2</sup> area and I would like Councillor West to give consideration to looking at the area to put another grit bin in."

- 103.15 Councillor West replied, "I'm sure we can have a look at the actual circumstances but I'm very aware that over the last few years since we've been having bad winters, as a

council, we've actually more than doubled the number of grit bins in the city. In fact an awful lot of them are in the hillier suburban parts of the city where snow has the biggest effect usually, though on this occasion the City Centre was quite badly affected.

We actually have more grit bins for our area as a City than many other councils and we have got to the point that that is the number that we can actually service when the weather is bad because you've got to be able to get out there to fill them up. So we're not looking to increase the number but I think we can probably look at the individual circumstance to see whether that merits an additional bin."

**103.16** Councillor Gilbey asked the following supplementary question, "This area, as I say, only has one bin. I know other areas in the City need bins. The point is; the equipment is actually situated right up the northern end by Hangleton Bottom. It means that people have to walk a mile and a half just to get some grit and back. I did go up there after the snow and it was three quarters full which means people aren't actually getting there to access it. Would you like to come over to the west, Councillor West and have a look for yourself?"

103.17 Councillor West replied, "I will come and have a look but I'll bring an officer with me because there's more chance that something can get done then."

### **Traveller Costs**

103.18 Councillor Barnett asked the following question, "Thurrock Councils' joint protocol with Essex Police for dealing with unauthorised travellers' encampments states, 'They will deem any individuals on any unauthorised encampment accountable for any litter or refuse left behind on the site of the unauthorised encampment and will seek to issue a fixed penalty notice and recover the costs.' Following the recent festival up at Devil's Dyke Road with the abandoned caravans and fly tipped rubbish, why did Councillor West suggest in the press, 'it's not legally possible to recover costs' when other Councils such as Thurrock are willing and able to do so."

103.19 Councillor West replied, "When you evict, you can't actually charge people for the leaving of things behind because it's under the eviction laws rather than if they have just fly tipped something by leaving an abandoned vehicle. I recall the response to that was about the legal differences. As far as whether it's worth pursuing enforcement and the cost of doing so, we obviously have to take a valued judgement on whether that is a good course and use of public money. What is true to be said is that over the past 5 years and not just the last 2 years the cost of the whole traveller service has actually been escalated, and the reasons behind that, and it's principally the cost of dealing with unauthorised encampments that has been going on, is because there are less acceptable and traditional places that Travellers stop now available for them to do so and so they're finding themselves in places where they are regularly going to be evicted and the costs are going up.

That is the symptom of the situation and the actual response to it, rather than throwing good money after bad, intensifying our actions upon unauthorised encampments, is in our proposals to bring forward proper provision which we are expected to do so by the Government. We're expected to provide the number of 16 spaces by 2016 and a

further 3 by 2019 which is exactly why we are planning to develop a permanent site at Horsdean and it will have a very positive effect for the Travellers who are seeking stability but also the settled community who clearly are very upset when unauthorised encampments occur in their area.”

103.20 Councillor Barnett asked the following supplementary question, “Is the Council taking any action to recover some of the £107,000 costs that were incurred when the group of Travellers, who are now camped unlawfully, at Withdean car park, broke into Horsdean Transit Site over the Christmas? We know who they are, they’re on council land and this is an ideal opportunity to get recompense for the Council Tax Payers. Councillor West, if you or I cause such criminal damage to public property the Police would be on to us straight away.”

103.21 Councillor West replied, “I’m sure if we have the evidence then we will be able to pursue individuals but that is always the problem and whether it is cost effective to do so as well, that matter will be weighed up. It was very unfortunate that we had trespassers on the site before Christmas but it was because we took swift action to bring about an eviction after Christmas that actually we limited the cost that we may have otherwise incurred.

I know there’s been some headline figures over spend against the Traveller Service that have come up in the TBM report and Policy and Resources Committee but actually the projected overspend is a lot more in trim than it was looking like a couple of months ago and that is because of the swift action that we have taken on that particular problem.”

### **Buses**

103.22 Councillor Meadows asked the following question, “As a Ward Councillor for Moulsecomb and Bevendean, I am concerned about the declining BACA Student Role and some of that concern is around the lack of a dedicated bus route from other areas in the City to the school. So my question is will the Council support the local school by investigating and reconsidering the reinstatement of better transport links to BACA?”

103.23 Councillor Shanks replied on behalf of Councillor Davey who was absent, “We have had discussions with BACA about transport, the more the parents choose a school, the more popular a school gets. That’s part of the issue in terms of getting to the school but there have been discussions with BACA and we are looking at how we could support that. The main issue is making sure that children who have chosen a school and have got a place at the school can get there. We are continuing the 74 and 75 buses which go from that area up to Patcham.

We’ve been reviewing school transport as you know and the BACA issue; we’ve had discussion and I know Councillor Kitcat and our Chief Executive, Penny Thompson, have also been in discussions with BACA. We are aware of the issue but it is also an issue of parents choosing that school and we’d like to encourage parents to choose that school which is an improving school.”

- 103.24 Councillor Meadows asked the following supplementary question, "Parents are unlikely to choose a school if there are no transport links to access that school. Would you not agree with me that the re-instatement of a dedicated bus service like the number 90 which served Whitehawk, Queen's Park, Elm Grove and the Lewes Road up to Falmer that this saved many young pupils multiple journeys to get to and from school and who can no longer stay on after school at extra curricular activities as they face long and complicated journeys home. Would you not agree with me that a dedicated bus service would inevitably increase pupil numbers, give confidence to parents and let their children attend this fantastic state of the art school?"
- 103.25 Councillor Shanks replied, "If you have enough pupils who choose the school; we need to make sure they can get there; an issue arises if we lay on a bus route and we still don't get the applications to that school. We've just had a review of school buses, as you know, and we're looking at the best ways of improving access to public transport for children so it is on our agenda."

### **Council Assets**

- 103.26 Councillor K. Norman asked the following question, "This historical vehicle registration number, CD1 was donated to Brighton in perpetuity and became a very important part of the mayoral system first in Brighton and more recently in Brighton and Hove. It's an absolute disgrace, in my mind, that it is even being considered for disposal. The right thing to do should have been to transfer it to the current Mayoral Car for just £80 and, Councillor Kitcat, you and your colleagues will go down in history as being the political group that belittled the very high reputation that all Mayors of Brighton have built up over a century and a half.

What is the value of the current offer? When was it received and who will be making the decision regarding the acceptance or refusal of that offer?"

- 103.27 Councillor J. Kitcat replied, "Before this item came to Budget Council and Councillors will recall that the Conservative amendment to prevent the sale was lost and that it is the will of the Full Council for the sale of the number plate to proceed. There was an extensive search by officers to try and identify the source of the CD1 number plate and it appears to be urban legend that it has been donated. There is no evidence whatsoever that it was donated in perpetuity or anything else. There are lots of suggestions, lots of histories people try to re-tell but there is no documentary evidence whatsoever as to the provenance of the CD1 number plate and that is the case that it was checked extensively because we wanted to make sure that we would not be breaching any trust before it came to Full Council for a decision to make sure councillors made an informed choice.

I have to say, Mr. Mayor, that I think both yourself and Mayors beforehand, that the number plate on your vehicle plays little or no part in the reputation that you carry with you and I think that the role and your demeanour has a great part to play as well of course the ceremonial mace and the chains. So the CD1 is a number plate, it's a piece of plastic which has no obvious connection with the Council or the City but there are plenty of 3<sup>rd</sup> Sector Charities crying out for cash as this Government reigns down its austerity cuts and the least that we can do is sell off a piece of plastic for the most that we can to support those who are in the greatest need in this City.

So it was put up for sale, while I did receive some informal offers at a recent business awards, they were somewhat short of our expectations. We have received, on the 19<sup>th</sup> March 2013, a formal offer of £80,000, we have asked and we have consulted with both of the other groups about this, we have proceeded to ask the agent to negotiate with this potential buyer to see if we could increase that price at all but £80,000 is a good sum of money which I'm sure would be much appreciated by the 3<sup>rd</sup> Sector in this City and it is the intention to proceed with that if possible."

- 103.28 Councillor Norman asked the following supplementary question, "Most of you are not Brightonians or Hovarians, you have come in to this City, a once great City of ours and you're systematically destroying it and the majority of the population will never forgive you for most of these things as they won't forgive you for your furious moves to paint '20mph' on every single street on our road. What are you planning to spend the £80,000 on should you agree to it and incidentally should my Leader agree to it as well because it seems that all 3 need to agree on this. What will you spend that £80,000 on which is less than half the asking price and who will be losing out because of the missing £95,000 on your original expectations?"

And currently at 15:30pm today, the plate was still for sale and 2 traders are offering it for sale, one is at £174,995 and the main trader at a £150,000. So there's discrepancy of £25,000 in those two asking prices. So what are you planning to spend that £80,000 because you've lost £90,000 if you take up that offer and the people you say you're going to help, won't get that money."

- 103.29 Councillor Kitcat replied, "It's somewhat conflictual for Councillor Norman to be lecturing me on whether people are going to lose the money when he's been lecturing me on not selling the number plate at all. So what do you want? Do you want the money for the 3<sup>rd</sup> Sector or not? Ultimately as, I'm sure, both Councillor Normans will recall, that at Budget Council the estimate was £120,000 but it's normal when you're trying to sell something to maximise the value so the sell price was above that estimate to try and maximise the offers. The buyer who has put in a firm bid is currently away so the negotiations haven't concluded hence it's still showing for sale. It's quite clear in the terms at Budget Council, that they would be used for capital support for the Voluntary and Community Organisations within the City and I know that Councillor Norman and others do spend a lot of time supporting those but I do have to say Mr. Mayor that talking 'Brightonians' and 'Hovarians' is completely unpleasant and it's not really becoming of this chamber. We all stand here elected by the people of this City and that's what we should be focusing on."

### **Corporate Risk**

- 103.30 Councillor Mears asked the following question, "As we know Brighton Marina is a unique asset in the City. No tax payers money was spent in building the Marina, £56,000,000 of private money was invested this will be around £3,000,000,000 in today's money. As all Councillors know when a possible corporate risk is brought to their attention it is their responsibility to ensure that the issue is raised and as I am doing so today and as we heard earlier, through the deputation regarding the Marina. Following on from the changes in the Marine and Coastal Access Act 2009 which came in to force on 12 January 2011 the MMO has indicated that a particular target

will be developers who attempt to carry out large schemes of development by making a series of Licensing Applications to cover small phases of works, without informing the MMO of the over all scheme of development. Will the Leader of the Council take responsibility to ensure the Marine and Coastal Act 2009 is followed to protect the Marina?"

103.31 Councillor J. Kitcat replied, "An act of Parliament is a matter for Parliament but I'm very conscious of the responsibilities and am happy to respond in more detail to Councillor Mears as the issues progress."

103.32 Councillor Mears asked the following supplementary question, "I will wait for a proper written response because this is a very serious issue not only for this council but for the City and its residents. As I said the Marina is unique and needs protection and although; not a Planning consideration, the Marine licenses are important to protect and enhance the Marina, to this end will the Leader of the Council ensure that any development in the Marina goes before the Planning Committee for openness and transparency to ensure that not only the Council but the residents in this City can clearly see what decisions are made on the Marina?"

103.33 Councillor Kitcat replied, "I'm very supportive of the work that our Planning Department do and I know that they always conduct everything they do with openness and transparency and that all the applications brought forward to the Planning Committee will be done so in the most open and transparent and clear way and I'm sure that both officers, Ward Councillors and the developers will be seeking to engage with the community.

I certainly had conversations with Professor Watts who was here earlier, with the developers at Brunswick Developments and other interested parties but I'm very conscious and respectful of the fact that it is not in my ward and so I do want to ensure that we engage fully on that and have conversations and ensure that everyone who does wish to express a view has an opportunity to do so."

#### **104. REPORTS OF COMMITTEES.**

##### **(a) Callover**

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

Item 105	-	Pay Policy Statement 2013-14
Item 106	-	Annual Update of the Council's Corporate Plan 2013/14
Item 107	-	Annual Investment Strategy
Item 108	-	Admissions Arrangements for Brighton & Hove Schools 2014/14
Item 110	-	Review of the Constitution (March) 2013

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

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

- Item 109 - Expanding the Premises of Aldrington Church of England School – Final Decision.

**(c) Oral Questions from Members**

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

**Note:**

104.4 The Mayor then adjourned the meeting for a refreshment break at 6.30pm.

104.5 The Mayor reconvened the meeting at 7.15pm.

**105. PAY POLICY STATEMENT 2013-2014**

105.1 The Leader of the Council introduced the report and noted that it had been discussed fully at the previous Policy & Resources Committee meeting. He stated that the policy reflected an open, fair, equal and transparent process and recommended the adoption of the policy to the council. He also noted that with effect from the 1<sup>st</sup> April the Council would be a 'Living Wage' employer which would benefit 128 staff and was a welcome step forward.

105.2 Councillor G. Theobald noted that the policy proposed that the Appointments & Remuneration Panel should consider and make recommendations to the Chief Executive in regard to the payment of salaries over £100k, whereas government guidance recommended that it should be the full council that considers such matters. He suggested that it would not be a transparent process as the Appointments & Remuneration Panel met in closed session and therefore consideration should be given to ensuring that information was in the public domain. He noted that there had been three recent senior redundancies for which no information had been made public and suggested that the council should set the salary range for senior appointments prior to them being advertised and that all salary and redundancy packages are reported to the council after they have been offered and accepted.

105.3 Councillor Wealls stated that he wished to draw attention to paragraph 6 on page 61 which related to salary progression and suggested that it was not very satisfactory as it did not relate to performance which should be taken into consideration prior to any progression. He also referred to paragraphs 8 and 9 of the appendix to the report and queried the fair treatment of staff across the authority; as it appeared that both the Chief Executive and Executive Directors were able to have the cost of a professional association fee met by the council, whilst other staff were not. He had recently been a member of a Personnel Appeals Panel which had received guidance from HR officers that no employees were able to have a professional association fee paid for. Given that the Panel had then refused the appeal he suggested that this matter should be looked at and either apply to all or no-one.

105.4 The Leader of the Council noted Councillor Theobald's comments and stated that the matter had been discussed previously at the Leaders Group and again and the Policy & Resources Committee and therefore he was surprised by the change of view. He stated

that other authorities including neighbouring ones had chosen not to adopt the approach listed in the guidance as it was felt better to be able to discuss in full at a cross-party meeting rather than in general at a full council meeting. The guidance was not binding and other such guidance had been noted but not adhered to without any penalty. He believed that the Appointments & Remuneration Panel approach was the right one. In regard to the issue raised by Councillor Wealls concerning professional fees he was happy to look into the matter and consider any changes as necessary.

105.5 The Mayor noted the comments and that there was a slight amendment to policy to refer to the new role of Executive Director and therefore put the recommendation to the vote.

105.6 **RESOLVED:**

105.7 That the Pay Policy Statement 2013/14 as detailed in appendix A to the report (as amended) be adopted.

Note: The Conservative Group abstained from voting on the recommendation.

## **106. ANNUAL UPDATE OF THE COUNCIL'S CORPORATE PLAN UPDATE 2013/14**

106.1 The Leader of the Council introduced the report and stated that he wished to thank councillors and officers involved in bringing the update corporate plan together and contributing to the progress made in achieving the majority of the objectives or taking them forward. He commended the new plan and objectives to the council.

106.2 Councillor G. Theobald stated that he did not feel that the objectives were realistic and wished to thank the officers for recording accurately his comments at the Policy & Resources Committee meeting. There was much emphasis on supporting and expanding the local economy and very little mention of improving the appearance of the city. In view of the reference to the proposed Traveller's site the Conservative Group would be abstaining from voting on the matter.

106.3 Councillor Mitchell stated that she fully supported the plan and was disappointed to hear that the Conservative Group would be abstaining. She believed that the plan sought to address the levels of inequality in the city and that it was right to focus on improving the local economy.

106.4 Councillor West welcomed the support from the Labour & Co-operative Group for the plan and stated that he believed it was a testament to the officers in enabling the achievement of many of the objectives and he welcomed the improvements made in terms of sustainability. He also questioned the Conservative Group's approach to the need to find a permanent travellers site in the city.

106.5 Councillor Pissaridou referred to page 95 of the agenda and stated that it was disappointing to note that the review of schools had not been achieved and queried what progress had been made in regard to the provision of a new school in Hove.

106.6 Councillor Shanks stated that the review was in progress and that officers were awaiting confirmation in regard to the provision of the new school in Hove and she hoped to be in a position to announce something shortly. She also noted that councils

across the country were having difficulty in meeting the projected levels of school places.

- 106.7 Councillor Powell referred to paragraph 4.1 on page 162 and asked that consideration be given to ensuring that staff were able to attend the various staff forums meetings as it had been brought to her attention that time off was not being allowed in some cases.
- 106.8 The Leader of the Council noted the comments and that the previous Conservative Administration had sought funding from the government for the provision of a permanent travellers site in the city. He stated that he believed supporting the local economy was important and that the equality and environmental aspirations would also help to improve this area. He wished to thank councillors and officers for their support and hoped that the new plan objectives would lead to further improvements across the council and within the city.
- 106.9 The Mayor then put the recommendations to the vote.
- 106.10 **RESOLVED:** That the refreshed Corporate Plan content (as detailed in appendix 1 to the report), including the new commitments for 2013/14 as included in the Budget be adopted.

Note: The Conservative Group abstained from voting on the recommendation.

#### **107. ANNUAL INVESTMENT STRATEGY 2013/14**

- 107.1 Councillor Littman introduced the report and stated that it represented an excellent piece of work and he wished to thank the officers concerned.
- 107.2 Councillor A. Norman welcomed the report and also thanked the officers for their work in ensuring that the council remained well placed.
- 107.3 The Mayor then put the recommendation to the vote.
- 107.4 **RESOLVED:** That the Annual Investment Strategy 2013/14 be approved.

#### **108. ADMISSIONS ARRANGEMENTS FOR BRIGHTON & HOVE SCHOOLS 2014/15**

- 108.1 Councillor Shanks introduced the report which outlined the proposed admission arrangements for the forthcoming 2014/15 school year. She noted that these did not include the proposed increase for Stanford Infant School as a result of the consultation process. However, it had highlighted the need to think further ahead in terms of admission levels and to consult earlier so that plans could be made.
- 108.2 Councillor Wealls suggested that there was a need to improve consultation with parents and to take account of the responses that are received more effectively, as was the case with Stanford Infants where 180 respondents had opposed the increase compared with 20 for. He agreed that there was a need to consult at an earlier stage and hoped that lessons would be learnt. He also suggested that consideration needed to be given to encouraging other school providers into the city and noted that the

London Borough of Redbridge had successfully provided a new school with the help of £40m government funding.

- 108.3 Councillor Hamilton referred to Item 109 on the agenda and stated that there was need to consider the situation in the west of the city in terms of school places and the impact on schools locally. He noted that in 2010 Benfield School had accepted two additional reception classes because of the situation in Hove, however now that additional places were being provided it would result in empty places at Benfield and other Portslade Schools. He questioned whether the impact was being taken into account and what action was proposed to support the schools affected.
- 108.4 Councillor Pissaridou asked for a restatement of the strategy previously agreed by the cross-party working group and queried whether it was necessary.
- 108.5 Councillor Gilbey noted that there was a significant investment being made into PACA and that the new Kings School was likely to take children that would have gone to PACA. She questioned whether there was a need for two secondary schools in Portslade.
- 108.6 Councillor Hyde suggested that the provision of free schools and academies enabled parental choice and noted that a number of pupils from her ward would be attending the Kings School as the local school was not performing to parental satisfaction.
- 108.7 Councillor Meadows noted that BACA was performing well and had capacity and therefore queried why this was not being utilised and investment made into the transport links to encourage more pupils to attend.
- 108.8 The Leader of the Council stated that detailed arrangements had to be put in place in regard to school admissions and government policy had led to the situation that was faced currently. The location of the Kings School was still under discussion and the intention had to be to enable schools to provide excellent services and facilities.
- 108.9 Councillor Janio stated that there was a need to allow for parental choice and that included the option to send their children to Free Schools or Academies and this should form part of the planning process for future admissions.
- 108.10 Councillor Simson stated that there was a need to have a suitable transport system available to support the movement of children to school and noted that there were a number of children in her Woodingdean that wanted to attend BACA.
- 108.11 Councillor Shanks noted that the proposed expansion of Stanford Infants had been turned down and she hoped that when the final admission figures came out there would not be a need to direct too many children to other schools as they had not been able to be offered their first choice. She stated that parents were not choosing BACA or PACA at present but hoped as the schools developed it would encourage more applications. However, because of the low numbers it was difficult to justify costly transport provision and therefore alternative methods had to be explored.
- 108.12 The Mayor then put the recommendations to the vote.

108.13 **RESOLVED:**

- (1) That the proposed school admission numbers set out in the consultation documents be adopted for the admissions year 2014/15, with the exception of Stanford Infant School which would remain at 90 rather than increasing to 120 as proposed;
- (2) That the admission priorities for Community Schools set out in the Consultation documents be adopted for all age groups;
- (3) That the final version of the Cardinal Newman Roman Catholic Secondary School and King's Church of England Free School admission arrangements (as amended in light of the Diocesan response and parental and school responses) should be reviewed to decide whether the council should comment further;
- (4) That the co-ordinated schemes of admission be approved; and
- (5) That the City boundary be retained as the relevant area for consultation for school admissions.

**109. EXPANDING THE PREMISES OF ALDRINGTON CHURCH OF ENGLAND SCHOOL – FINAL DECISION**

109.1 **RESOLVED:** That the statutory notice and expansion of the premises of Aldrington Voluntary Aided Church of England Primary School from September 2013 be agreed, subject to securing the necessary planning consent by the 31<sup>st</sup> August 2013.

**110. REVIEW OF THE CONSTITUTION (MARCH) 2013**

110.1 The Leader of the Council introduced the report and noted that the review had been delayed with the agreement of the Group Leaders to take account of the appointment of the Chief Executive. He wished to place on record his appreciation of the work by officers to enable the new committee system to be implemented with effect from last May and to thank the Members of the Working Group in helping to develop the new constitution. He stated that the current review tidied up aspects and took account of the changes in the officer structure and that of the committees, which resulted in the combining of the Environment & Sustainability and Transport Committees. Something which he did not support but recognised was the intent of the other two Groups. He also welcomed the change for the Corporate Parenting Sub-Committee to become a Board and noted that both he as Leader and the Chief Executive intended to play an active role on the Board in recognition of the importance of the council's role as a corporate parent.

110.2 Councillor Peltzer Dunn welcomed the Leader's comments and the report and stated that he wished to commend the officers for their work in enabling the council to move to the committee system as smoothly as it had. He noted that it would take time for the new system to bed-in and that regular reviews should be undertaken to ensure that the new constitution reflected the council's decision-making process and structure.

110.3 Councillor Morgan also welcomed the report and stated that he would have liked to have taken it through the Members Working Group and to have asked all Members for their comments on how it was working. He hoped that the next review would take on board some of the ideas expressed at the recent 'City Camp' event and as Chair of the Overview & Scrutiny Committee he reminded council of the ability to refer matters for policy development to the scrutiny process as a means of supporting the committees in their work.

110.4 The Leader of the Council noted the comments and stated that he was happy to ensure that the ideas raised at the City Camp were considered as part of the next review and noted the point about asking scrutiny to take a forward looking role on behalf of committees.

110.5 The Mayor then put the recommendations to the vote.

110.6 **RESOLVED:**

- (1) That the amended constitution documents set out at Appendix 1 (being those relating to committees, sub-committees and advisory bodies) be approved;
- (2) That the changes to the constitution summarised at paragraphs 3.4 to 3.26 and 3.28 to 3.32 of the report and related documents set out in Appendix 2 be approved;
- (3) That the Monitoring Officer be authorised to make consequential amendments as are considered necessary to give effect to the changes agreed at paragraphs 2.1 to 2.3 above;
- (4) That the Chief Executive be authorised to take any steps necessary to implementation of the changes agreed in the report;
- (5) That the Executive Director for Finance & Resources be authorised to make appropriate amendments to Financial Regulations and Standards Financial Procedures to reflect the Officer restructure and the changes relating to the corporate landlord function; and
- (6) That the amendments to the constitution set out in paragraphs 2.1 to 2.6 should come into effect immediately after the conclusion of annual Council on 23 May 2013, except any amendments relating to the terms of reference of the Health & Wellbeing Board and the Financial Regulations and Standards Financial Procedure, which should come into effect on 1<sup>st</sup> April 2013.

111. **NOTICES OF MOTION.**

- (a) **'Bedroom Tax'**
- (b) **'Bedroom Tax'**

111.1 The Mayor stated that as both notices of motion related to the issue of 'Bedroom Tax' he intended to take both motions together in one debate and to then put each motion to vote separately.

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

111.3 The Notice of Motion as detailed in the agenda was proposed by Councillor Duncan on behalf of the Green Group and seconded by Councillor Powell.

111.4 The Mayor then put the following motion from the Labour & Co-operative Group to vote:

“This council notes that the government will implement the ‘Bedroom Tax’ element of the Welfare Reform Act 2012 on the 1st of April 2013.

This council further notes:

- That the Bedroom Tax will place an intolerable financial burden on over 1,000 households across Brighton and Hove, many of whom include working or disabled occupants and children living in poverty.
- The Government’s rationale is for tenants who are under-occupying to downsize to alternate properties. However, there is not sufficient housing in Brighton and Hove to facilitate this.
- The provisions of the ‘Bedroom Tax’ are inconsistent and fail to consider the additional needs of many households with regards to disabilities; adaption’s made to homes, foster carers, and parents who share custody of their children.

This Council therefore resolves:

- 1) To urge the Secretary of State to amend the Welfare Reform Act 2012 in order to repeal changes to Housing Benefit, commonly known as ‘Bedroom Tax’.
- 2) To continue to support council tenants that may be adversely affected by the ‘Bedroom Tax’ by means that are legal, financially sustainable and fair.
- 3) To request that the Chief Executive write to the Secretary of State asking him to rethink his plans which would adversely affect 660,000 tenants nationally including over 1,000 of the poorest and most vulnerable in Brighton and Hove, and in the light of his recent U-Turn on those with a disability being excluded, speedily clarify this category of person in order to stop further anxiety and apprehension that this policy is causing.”

111.5 **The motion was carried.**

111.6 The Mayor then put the following motion from the Green Group to vote:

“This Council Notes:

From April 2013, the government is introducing a 'size criteria' which will limit how many bedrooms a family in council or social housing will receive benefit for- the so-called 'Bedroom Tax'.

If a household has more bedrooms than the Government says it needs, its Housing Benefit will be reduced: a 14% reduction in benefit for one 'spare' bedroom and a 25% reduction if a household has two or more 'spare' bedrooms.

This unjust change will affect an estimated 990 households living in accommodation owned by Brighton and Hove Council: resulting in a total reduction in Housing Benefit of some £750,000 a year.

These changes could force many households into real financial hardship, rent arrears – and ultimately, for some, homelessness. Many who are unable to prevent these outcomes may be forced to move home, in some cases away from the city.

This Council also notes the incredible work our officers and partners have been doing in preparing residents for welfare changes and acknowledges the difficult daily judgements they make to support those seeking their help.

This Council therefore condemns the 'Bedroom Tax' as an ideologically-driven attack on the least well-off in our society, and resolves to:

1. Request that the relevant Council Committee considers this motion with a view to ensuring that the Council and its partners work with all those affected by this Housing Benefit cut, and all other welfare cuts, to wherever possible prevent further expensive and socially disruptive homelessness such as through evictions;
2. Requests that the Chief Executive forward a copy of this motion to the city's three MPs, and asks them to raise the issue with Government.

111.7 **The motion was carried.**

**(c) A Fair Deal for Brighton & Hove**

111.8 The Notice of Motion as detailed in the agenda was proposed by Councillor Littman on behalf of the Green Group and seconded by Councillor Phillips.

111.9 The Mayor then put the following motion to vote:

“Brighton & Hove City Council supports the petition which calls on the Government to end its attack on local government and to reverse the public service cuts that unfairly target Brighton & Hove and will do so much damage to the city and its hard-pressed people.

Brighton & Hove is by far the worst-hit council in the south-east of England, when it comes to cuts in Central Government funding. It is, in fact, one of the most adversely affected in the country. This year, nationally, we have had the second heaviest reduction in terms of spending power of Upper Tier Authorities.

While all other councils in the south-east are being cut by less than £50 per head of population, Brighton and Hove faces cuts of more than £105; above other southern cities such as Portsmouth or Southampton, and far more than neighbouring authorities in Kent and East and West Sussex.

This comes at a time when Brighton & Hove, with its pockets of extreme deprivation, needs to be able to protect its low income people and families, who are facing iniquitous measures such as the 'bedroom tax', benefits cap, 1% freeze in benefits, and Council Tax reduction.

The Government is simultaneously making things harder for the vulnerable people of the City and reducing the City's ability to help these same people to cope with their changing circumstances.

If all Councillors, from across the political landscape, were to support this motion, it would help add strength to the petition from concerned local residents and put pressure on Government to give Brighton & Hove a fair deal.

Therefore this Council calls on the government to give Brighton & Hove a fair deal and requests the Chief Executive to write to the Chancellor of the Exchequer informing him of the council's support for the petition and calling on him to take appropriate action."

**111.10 The motion was carried.**

**(d) Providing Locally Sourced Hospital Food**

111.11 The Notice of Motion as detailed in the agenda was proposed by Councillor C. Theobald on behalf of the Conservative Group and seconded by Councillor K. Norman.

111.12 The Mayor then put the following motion to vote:

"This Council recognises the vital importance of providing patients with nutritious and healthy food during their stay in hospital and endorses the philosophy of the Brighton and Sussex University Hospitals NHS Trust that "food is treatment". Patients who receive good nutrition in hospital are likely to have shorter hospital stays, fewer post-operative complications and less need for drugs and other interventions.

High quality, locally-sourced hospital food can also deliver other benefits such as supporting and promoting local businesses and suppliers and reducing food miles. For example, more than 80% of the Royal Cornwall Hospitals Trust's food budget is spent with local Cornish companies, and sourcing food locally has also cut carbon emissions from road transport by two-thirds.

Therefore, this Council notes with concern that the Campaign for Better Hospital Food has estimated that: one in every ten hospital meals in England is returned to the kitchen uneaten; six out of ten patients rely on their families to bring them food due to the poor quality of hospital food; and three quarters of hospital meals would be given a red traffic light for saturated fat by the Food Standards Agency.

This Council welcomes the excellent campaign – Operation Hospital Food - led by celebrity chef James Martin to highlight poor practice in the production of hospital food and how its quality and variety can be transformed by using locally sourced, sustainable and nutritious ingredients.

Further, this Council welcomes the new Department of Health standards for NHS hospital food which are to be backed up by new patient-led assessments, the results of which must be published online. This is a positive step forward in addressing some of the concerns raised by patients and campaigners.

Therefore, this Council requests that the Chief Executive writes to the Chief Executives of the Brighton and Sussex University Hospitals NHS Trust and the Sussex Community NHS Trust requesting:

1. Details of where the Trusts and their contractors currently source their ingredients for patient meals at the Royal Sussex County and Brighton General Hospitals and details of any plans they have to improve local sourcing;
2. Details of, and progress on, the new patient-led food assessments, including when information will be made available to members of the public.”

111.13 **The motion was carried.**

Note: Councillors Jones and Mitchell having declared a pecuniary interest in the item withdrew from the chamber and took no part in the discussion or decision thereon.

**(e) Support Free School Meals for All Children in Poverty**

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

111.15 Councillor Wealls moved an amendment to the notice of motion on behalf of the Conservative Group which was seconded by Councillor Brown.

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

111.17 The Mayor then put the following motion to vote:

“For many pupils, the free school meal is the only hot meal they will eat all day. Without a proper breakfast, a hot lunch at school aids pupil concentration, boosts energy levels and increases ability to learn.

Nationally fewer than half of children in low income households receive a free school meal. 1.2 million children classified as living in poverty are not eligible for one.

Over six thousand children in poverty in Brighton and Hove are missing out on a free school meal; 1,400 in Brighton Pavilion Constituency, 1,600 in Hove and Portslade and 3,100 in Brighton Kemptown.

Under the rules as they stand, any household working more than 16 hours per week loses all entitlement to free school meals and the government has indicated that a similar situation will exist after the introduction of Universal Credit.

As well as the obvious nutritional and educational benefits, free school meals are an important household budget consideration for low income families, especially at a time of high food and fuel costs and changes to welfare. Facing the loss of these meals creates further barriers for families seeking to move into work or take on more hours. This situation runs counter to the government’s stated intention of Universal Credit making work pay.

Therefore this council:

- Pledges its support for the Children’s Society Campaign: ‘Fair and Square’ that calls on the government to ensure that all children in families receiving Universal Credit are eligible for free school meals.
- Requests that the Chief Executive writes to the Work and Pensions Minister calling on him to make free school meals available to the children of families in receipt of Universal Credit as plans for its introduction are finalized and as part of the government’s expected review of free school meals.”

111.18 **The motion was carried.**

**(f) National Evacuees Memorial**

111.19 The Notice of Motion as detailed in the agenda was proposed by Councillor Hyde on behalf of the Conservative Group and seconded by Councillor Peltzer Dunn.

111.20 The Mayor then put the following motion to vote:

“This Council applauds the work of the Evacuees Association in highlighting the story of the great evacuation that took place in vulnerable parts of the country at the start of World War 2. Brighton & Hove played a key part in the evacuation, initially as a safe haven for over 30,000 evacuees from London, many of whom settled with local

families. Then later, as the threat of a German invasion loomed, many of these children together with children from Brighton & Hove and other vulnerable people, were themselves evacuated to other safer areas of the country.

This Council welcomes the Evacuees Association campaign to establish a National Memorial to the Evacuation at the National Memorial Arboretum at Lichfield and notes the request from the local Royal British Legion Women's Section that Brighton & Hove City Council make a contribution to the appeal, as other councils such as Barking and Dagenham have done.

Therefore, this Council resolves to request that Policy & Resources Committee agree a donation to the appeal of £1,000 to act as a lasting commemoration to the unique role of the evacuees, foster parents, teachers, nurses, billeting officers and train/bus drivers who played such a key part in the city's history."

111.21 **The motion was carried.**

**112. CLOSE OF MEETING**

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

The meeting concluded at 10.20pm

Signed

Chair

Dated this

day of

2013

