

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 2 NOVEMBER 2017

COUNCIL CHAMBER - BRIGHTON TOWN HALL

MINUTES

Present: Councillors Marsh (Chair), Simson (Deputy Chair), Atkinson, Barford, Barnett, Bell, Bennett, Bewick, Brown, Cattell, Chapman, Cobb, Daniel, Deane, Druitt, Gibson, Gilbey, Greenbaum, Hamilton, Hill, Horan, Hyde, Janio, Knight, Lewry, Littman, Mac Cafferty, Meadows, Mears, Miller, Mitchell, Moonan, Morgan, Morris, Nemeth, A Norman, K Norman, O'Quinn, Page, Peltzer Dunn, Penn, Phillips, Robins, Russell-Moyle, Sykes, Taylor, C Theobald, G Theobald, Wares, Wealls, West and Yates.

PART ONE

26 DECLARATIONS OF INTEREST

26.1 The following councillors declared a personal but not prejudicial interest in Item 42(f) Notice of Motion concerning Fair Pay for Public Sector Staff:

- (i) Councillor Atkinson as he was a nurse and worked for a NHS Trust;
- (ii) Councillor Barford as she was a member of the GMB;
- (iii) Councillor Bewick
- (iv) Councillor Cattell as her partner worked for Adur & Worthing Councils;
- (v) Councillor Chapman as a member of Unite, the GMB and as he worked for the National Association of Headteachers;
- (vi) Councillor Daniel as she was a member of the GMB;
- (vii) Councillor Gilbey as she was a member of the GMB;
- (viii) Councillor Horan as she worked for a charity that worked with the NHS;
- (ix) Councillor Littman as he worked for the Open University;
- (x) Councillor Mac Cafferty as he was a public sector employee;
- (xi) Councillor Meadows as she was a member of the GMB;
- (xii) Councillor Mitchell as she was a member of the GMB and worked in the NHS;
- (xiii) Councillor Morgan as a member of the Community union and a former public sector employee (Sussex Police, 2000-2004) but otherwise received no union funding or public sector salary beyond what he received in allowances from the council in his role as Leader;
- (xiv) Councillor O'Quinn as she was a member of a teachers' trade union;
- (xv) Councillor Penn as a member of the GMB;

- (xvi) Councillor Russell-Moyle as he was a member of the GMB, Unison group of MPs and the Fire Brigade Union;
- (xvii) Councillor Sykes as he worked for the Environment Agency;
- (xviii) Councillor Taylor in his capacity of working in the House of Commons for the MP for Gosport and holding a contract for the clerical bank of a hospital;
- (xix) Councillor West
- (xx) Councillor Yates as he was a member of the Chartered Society of Physiotherapy and a public sector worker.

26.2 The following councillors declared a personal but not prejudicial interest in Item 42(g) Notice of Motion concerning Affordable Housing and Rough Sleepers:

- (i) Councillor Bennett as she was a landlord;
- (ii) Councillor Brown as she was a landlord;
- (iii) Councillor Cattell as she was a landlord;
- (iv) Councillor Druitt as he was a landlord;
- (v) Councillor Gibson as he was a part owner of a property on a long-term lease to the council;
- (vi) Councillor Gilbey as she was a landlord;
- (vii) Councillor Hill as she had a lodger;
- (viii) Councillor Nemeth as he was a landlord;
- (ix) Councillor Peltzer Dunn as he was a landlord;
- (x) Councillor Phillips as she was a landlord;
- (xi) Councillor Russell-Moyle as he was a landlord.

26.3 Councillor Hill declared a personal and non-prejudicial interest in Item 32(b), petition for debate on Hertford Infant School, as she was a school governor;

26.4 No other declarations of interests in matters appearing on the agenda were made.

27 MINUTES

27.1 The minutes of the last ordinary meeting held on the 20th July, 2017 were approved and signed by the Mayor as a correct record of the proceedings.

28 MAYOR'S COMMUNICATIONS.

28.1 The Mayor stated that she wished to offer the council's collective congratulations to Councillors Alex Phillips and Tom Druitt on the birth of their son, Raphael Nelson Druitt Phillips or Rafi for short. She was sure he had already changed their lives and that he would bring them lots of enjoyment.

28.2 The Mayor noted that the Council had been awarded the Bronze award from the Armed Forces Covenant Employer Recognition Scheme for employers who supported those who served in the Armed Forces and their families. She then invited Councillor Morgan as the Leader of the Council and Chair of the Civil Military Partnership Board, along with members of the Princess of Wales Royal Regiment to come forward to collect the award.

28.3 The Mayor then reminded Members that there were several Remembrance Services taking place on the 11th November and that all Members were welcome to attend the events.

29 TO RECEIVE PETITIONS AND E-PETITIONS.

29.1 The Mayor invited the submission of petitions from councillors and members of the public. She 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.

29.2 The Mayor noted that Mr. Willis was not present to present his petition and therefore assumed that he did not wish to take the matter further.

29.3 The Mayor then invited Mr. Arney and Ms. Potter to present their petition.

29.4 Mr. Arney and Ms. Potter presented a petition signed by 463 residents calling for a ban on the use of single-use plastics in the city.

29.5 The Mayor thanked Mr. Arney and Ms. Potter for attending the meeting and noted that there were no other petitions to be presented.

30 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

30.1 The Mayor reported that one written question had been received from a member of the public and invited Mr. Harris to come forward and address the council.

30.2 Mr. Harris asked the following question; "The agenda for this Full Council and most of the Committees comes out at midnight and most agenda are over three hundred pages of information. You need to submit public questions if you want to get involved within twelve hours and obviously if agendas come out at midnight we have to sleep so that gives us about four hours to read three hundred pages.

Today councillors are reviewing and debating the constitution it's clear the Labour Group have failed to ensure that public involvement is put at the heart of local council, why isn't the labour group taking the initiative here today and rectifying the abysmal rules which currently only gives the public just 12 hours' notice to submit questions or deputations to council and committees, should they want involvement?"

30.3 Councillor Moonan replied; "Thank you for your question Mr. Harris. "Constitutional changes are not just created by the Labour Group they are discussed, debated and agreed by the whole Council. We publish agendas within our statutory requirement of five clear working days but you're absolutely right that's a very tight window with which someone's got to be aware, read and absorb, and put forward a question. I think you raise a very important, fair point.

People can put questions and petitions earlier and there are other ways that people can be in an engaged in the democratic process and we certainly encourage that. Indeed you can even ask your Ward Councillors to speak on your behalf but if you particularly wanted to put the question I think this is something we should take to the constitutional

working group and we should have a cross party debate and see what scope there is to be flexible with our deadlines.”

- 30.4 Mr. Harris asked the following supplementary question, “It’s really about scrutinising policies that are going through the council and the public have an opportunity to read those policies word by word. As you and other Councillors know you cannot do that in four hours. My supplementary question is to do with the Equality Act (2010). Do you think this policy with public involvement is legal under the Equality Act (2010)? I believe actually this policy is putting disabled people at a disadvantage and we are not able to take part in the democratic process. I expect this to be dealt with today in full Council because otherwise this Council is going to be taken to court for discrimination and it is a disgrace.”
- 30.5 Councillor Moonan replied, “In the Constitutional Working Group we will have a really good look at the Equalities Act and if in any way we are in breach of engagement with any minority groups of course we will address that as a matter of urgency.”
- 30.6 The Mayor thanked Mr. Harris for attending the meeting and for his questions and noted that this concluded the item.

31 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

- 31.1 The Mayor reported that no deputations had been received from members of the public for the current meeting.

32 PETITIONS FOR COUNCIL DEBATE

- 32.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. She had been made aware of two such petitions and would therefore take each in turn.

(A) WATER FOUNTAINS TO STOP RUBBISH AND POLLUTION

- 32.1 The Mayor then invited Mr. Charles Cross as the lead petitioners to present the petition calling on the Council to look into the provision of drinking fountains capable of being used to fill bottles around the city, in order to reduce the excessive use of plastic in purchased water bottles:

“We the undersigned petition Brighton & Hove Council to provide research into a full costing for setting up 6 simple drinking “fountains” (taps) capable of being used to fill bottles around the town in order to attempt to reduce the excessive use of plastic in purchased water bottles and the consequent pollution and cost of rubbish disposal. Such a costing should take into account any savings from reduced rubbish as well as the construction and running costs of each fountain and could exact a small levy on supermarket rent and rates to contribute to the running costs.”
Additional Information

“In this way we can plan a future where no water is sold in bottles in Brighton and people carry a bottle knowing there are multiple water refill points throughout the city. The fountains could be made into more elaborate and ornamental structures through crowd

funding which would add to the charm of the town and contribute to reduced litter in the streets, beaches and countryside.”

- 32.2 Mr. Cross thanked the Mayor and stated that over 2,600 people had signed the petition making it the 3rd highest in the council’s history. He stated that there was a need for the city council to take a progressive step and follow other leading cities such as San Francisco in banning the sale of bottled water on city owned land and in city buildings and to provide water filling stations across the city. He suggested that other organisations such as super markets could be encouraged to locate the water fountains in their premises and noted that Borough Market in London had installed a water fountain. He therefore urged the council to give this matter due consideration.
- 32.3 The Mayor thanked Mr. Cross and noted that there were three amendments to the recommendation listed in the report on the petition. She therefore called on Councillor Morgan to respond to the petition and to move the amendment on behalf of the Labour & Co-operative Group.
- 32.4 Councillor Morgan thanked Mr. Cross for presenting the petition and stated that the amendment was to refer the matter to the Policy, Resources & Growth Committee rather than the Environment, Transport & Sustainability Committee. He agreed that there were environmental issues with the use of plastic water bottles and noted that the council had stopped using them at council meetings. He also noted that there were questions around the cost of provision and associated health matters in regard to the provision of water fountains but he was happy to request officers to bring a full report to committee in due course.
- 32.5 Councillor Moonan formerly seconded the amendment.
- 32.6 Councillor Wares moved an amendment on behalf of the Conservative Group and also welcomed the petition and stated that he would support both the Labour & Co-operative and Green Groups’ amendments. He also noted that the issue had been raised previously at the Environment, Transport & Sustainability Committee in 2014 and hoped that some progress could be made this time.
- 32.7 Councillor Bell formerly seconded the amendment.
- 32.8 Councillor Mac Cafferty moved an amendment on behalf of the Green Group and stated that the use of the Community Infrastructure Levy should be considered as a means of financing the provision of fountains so that publicly accessible water could be provided. He noted that people were aware of the corrosive impact of plastic on the environment and that the provision of water fountains was one way of reducing the use of plastic bottles.
- 32.9 Councillor Druitt formerly seconded the amendment.
- 32.10 Councillor Morgan noted the comments and stated that it appeared councillors were in agreement about the general approach to the matter which could therefore be taken forward.

32.11 The Mayor noted that three amendments had been moved and stated that she would therefore take in each in turn and put them to the vote. The Mayor noted that the Labour and Conservative Groups' amendments had been carried and that the Green Group's amendment was carried by 30 votes to 16 with one abstention.

32.12 The Mayor then put the recommendations as amended to the vote which was carried unanimously.

32.13 **RESOLVED:**

- (1) That the petition be noted and referred to the Policy, Resources & Growth Committee for consideration at its meeting on the 30th November, 2017;
- (2) That the Committee be requested to consider receiving a report on the costings requested in the petition as detailed in paragraph 3.1 and such report be extended to include advice on the public health risks associated with public drinking water fountains and taps and the measures to mitigate these risks that would also go to the costs; and
- (3) That a report be brought to the relevant committee exploring the proposals set out in the petition at paragraph 3.1; including the options for utilising the Community Infrastructure Levy as a possible means of funding and specifically, that further to the decision of the Tourism, Development & Culture Committee on the 21st September to consult on a preliminary charging schedule, that water fountains be considered for inclusion in the BHCC regulation 123 infrastructure list, as part of health care infrastructure provision.

(B) HERTFORD INFANT SCHOOL CONSULTATION

32.14 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. She had been made aware of two such petitions and would therefore take each in turn.

32.15 The Mayor then invited Jo Wilding as the lead petitioners to present the petition calling on the Council to abandon the proposal to halve the admission numbers for Hertford Infant School.

32.16 Ms. Wilding thanked the Mayor and confirmed that the petition had 1,570 signatures and stated that she and other parents had responded to the consultation but wanted the council to hear their concerns. If the proposal to reduce the class intake at Hertford Infant School was accepted it would effectively force children out of their preferred school. The school was successful and had high achievement levels when compared to others, with disadvantaged pupils achieving 12% higher than the city as a whole. If the intake was reduced it would lead to the school having to make cuts and face redundancy costs and yet the school was successfully reducing the gap between levels of achievement for pupils which was the local authority's aim. She hoped that the council would take the petition into account and reconsider the proposal to reduce the proposed admission numbers.

- 32.17 The Mayor thanked Ms. Wilding and called on Councillor Chapman as Chair of the Children, Young People & Skills Committee to respond to the petition.
- 32.18 Councillor Chapman thanked Ms. Wilding for presenting the petition and welcomed the level of interest in the consultation process and assured the council that all views expressed would be taken into consideration by the cross-party Working Group. He stated that no decisions had been made and noted that thirteen public meetings had been scheduled to take place across the city as part of the consultation process. The Working Group would consider all the feedback before submitting a report to the committee in January with recommendations for a way forward. He hoped that those parents who had not yet responded to the consultation would do so, in order to ensure all views could be taken into account.
- 32.19 The Mayor noted that there was an amendment to the recommendation to refer the petition to the Children, Young People & Skills Committee and called on Councillor Phillips to move the amendment on behalf of the Green Group.
- 32.20 Councillor Phillips moved the amendment on behalf of the Green Group and stated that the proposal to reduce the school's intake by 50% was unviable and that there was a need to give full consideration to the equalities impact assessment for the planned changes. She believed that options should be sought to prevent the closure of the school and to maintain the diversity that it had. There was a real concern that children would be forced into larger schools where they would suffer and yet the school was successfully closing the gap between disadvantaged pupils and high achievers.
- 32.21 Councillor Knight formally seconded the amendment.
- 32.22 Councillor Hill stated that she was a Governor of Hertford Infant School and had been granted dispensation to speak and vote on the issue. She was aware that the Working Group were looking at what was a complex matter and that there was a need to manage the situation that there would be too many places for too few children, which would put small schools at risk. She had attended the consultation meeting and had noted the huge level of support for Hertford Infants School in the local community.
- 32.23 Councillor Brown noted that five schools had been recommended to reduce their intake by 1 form entry as part of the pan reduction and of these Hertford Infants and Benfield Infants had expressed concern over the impact of a reduction. She had attended the consultation meeting at Benfield and it was clear how important it was to the community and how parents wished to support it and she acknowledged it was the same for Hertford Infants. She also noted that no decision had been made and that the committee would consider the recommendations of the Working Group in January.
- 32.24 Councillor Chapman noted the comments and stated that he understood the concerns of parents and pupils and noted that any changes to pupil numbers had to be considered in relation to all schools. He was happy to support the amendment but noted that the actions requested would be undertaken as part of the consultation process anyway. He also noted that the consultation concluded later in the month and again urged everybody to respond.

32.25 The Mayor noted that an amendment had been moved and put it to the vote which was carried.

32.26 The Mayor then put the recommendations as amended to the vote which were carried.

32.27 RESOLVED:

- (1) That the petition be noted and referred to the Children, Young People & Skills Committee for consideration at its meeting on the 13th November, 2017; and
- (2) That the Children, Young People & Skills Committee be requested to:
 - (a) receive a report outlining the options for maintaining the current entry intake for Hertford Infants, including consideration of the outcomes and feasibility of adjusting the numbers of other four-form schools; and
 - (b) That as part of the above report, an Equalities Impact Assessment be carried out on the reduction of Hertford Infant School intake for consideration.

32.28 The Mayor noted that concluded the item.

33 WRITTEN QUESTIONS FROM COUNCILLORS.

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

(a) Councillor Sykes

33.2 “With reference to the £102,000 approved “*for parks and playgrounds including inter alia paving, seating, general environment e.g. planting, play equipment etc.*” from underspend, can the Lead Member please provide a ward by ward breakdown of the planned spend.”

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

33.3 “Play Additional funding 2017/18 The state of play report 2016, which accompanied the Parks strategy, adopted by committee in 2017, highlighted concerns over the number of play areas with equipment rapidly heading towards the end of its economic life. It encouraged the injection of funding to help offset concerns over safety and general access of sites. Additional funding of £82,000 has been allocated to play facilities from the £102,000 for the current financial year.

This has been allocated to assist with issues which have not been addressed within the normal budget allocation over previous years. It targets some general problems across the city and a small number of sites with specific problems.

The extra funding will cover:

Works	Ward(s)	Approximate value £
Replacement gates where they have become uneconomic to repair. We are moving to standardising a gate system which conforms to current safety standards and adds a level of security to a play area. (self-closing and has a raised latch mechanism)	Various	14,000
Replacement of play units where they have been rendered safe but unusable at: Victoria Recreation ground, replacement swings with additional basket swing. Farm Green, replacement swings Hangleton Park, replacement climber unit	South Portslade,	15,000
	Moulsecomb and Bevendean,	12,000
	Hangleton and Knoll	20,000
Dyke Road Park, repairs to slide feature	Hove Park	9,000
General safer surfacing replacement or repair at a number of play areas.	Various	12,000
Total Funding		82,000

The above figures are estimates, the intention is to let the play unit replacement works as one contract, a contract to cover safer surfacing and a separate one for gate replacement.

There will be a minimal amount of consultation for each main replacement with user groups as we will be aiming to replace with very similar play equipment to that which is being replaced.

The following work has been identified for Green Flag management plan works, in addition work on Easthill War Memorial Garden, which is complete.”

Planting	Easthill Memorial Garden	1,172.52
Rose Replacement	Preston Park	1,600.00
Planting	The Level	1,414.80
Planting	Stoneham	215.00
Planting	Kipling	1,050.00

Signage		1,500.00
Planting	Hove Park	1,200.00
St Anns	Planting	1,800.00
Improvement of Bin Systems	City Centre	3,000.00
Improvement of Bin Systems	The Level	7,000.00
Total		19,952.32

(b) Councillor Sykes

33.4 “Can the Lead Member please provide the latest data on (a) delays to planning applications i.e. what percentage are dealt with on time and (b) on how many planning applications a month does the council ask applicants for a time extension?”

Reply from Councillor Cattell, Chair of the Planning Committee

33.5 “The latest planning application performance for this year so far, from April to September 2017, shows a further improvement in performance. The performance by main type of application is:

- majors – 80 per cent within time (where the target is 60%);
- minor applications 74 per cent in time (where the target is 65%); and
- for other applications 72 per cent in time (where the target is 80%)

These performances are based on decisions in time or with an agreed extension of time (which is allowed by government legislation). The percentage of decisions with an extension of time (EoT) by type is;

Majors – 70 per cent;
 Minors – 40 per cent; and
 Other applications – 26 per cent

Although this shows that the proportion of decisions with an extension of time is still higher than we would like there has been a reduction for non-major applications when compared to the performance in 2016/17 (minors – 59% EoT and Others 45% EoT). These improvements may have arisen from the introduction of formal pre-application advice, amongst other factors, as planning applications are more likely to be submitted right the first time.”

(c) Councillor Sykes

33.6 “Following consultation, communal refuse and recycling collection in the garden squares in Brunswick and Adelaide ward was passed for implementation by Environment Transport and Sustainability Committee on 29th Nov 2016. Residents of all opinions on this matter have been wondering what has happened to this decision and whether it will in fact be implemented. Please can Councillor Mitchell provide an up to date programme for implementation of this scheme.”

Reply from Councillor Mitchell – Chair of the Environment, Transport & Sustainability Committee

- 33.7 Whilst this project has progressed there has been delay which City Environmental Management appreciates has been extremely frustrating for residents and resident groups. However we would like to thank them for their participation to date.

The rollout of communal bins was agreed for the following areas at committee.

- Palmeira Square and Adelaide Crescent
- Brunswick Square and Brunswick Terrace

Palmeira Square and Adelaide Crescent

- 33.8 Consultation, meetings, drop-in session and onsite visits have been held with resident groups who have now agreed final locations.

Leaflet content is to be agreed with resident groups prior to distribution by mid-November (*17th November 2017*). Leaflets will be distributed to households at the end of November 2017 (*27th November 2017*). This allows for a two week notice period prior to commencement of collection for both refuse and recycling from the newly installed communal bins. We are therefore proposing an implementation date for collection week commencing mid-December (*12th December 2017*).

Brunswick Square and Brunswick Terrace

- 33.9 Location of refuse and recycling communal bins at Brunswick Square and Brunswick Terrace, have been agreed in principal with resident groups. However one further meeting is required to finalise these sites. Siting plans will be drawn up and this meeting is to be arranged for late November.

We are therefore proposing that these bins are rolled out in early 2018 (late January) following the same process as used for Palmeira Square and Adelaide Crescent.”

(d) Councillor Barnett

- 33.10 “After the recent fatality and serious accident in Old Shoreham Road, can an assurance be given that this road, which runs through both Hangleton & Knoll Ward and Hove Park Ward, is given very serious and urgent consideration for extra safety measures, including a speed camera and extra pedestrian crossing points.”

Reply from Councillor Mitchell – Chair of the Environment, Transport & Sustainability Committee

- 33.11 “We work closely with the Police whenever there is a fatality or serious injury on the Highway. This includes sharing information on the investigations and site meetings to discuss road layouts if issues are identified as part of the investigation. At this stage there is nothing to suggest that the road condition was a factor in either of these very sad collisions. As such no further physical action is planned at this time however we will continue to liaise closely with the Police until the investigations are complete.

However, in light of concerns we are planning to carry out speed monitoring along the route. If an issue is identified as part of this process then further action may be considered at this time.”

(e) Councillor Gibson - Housing Benefit Payments

33.12 “Please can you supply the actual costs for each of the last five years of housing benefit payments made to fund landlord charges:

- a) Private rented housing
- b) Council housing
- c) Temporary accommodation
- d) Emergency accommodation
- e) Housing association

And please indicate the number of claims for each accommodation type.”

Reply from Councillor Meadows, Chair of the Housing & New Homes Committee

33.13 “The table below sets out the annual amount of Housing Benefit awarded and the caseload as at 25 March in each year:”

		2012/13	2013/14	2014/15	2015/16	2016/17
Private rented housing	Caseload	12936	12545	11868	10928	10114
	Cost	£87.840m	£87.635m	£85.625m	£82.659m	£77.562m
Council housing	Caseload	8452	8166	7965	7749	7560
	Cost	£32.260m	£32.685m	£33.734m	£33.719m	£32.777m
Temporary accommodation	Caseload	1324	1386	1382	1421	1417
	Cost	£15.444m	£16.586m	£16.215m	£17.018m	£16.666m
Emergency accommodation	Caseload	9	34	56	75	76
	Cost	£0.062m	£0.115m	£0.318m	£0.447m	£0.571m
Housing Association	Caseload	5068	5068	5088	5025	4983
	Cost	£26.188m	£27.313m	£30.124m	£31.586m	£31.880m

(f) Councillor Gibson - Additional rental income from new council housing

33.14 “Please can you indicate the expected total number of new council homes arising from the new homes for neighbourhoods programme as of April 2018? And for these homes estimate the annual rental income that is due to the council for the financial year 2018/19.”

Reply from Councillor Meadows, Chair of the Housing & New Homes Committee

33.15

Completed Projects	Number of homes	Annual rental income from New Builds 2018/19
Aldwick Mews	4	46,590
Brooke Mead	45	274,274
Darwell Court	5	41,452
Flint Close	4	42,765
Hobby Place	29	270,146
Kite Place	57	546,950
Pierre Close	4	46,133
Preston Road	2	22,836
Robert Lodge (N)	6	48,710
Robert Lodge (S)	9	65,422
Grand Total	165	1,405,278

“These rents are being used to pay for the financing costs, management and maintenance of these new homes.”

(g) Councillor Mac Cafferty

33.16 “Further to a written question to Cllr Mitchell in January on energy efficiency, I was informed that the Administration is preparing an energy plan. Can I ask where that plan is and when it will be coming for full scrutiny from Councillors?”

Reply from Councillor Mitchell, Chair of the Environment, Transport & Sustainability Committee

33.17 “A Greater Brighton Energy Plan will be developed and completed by the end of 2018. The plan is being delivered through the Greater Brighton Economic Board and will be brought before Councillors on completion.

The scope of the plan is dependent on securing additional funding to that being secured from the Greater Brighton Economic Board. A bid has been submitted to Interreg and a decision is expected at the end of November. If unsuccessful, finance will be sought from other sources.”

(h) Councillor Mac Cafferty

33.18 “In April in response to a written question to Councillor Daniel on anti-social behaviour, I was informed that Designated Public Places Orders enable the police to remove alcohol from people who are drinking and being anti-social. After yet another summer where my residents have suffered yet more anti-social behaviour, they report that these orders are never used. Can I ask how many Designated Public Places Orders were authorised? In the absence of these orders being effectively used, what other mechanisms will the administration pursue to prevent anti-social behaviour in the public squares?”

Reply from Councillor Daniel, Chair of the Neighbourhoods, Inclusion, Communities & Equalities Committee

33.19 “The Designated Public Places Order (DPPO) has been absorbed under the Anti-social Behaviour, Police and Crime Act 2014 and is now described as a Public Spaces Protection Order (PSPO). The order enables police to require people to surrender alcohol where there is ASB or ASB is anticipated. The police use a combination of the DPPO and Dispersal Powers under the same Act to require people to disperse and hand over alcohol when an area is designated by a police Inspector.

The police can't easily provide the information relating to where these powers were used but report that on most occasions a warning is sufficient to resolve the problem and people move on.

Further under the same Act the Open Spaces PSPO will be reviewed over the winter and consideration will be given to whether it should be extended from its existing 12 locations to other areas where it might be effective.

All of the above powers are reliant on incidents being reported and there being sufficient resource available to attend and enforce where appropriate.

The Community Safety Team, Cityparks, Cityclean, the police and commissioned support services meet regularly to consider which areas of the city to prioritise based on risk, harm and vulnerability for ASB action and concerted and co-ordinated activity is undertaken in these areas.”

(i) Councillor Mac Cafferty

33.20 “Figures published from the LGA earlier this year tell us that dissatisfaction is increasing with the quality of new homes. Can I ask what steps the administration is taking to ensure new build homes are being built to the highest standards?”

Reply from Councillor Meadows, Chair of the Housing & New Homes Committee

33.21 “The New Homes for Neighbourhoods Programme is the council's programme for building much needed council homes on land in our ownership, as well as bringing about the wider regeneration of council estates in Brighton and Hove. Achieving high quality new homes is a key driver behind the New Homes for Neighbourhoods programme. The principles that guide the New Homes for Neighbourhoods programme are:

- Homes that are great to live in and enhance the built environment
- Well built homes that last a lifetime
- Accessible homes that meet housing need
- Homes that will be easy and cost effective for the council to maintain
- Sustainable homes that encourage sustainable lifestyles.

In order to achieve these objectives, the Estate Regeneration team have developed a New Homes Design Specification to ensure that we deliver high quality, inclusive and sustainable design in all of our new housing developments. Part 1 of the document establishes clear parameters on:

- Space standards to be achieved (i.e. those prescribed in the council's Affordable Housing Brief 2015). These space standards are much more generous than the nationally prescribed space standards.
- Fire safety standards to be achieved – these have been updated in the light of recommendations following the Grenfell Tower disaster.
- Secured by Design – all development to be compliant with latest SBD guidance and Part Q of the Building Regulations.
- Building for Life standard – all development to be measured against the 12 BfL criteria.
- Wheelchair accessible housing standards - all Mobility 1 units to comply with Part M(4) Category 3 of the optional requirements in the Building Regulations 2015 and the principles contained within the Habinteg Wheelchair Housing Design Guide.
- Sustainable homes standards – all development to be designed to a minimum of the energy and water efficiency performance requirements equivalent to the former Code for Sustainable Homes Level 4.

Part 2 of the New Homes Design Specification focuses on the detailed design specifications for the building elements and mechanical and electrical requirements. These set the bar for the achievement of a high quality build, in terms of design, external finishes, internal finishes etc.

The New Homes Design Specification is updated annually following feedback from the council's in-house architects team, housing officers, contractors and tenants/ residents on the quality being achieved. As part of the Estate Regeneration Team's Handover and Close Out procedures, we carry out regular quality audits by asking all tenants to complete a Resident Satisfaction Survey 3 months after occupation and again, 12 months after occupation. The findings from these surveys are reported to:

- The council's Housing Stock Review Manager
- The council's Architecture & Design Manager and/ or relevant architect
- The council's corporate strategic construction partner (formerly Westridge, now Morgan Sindall)

Resident satisfaction levels for all aspects of those housing schemes which have been completed under the NHFN is generally very high. Nevertheless, there is always opportunity for improvements in our build quality. Our procedures actively encourage quality control and learning. That is why four months after completion project managers hold a 'lessons learnt' internal review meeting with Housing colleagues and other key parties to capture learning from the quality audits and amend internal processes and procedures where appropriate. Councillors on our Estate Regeneration Board, Housing and Planning Committees are regularly invited to view/ inspect our schemes before Handover, as part of this process.

Twelve months after Handover, the project managers organise an inspection at the end of the defects liability period. These inspections are attended by the architect, Housing

Stock Review Manager and appropriate Housing staff. Any minor defects i.e. small cracks in plaster are recorded and then a programme of remediation works is agreed between the project manager and building contractor. These checks and balances are an intrinsic part of our procedures for the delivery of the New Homes for Neighbourhoods Programme.

The Estate Regeneration team has recently held a workshop with Councillors to explain our Design Specification and our New Homes for Neighbourhoods programme in more detail. We have also combined the results of our residents satisfaction surveys for all our new housing developments into a single spreadsheet and would be happy to run through these results with Councillor Mac Cafferty at a mutually convenient time, if this would be helpful.”

(j) Councillor Druitt – Party Houses

33.22 “At Council in April I asked a question on party houses and six months later I still have not had a straight answer to the question. The question was:

“Can the administration tell me what it is doing to work with party house owners as soon as they are identified to ensure that change of use planning permission is sought if required, permission is sought for any licensable activities and the legitimate concerns of neighbouring residents are addressed before party houses become operational?”

The party house in question (90 North Street) has since been put on the market due to a successful resident-led campaign against its use as a party house, but there are many others in the city that continue to be a nuisance to their neighbours. Can the Administration tell me whether it is doing anything at all to work with party house owners as soon as they are identified, to ensure that change of use planning permission is sought if required, permission is sought for any licensable activities and the legitimate concerns of neighbouring residents are addressed before party houses become operational? And further to that can the council tell me whether the recommendations from the scrutiny on Party Houses undertaken during the previous Green administration have been implemented, who is the council's link person with the Brighton & Hove Holiday Rental Association, and what steps the council takes to make sure party houses are assessed for business rates in line with current legislation?”

Reply from Councillor Cattell, Chair of the Planning Committee

33.23 “Party houses, known as short term holiday lets, do not require planning permission. Therefore when a property owner wishes to let their property as a holiday let, there are no planning restrictions to stop them doing so as short term holiday lets are considered by the government as a residential use. Any change to planning legislation, including change of use would have to come from central government. Different powers exist for London authorities, where there is a limit of 90 days per annum on short term letting has been introduced.

Party Houses became an issue in 2014 and the Scrutiny Panel Report on Short term holiday lets was set up to research complaints concerning party houses and the lack of regulatory controls. The final recommendations, agreed at Committee in October 2014, were principally advisory, good practice matters for Brighton and Hove Holiday Rental

Association (BHRA) so that the rental businesses themselves should mitigate residents' concerns. The recommendations were therefore passed to BHRA for implementation. It was acknowledged in the report that Local authority officers would have no legal authority to intervene. As a consequence - no formal enforcement action was being requested of any department as part of the recommendations.

In relation to recent impacts on the amenity of residents from Party Houses, the Environmental Health Team has advised that there has been only one direct complaint about noise from a party house in the last year.

In terms of next steps for Planning, short term lets was raised as an issue of concern by residents and hoteliers during the consultation on the City Plan Part 2 in 2016. It is an issue that the officers are investigating further as part of preparing the City Plan Part 2. Consultants have been appointed to assess the issue as part of a wider visitor accommodation study and will look to see how short term holidays could be better managed and regulated with reference to case studies and within the restrictions of the existing legislation."

(k) Councillor Druitt - Food delivery mopeds

33.24 "Despite a meeting with Deliveroo representatives following my question to Council in April, a dedicated email address for resident concerns and numerous reports to Operation Crackdown the antisocial behaviour caused by food delivery mopeds gets worse by the day. What is the council doing to ensure that delivery riders do not ride where they are not permitted to, do not pose a noise nuisance to residents, and do not represent a hazard to pedestrians; and will the Administration meet with me to explore the specific concerns that residents in my ward have highlighted, and possible solutions.

Reply from Councillor O'Quinn – Chair of the Licensing Committee

33.25 "Thank you for your question. I understand the issues you are raising, however there is little the Administration can do as Deliveroo are not licenced by the council. We can look at noise nuisance issues; however traffic offences are the responsibility of the police. I am happy to arrange a meeting with Councillor Druitt and officers from the council and the police to look at the issues and try and find a resolution."

(l) Councillor Druitt - Unauthorised encampments

33.1 "In correspondence with Sussex Police on unauthorised encampments in the city I have been told, in relation to City Clean/City Parks' involvement in multi-agency meetings and weekly action days: "Unfortunately City Clean who are supposed to attend have stopped attending and we are unable to contact them on the day as they simply do not answer the phone. Perhaps you can apply some pressure to them to ensure they engage with police and partners as without them clearing these encampments they are simply taken over by another person." Can the Administration tell me why City Clean/City Parks no longer attend the meetings, how many calls to City Clean and City Parks go unanswered (in actual and percentage terms), and what the Administration is doing to sort the situation out and get these basics right?"

Reply from Councillor Mitchell – Chair of the Environment, Transport & Sustainability Committee

33.26 “Cityclean and City Parks have worked successfully in the past with various partners including the Police and St. Mungo’s, tackling a variety of issues and challenges.

In respect of Cityclean these multi agency days were originally every month and then reduced to bi-weekly. However more recently the volume of work has led to these action days reverting to a weekly basis meaning that staff and resources were fully engaged but unavailable to carry out other duties.

It was agreed that Cityclean would not attend the days automatically but instead would wait to be contacted should assistance be required. Unfortunately it appears that there has been a communication breakdown in that rather than all requests being directly received by Cityclean many have gone through the contact centre which deals with a diverse range of calls which has led to delays in crews receiving the request to attend a site.

Direct calls to Cityclean and City Parks are not monitored so the number of missed requests is not recorded. However looking forward Cityclean and City Parks are happy to provide a list direct numbers to ensure better response times.

Further meetings are already planned to discuss future collaborative working.”

34 ORAL QUESTIONS FROM COUNCILLORS

34.1 The Mayor noted that 14 oral questions had been received, but that following consultations with the Groups, a total of 11 questions had been agreed and these were listed in the addendum that had been circulated. She also noted that 30 minutes were set aside for the duration of the item.

34.2 The Mayor invited Councillor Janio to put his question to Councillor Hamilton.

(a) Rent Arrears

34.3 Councillor Janio asked the following question, “Can the finance lead please confirm that the Labour administration has allocated adequate hardship funds to cope with the new welfare changes such as the phased change over to universal credit?”

34.4 Councillor Hamilton replied, “At the moment universal credit is starting to come in. I can give you some information that I have, because some of the universal credit tenants are in fact in arrears. 28 people in temporary accommodation in receipt of Universal Credit are in arrears and we also have 59 housing revenue account tenants who receive universal credit and are also in arrears to an average amount of £500 per household.

With regard to your question, we do have a housing discretionary fund available and we are not going to stand by and see situations where people who are on universal credit are going to suffer and we are actually looking at other schemes whereby we may be able to give some assistance to people who are facing these difficulties. I can’t give you all the details yet as they are still under discussion. That is the situation we will face.

We have got a very strong team of officers who do their very best to keep the arrears down. I've got a list here of 20 different actions that we take to help people who are in arrears with their rent and we only ever actually go down the possession route in a very small number of cases even then they are normally suspended cases.

However we have 11,000 tenants and we only have 82 or so who have moved over to universal credit. As this number increases, rest assured from this side, that we will not stand by and see our tenants effected by the several weeks wait for their benefit because of the rather ham fisted way that this universal credit has been brought in. We will not allow that situation to put people out through no fault of their own or having a long time waiting for universal credit when I don't see why they couldn't have kept their payments going up until the date when the new system was ready and they wouldn't have this five or six week gap”

- 34.5 Councillor Janio asked the following supplementary question, “Will the Labour administration, if they do get into trouble over the budget especially with the already wasted six hundred thousand underspend from last year, please come and speak to us before we enter the full Budget negotiations to try to allocate enough money to the hardship fund so that we don't have any hardship cases?”
- 34.6 Councillor Hamilton replied, “We are already looking into this with the Finance team. We are already putting in a significant amount of money so we will be able to face the situation as and when it arrives.”

(b) Business

- 34.7 Councillor Mac Cafferty asked the following question, “The Labour administration were handed healthy growth in business, however key performance indicators from July tell us that there has been a disturbing and large drop in growth and the number of businesses; that's a fall of two thousand and forty businesses or 13.4%. The city centre is littered with empty shop fronts and ‘to let’ signs; tagging is out of control. What are the Labour administration's concrete proposals for rectifying this in the next 6 months?”
- 34.8 Councillor Robins replied, “Retail shop vacancy rates in the city centre in September 2017 were 6.79% and in the BID area is 5.7% compared to a national rate of 12.5%. There has been a slight increase in the city centre in the last year which relates mainly to the redevelopment of North Street and Brighton Square as part of the Hannington Lane development.”
- 34.9 Councillor Mac Cafferty asked the following supplementary question, “Would you agree with me, Councillor Robins, that while businesses are declining and visitor numbers down for the second year, that the administration saying that they don't want future conferences to come to the city amounts to economic stupidity?”
- 34.10 Councillor Robins replied, “I will send Councillor Mac Cafferty a list of the initiatives the Council is currently running to help businesses in the city.”

(c) Resolving Planning Applications

34.11 Councillor Peltzer Dunn asked the following question, "Will Councillor Cattell please confirm the percentage of planning applications lodged between 1 April 2016 and 31 March 2017 completed within the target times, and how many applications therefore were not resolved until after the expiry of the target date? Would she also please confirm how many applications were unresolved six months after the planning application had been registered?"

34.12 Councillor Cattell replied, "Between April 2016 and March 2017 there were 3627 planning applications determined. 73% were either determined within time or with an agreed extension of time. The use of extensions of time is allowed by Government legislation and enables negotiation on planning applications that would otherwise have to be refused.

Planning performance is continuing to improve in relation to the Government's 24 month rolling programme target which is measured on the 30th September each year. Planning Services comfortably exceeded the targets set by Government by delivering 80 % of non-major application decisions within eight weeks, the target is 70% and 92.5% of major applications within thirteen weeks above the target of 65%.

You also asked about the number of unresolved applications exceeding 6 months old. In 2016/2017 this figure was 169 which amounts to 4.5% of all applications received. This is not ideal and we are aiming to improve significantly on this performance in the next year."

34.13 Councillor Peltzer Dunn asked the following supplementary question, "Would the Chair agree with me that the Planning Department provides a service to applicants, residents and non-residents alike and that a payment is made for the service to the City Council? Would the Chair further agree that applicants should expect to receive the service for which fees have been paid? Would therefore the Chair agree with me that if applicants do not receive the service laid down by the planning departments own guidelines, that the Council irrespective of the final planning application determination be entitled to a refund of fees paid by way of compensation for the City Council not providing a proper service to the applicant?"

34.14 Councillor Cattell replied, "There is provision in the act for fees to be refunded but we have not had to do this as so few people have actually applied. We have launched a service commitment which involves giving regular updates during the application. I can send you a more detailed written response if you send me a written copy of your question

(d) Beach Litter Enforcement

34.15 Councillor Druitt asked the following question, "I welcome the streets ahead anti-litter campaign which is very effective and imaginative. However in order to keep the beach clean and safe and our seas free of plastic there needs to be effective enforcement as well. Can the Administration confirm whether the beach is included in the 3GS enforcement contract and the rationale behind the current failure to protect it?"

34.16 Councillor Mitchell replied, "The Council takes the cleanliness of the beach very seriously indeed and we put in extra investment at busy times including additional bins and staff. Rather than having uniformed enforcement officers patrolling between sunbathers our approach is one of education and engagement with people using the beach. This summer we launched the 'Streets Ahead' campaign with the environmental charity hub and that has increased the number of businesses and community groups we work with to help reduce beach litter and get that message out. The campaign was designed explicitly to improve awareness of not leaving litter behind on the beach and did include the silent disco where over 1300 people traded trash for treats.

City clean engagement on Facebook was up 841% with a 400% increase on Twitter plus extensive TV and radio coverage and last weekend the silent disco was back by popular demand for a 'Hallo-Clean' event where over 100 people took part and I would thank each and every one of those. So at present no we do not have any plans to put 3GS Enforcement Officers on the beach"

34.17 Councillor Druitt asked the following supplementary question, "I whole heartedly approve of prevention in these matters however sadly there is still a beach litter enforcement problem and I wonder if Councillor Mitchell would consider, over the next three months, if there is not going to be 3GS enforcement on the beach what can we do instead to ensure that those people who are leaving litter on our beaches do have to take responsibility for their actions?"

34.18 Councillor Mitchell replied, "I will just repeat that we have no plans to put 3GS enforcement officers on the beach. What we will do is to increase our messaging. We have had people walking onto the beach in between visitors just in a fun light hearted sort of way with litter pickers all dressed up reminding people that it's not ok to bespoil our beaches with litter and that's what we will continue to do."

(e) Subsidised Bus Services

34.19 Councillor Wares asked the following question, "As Councillor Mitchell knows there was cross party agreement to continue funding all the subsidised bus routes in the city and was quoted in the press emphasising the necessity to maintain these community lifelines but, despite assurances and without any consultation with residents or Councillors, without reference in the committee papers and without warning the number 56 service in Patcham and Hollingbury has been reduced from every hour to every two hours. Please could Councillor Mitchell confirm that the Council is now working to reverse this terrible decision and restore a one hour bus service as before?"

34.20 Councillor Mitchell replied, "I am very pleased that this Council, unlike others, continues to support 19 bus routes across the city including eight school routes and additional funding has enabled some services to be extended. I do appreciate your concerns Councillor Wares relating to service 56 where there were already existing reliability issues under the previous timetable. Public transport officers have had meetings with the big lemon bus company to see where timetable amendments can be made to maximise services, while improving the reliability issues of the old time table, and I believe that these discussions have resulted in some proposed amendments that can hopefully be introduced following the formal route registration process.

The report to PR&G Committee did not commit to maintaining existing timetables or any other specific detail and therefore there was no explicit or implicit attempt to deceive members. The tender process that was used encouraged the more flexible and innovative approach from operators that, for example, has benefited residence in the Deans.”

34.21 Councillor Wares asked the following supplementary question, “It is important for everybody to understand that, across the city, not one subsidised bus service suffered any harm except for the number 56 and, as has been said, some have actually been enhanced. I understand that there was no commitment to maintain timetables but this is an absolutely essential service to residents in Patcham and Hollingbury. Could I please ask when this will come forward and when our residents will know that there is an improved timetable?”

34.22 Councillor Mitchell replied, “Officers are working on this now. They will be in touch with you, I will remind them to be in touch with you as soon as possible to let you have that information so that you can reassure your residents.”

(f) Range of Plastics Collected by BHCC for Recycling

34.23 Councillor Littman asked the following question, “Given that recycling rates in the city are so woeful having been below 30% every year for the last 11 years, a time period covered by administrations of all three colours. Can the Chair of ETS please tell us why, as a waste collection authority, the only type of plastics we collect are plastic bottles?”

34.24 Councillor Mitchell replied, “I am pretty proud to have raised our recycling levels to the highest rate ever from the 24% under your administration to the 29.1% now and we would certainly like to see more types of plastic being able to be collected by the Council for recycling and City Clean officers are actively looking for future solutions to enable this to happen in partnership with East Sussex County Council and Veolia. However the extent to which different types of plastic can be collected depends on technical, economic and logistical factors. At present the Council can only recycle plastic bottles that are made of a certain type of soft plastic; drinks, water, milk and detergent bottles for example. There is a very good market for this product that provides income with an optimum recovery root meaning it can be processed and recycled many times over.

Currently the Hollingdean material recycling facility is not designed to take plastic pots, tubs and trays. Veolia are assessing the feasibility of retrofitting this facility but this will also need to assess the space required for the additional equipment and the materials. Another key consideration is the need for there to be a sustainable end market for the volume of this material and present indications are that there is a lack of demand from the industry for these recycled materials due to the fierce competition from virgin plastics thanks to low oil prices and recent developments in china that are restricting the input of recycling however we are keeping all options under review.”

34.25 Councillor Littman asked the following supplementary question, “Councillor Mitchell what work is ongoing in regards to collaboration with other agencies in the city which collects a greater range of matters than we do for example the Magpie Waste Show Operative or the Green Centre and also with other Local Authorities apart from East Sussex to

increase the range of plastics we collect even if we are not able to dispose them ourselves?"

34.26 Councillor Mitchell replied, "We do point residents to other waste collection organisations so that they can dispose of a greater range of materials. I am very hopeful that in future we as a Council will be able to expand our range too."

(g) Quality of Mears Repairs

34.27 Councillor Bell asked the following question, "I was very pleased to see that on the online satisfaction rate from our tenants on the Mears repairs it was at 73%. My concern is with the other twenty percent not being satisfied; would the Chairman please identify what elements were not of satisfaction?"

34.28 Councillor Meadows replied, "Off the top of my head I have no details on the other 20%. However as you know we are working really hard with our tenants to ensure that they are satisfied with the service they receive from Mears."

34.29 Councillor Bell asked the following supplementary question, "In recent events and times where the Chair of Housing has spoken in this Chamber she has mentioned a light touch contract but I've confirmation that the contract for the turning point in in contract 2005 which is widely used for housing repairs contracts across the country and it encourages partnership work and open book accounting. However the reason why it is considerably light touch is because of the management of this contract by this administration via her chairmanship. I would like to know what this administration is going to do to rectify this."

34.30 Councillor Meadows replied, "As others on the Housing Committee know the reason I was given to understand that it was a light touch contract was because there was to be no duplication of surveys, there was to be no duplication of other items around the delivery of the service and that Mears would take over most of that and the Council would dip in and out and monitor the service. Unfortunately when I came into being the Chairman as you call it we found out that wasn't good enough. Residents were exceedingly unhappy with the service that Mears was providing and we agreed with that and so we employed more officers and we ensured that that service is now much more robustly monitored which is why we are finding other things that are going wrong. We are making sure that that contract is delivering for our residents, something that hasn't happened in the past two administrations.

We inherited a contract that wasn't working for this city and we are now making sure that it does deliver for this city."

(h) School Catchment Areas

34.31 Councillor Page asked the following question, "In the light of the recent offer by several secondary schools to keep their catchment areas and their stable communities rather than have a short term chopping up of catchment areas. What steps will the council take to find them the small amount of capital funding necessary for those bulge classes to become reality?"

- 34.32 Councillor Chapman replied, "To be absolutely clear the offer that some of the secondary schools have made does not solve the problem and there will still be children redirected in September 2019. The cross party working group will discuss this proposal in depth at our next meeting which is after the consultation closes."
- 34.33 Councillor Page asked the following supplementary question, "My question was about whether the administration would provide capital funding for bulge classes which would help a significant number of children attend their local school."
- 34.34 Councillor Chapman replied, "Even if Dorothy Stringer and Varndean took an extra class each in 2019 there would still be an additional 36 pupils at least redirected and in the following year that number would rise to 76. There would still be a large number of pupils redirected even if the bulge classes were taken. As I said the cross-party group will discuss this proposal and we will think about the offer that has been made and will see if it is practical, if there is funding available and also the consequences that that will have on other schools in the city."

(i) **Secondary School Admission Policy**

- 34.35 Councillor Nemeth asked the following question, "Members are aware that the Administration's secondary admission proposals would see a large percentage of children in Wish ward no longer being able to attend Hove Park or Blatchington Mill apparently due to a lack of capacity at these schools following their catchment areas being modified to include part of Brighton. Yet the Head of Blatchington Mill yesterday stated and I quote 'I can unequivocally confirm that Blatchington Mill is in a position to admit more students into year seven and therefore to accommodate all children in Wish ward that would be affected by the proposed changes'. There were no caveats to this statement with regards to say Capital expenditure.

Will Councillor Chapman please explain why parents and children are being put through unnecessary stress and upheaval when such a clear solution presents itself?"

- 34.36 Councillor Chapman replied, "We have to come up with a city wide arrangement that serves the whole city. Something that happens in Hove will affect other parts of the city as well. We have to consider the bigger picture but the offer that has been put forward by Blatchington Mill, Varndean and Dorothy Stringer will be considered by the cross party working group."
- 34.37 Councillor Nemeth asked the following supplementary question, "I have another brief quote from the Head of Blatchington Mill 'we've been clear to the Local Authority that we would wish to expand our intake in year seven and therefore cannot understand why this has not been considered within the projections for the catchment areas'.

This information is so important to the overall picture but it's not mentioned in the report that is before us and our residents why has it been left out when the Administration's known for at least a year?"

- 34.38 Councillor Chapman replied, "Nothing has been left out of the report; as I say we will go through the proposals that have been put forward by the secondary schools in the last few weeks and will make a decision based on that. As I said we have to think about the

wider consequences of certain schools expanding and how that will affect other schools as well and we have to come up with a city wide solution to this problem.”

(j) Brexit

34.39 Councillor Sykes asked the following question, “I have heard Councillor Morgan speak passionately about Europe and about the impacts of Brexit on the city for example in areas such as hospitality, EU grants and environmental regulation. What’s the strategic leadership Councillor Morgan as Council Leader is providing to prepare the city for a hard Brexit?”

34.40 Councillor Morgan replied, “I discuss the impact of Brexit and the preparedness of both the City and the City region at every meeting of the Coast to Capital LEP that I attend, at every meeting of the Greater Brighton economic Board that I attend, and every meeting of the Brighton Hove Economic Partnership that I attend as I did just two days ago.

Part of the economic strategy going forward will be to look at that hopefully taking into account the sectoral impact studies that will be released thanks to a motion by Labour MPs in Parliament. What I will announce here today is that in the New Year I'm going to be convening a leaders’ business summit which will examine and look at potential solutions for business in the city to deal with the impact of Brexit.”

34.41 Councillor Sykes asked the following supplementary question, “As I’m sure Councillor Morgan knows we've got a new strategic risk SR30 which was agreed recently by ELT. It’s focussed largely on the effects of Brexit on the city and I just wondered which elements of SR30 Councillor Morgan is taking particular ownership of?”

34.42 Councillor Morgan replied, “It's clear from studies by the Centre for Cities that Brighton and Hove is one of the economies that stands to be most affected by Brexit although obviously until those impact studies by the government are released it's very hard to see which sectors will be most impacted but we are also set to be one of the economies that that set best to bounce back so when those impact studies are released then we will have a better picture of which wants to focus on locally.”

(k) School Admission Policy

34.43 Councillor Taylor asked the following question, “Due to this administration’s lack of grip on school places several families in the Dorothy Stringer/ Varndean catchment area were initially denied their catchment school places causing uncertainty and worry to those families. What is the administration doing to prevent a repeat of the chaos this year?”

34.44 Councillor Chapman replied, “The administration is trying to deal with the situation of too many children in certain catchment areas as we have discussed and that’s why we're out to consultation at the moment on changes. Part of the reason for this is because of the delay with the new school and unfortunately local authorities can no longer open their own schools. We have to have a free school and which means that we have to deal through third parties which means it extends the process and it is ultimately out of our control as it is up to the Education Skills Funding Agency.”

34.45 Councillor Taylor asked the following supplementary question, “I have raised at committing the possibility of expanding schools the deal with the bulge in the central catchments and we've heard head teachers themselves have offered to expand their schools assuming the Labour administration actually knows what is going on.”

34.46 Councillor Chapman replied, “The first thing to say is that I can't be held responsible for the closure of a school that I was at while it was being closed down but as I say the administration is trying to solve the problem with pupil places by pushing along with the new school to address the increase in pupil numbers in secondary schools and has to say we're going through the consultation now where parents can and residents can respond to the consultation which obviously we take into full consideration but we have to try and deal with the situation that we have in the city where there are too many children in some of the catchment areas.”

35 CALL OVER FOR REPORTS OF COMMITTEES.

(a) Call-over

35.1 The Head of Democratic Services confirmed that Items 38, 39, 40 and 41 had been reserved for discussion;

- Item 38 - Review of the Constitution – October 2017
- Item 39 - Rough Sleeping Strategy Progress Update
- Item 40 - Readiness for Universal Credit Implementation
- Item 41 - George Street Opening Hours

(b) Receipt and/or Approval of Reports

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

- Item 36 - Proposed Submission Shoreham Harbour Joint Area Action Plan
- Item 39 - Code of Conduct for Employees

(c) Oral Questions from Members

35.3 The Mayor noted that there were no oral questions arising on the items that had not been called.

36 PROPOSED SUBMISSION SHOREHAM HARBOUR JOINT AREA ACTION PLAN

36.1 RESOLVED:

- (1) That the “Proposed Submission Shoreham Harbour Joint Area Action Plan” appended as Appendix 1 to the report be agreed and published for a six week period of statutory public consultation together with its supporting documents commencing in November 2017;
- (2) That the document be subsequently submitted to the Secretary of State, subject to no material changes arising from the consultation, other than alterations for the

purposes of clarification, improved accuracy or meaning or typographical corrections, being necessary;

- (3) That the Head of Planning be authorised to publish and subsequently submit all necessary supporting evidence and studies to the Secretary of State;
- (4) That the Head of Planning be authorised:
 - (a) to agree any draft “main modifications” to the Shoreham Harbour Joint Area Action Plan as necessary to make the plan sound; and
 - (b) to publish such draft modifications for public consultation; save that should any draft modification involve a major shift in the policy approach of the Shoreham Harbour Joint Area Action Plan the draft modification shall be referred by the Head of Planning to the Tourism, Development & Culture Committee for approval;
- (5) That it be noted that all modifications to the Plan will be presented to the Tourism, Development & Culture Committee and Full Council in due course as part of the adoption of the Shoreham Joint Area Action Plan.

37 CODE OF CONDUCT FOR EMPLOYEES

- 37.1 **RESOLVED:** That the revised Code of Conduct for Employees as set out in appendix 1 to the report be approved.

38 REVIEW OF THE CONSTITUTION - OCTOBER 2017

- 38.1 Councillor Moonan introduced the report which detailed proposed changes to the council’s constitution that had been considered by the Constitution Working Group and were recommended for adoption. She noted that there were changes to the terms of reference for the Audit & Standards Committee and the Neighbourhoods, Inclusion, Communities & Equalities Committee.
- 38.2 Councillor Mac Cafferty referred to the extract from the proceedings of the Policy, Resources & Growth committee and noted that there were a number of changes to the constitution. He also noted that there had been a number of other changes to the constitution and suggested that it would be helpful to have a consolidated list of those changes and to ensure these were made known publicly and for members of the public to be consulted.
- 38.3 Councillor Gibson stated that he welcomed the work of the Constitutional Working Group and hoped that it would take note of the request to review the timings for public involvement in committee meetings. He believed it would be helpful if reports could be made publicly available earlier and that it would enhance the democratic process and allow for greater public involvement.
- 38.4 Councillor Moonan noted the comments and stated that she was happy to ensure the matters were considered by the Working Group and noted that the engagement process did work well; albeit that some minor changes could be made potentially.

38.5 **RESOLVED:** That the proposed changes to the Council's Constitution as set out in paragraphs 3.12 to 3.19 of the report and in appendices 4-6 as amended be approved.

39 ROUGH SLEEPING STRATEGY PROGRESS UPDATE

39.1 The Mayor noted that there was a Notice of Motion on the same subject and stated that she was therefore inclined to take Item 42(g), which related to affordable housing and rough sleeping together with the report from the Neighbourhoods, Inclusion, Communities & Equalities Committee; in one debate. The Mayor then invited Councillor Daniel to introduce the report.

39.2 Councillor Daniel introduced the report which provided an update on the implementation of the Council's Rough Sleeping Strategy and noted that it had been discussed fully at the Neighbourhoods, Inclusion, Communities & Equalities Committee. She also noted that the number of rough sleepers was predicted to increase and that more support was required.

39.3 The Mayor then invited Councillor Moonan to move the Notice of Motion as listed on the agenda at item 42(g).

39.4 Councillor Moonan moved the joint Notice of Motion on behalf of the Labour & Co-operative and Green Groups; and stated that the sharpest end of homelessness was rough sleeping. She stated that currently there were around 30 new cases every week despite the best efforts of all those who supported rough sleepers. She noted that many of those sleeping rough had a number of complex needs and all support agencies needed to work together to address this situation. There was a need to raise the matter nationally and to look at the impact of the loss of properties through the right to buy scheme and pressures on local housing costs, as well as finding ways to provide more homes.

39.5 Councillor Gibson formally seconded the motion.

39.6 Councillor A. Norman moved an amendment to the Notice of Motion on behalf of the Conservative Group; and stated that she believed there was a need for a cross-party approach to this matter and to work with other organisations. She also noted that some people became homeless because of circumstances outside of their control, whilst others made it a life choice.

39.7 Councillor Mears formally seconded the amendment and stated that there was need to work together to address the matter as measures used in the past had not worked. There were so many initiatives without any real outcomes and more needed to be done for local families and with pressures on Adult Social Care there was a need to be able to monitor the impact on budgets but no real mechanism to do so.

39.8 Councillor Meadows stated that a number of rough sleepers had been supported and able to get off the streets and more work was required to resolve the issue; such as the joint venture with a Housing Association. Whilst additional funding had been received from the government, there was a need to do more and to look at options such as suspending right to buy in areas to reduce the expansion of HMOs. She also noted that

the city had one of the largest private rented sectors in the country but rent levels were too high and needed to be controlled in order to help those most vulnerable.

- 39.9 Councillor Janio stated that rent controls would not help and a price ceiling would be likely to reduce supply and see a decline in improvements to properties. He suggested that there was a need to ease planning restrictions so that more houses could be built.
- 39.10 Councillor Bell stated that he supported all actions taken to help rough sleepers and that there was a need to work together if the problem was going to be addressed successfully.
- 39.11 Councillor Gibson stated that over 1,300 homes had been lost through right to buy and social housing was more expensive. He noted that rent controls worked elsewhere such as in Germany and therefore consideration should be given to similar schemes; as well as looking to build homes that people could afford.
- 39.12 Councillor Hyde stated that the right to buy scheme did work and enabled people to get onto the property ladder and to then move on and release properties.
- 39.13 Councillor Moonan noted the comments and stated that actions were being taken which were helping but more could be done such as building houses, looking at rent controls and restricting right to buy in certain areas. She also confirmed that she could not accept the Conservative Group's amendment.
- 39.14 The Mayor stated that the report had been referred for information and moved that it be noted.
- 39.15 **RESOLVED:** That the report be noted.
- 39.16 The Mayor then put the Conservative amendment to the vote which was lost by 19 votes to 32.
- 39.17 The Mayor then put the following substantive motion as listed in the agenda to the vote:
- “This Council resolves to request the Chief Executive to write to the Secretary of State for DCLG Sajid Javid MP, calling for the introduction of legislation and regulations to increase affordable housing supply and to enhance security for tenants, and thereby reduce homelessness and rough sleeping in Brighton and Hove. These policy changes should include:
- Raising the HRA borrowing cap so the council can build more social housing
 - Providing additional grants so social housing providers can build at lower rents and directly provide more accommodation for rough sleepers
 - Allowing councils to suspend the right to buy where an affordable housing shortage exists
 - Introducing more secure longer tenancies in the private rented sector
 - Introducing powers for local councils to institute rent controls to suit local market needs
 - Withdrawing the threat in the Housing and Planning Act to councils to sell much needed high value council homes and give the money towards HA discounts.

39.18 The Mayor confirmed that the motion had carried by 32 votes to 20 as detailed below:

		For	Against	Abstain		For	Against	Abstain	
1	Allen	Not present				Marsh	✓		
2	Atkinson	✓				Meadows	✓		
3	Barfod	✓				Mears		x	
4	Barnett		x			Miller		x	
5	Bell		x			Mitchell	✓		
6	Bennett		x			Moonan	✓		
7	Bewick	✓				Morgan	✓		
8	Brown		x			Morris	✓		
9	Cattell	✓				Nemeth		x	
10	Chapman	✓				Norman A		x	
11	Cobb		x			Norman K		x	
12	Daniel	✓				O'Quinn	✓		
13	Deane	✓				Page	✓		
14	Druitt	✓				Peltzer Dunn		x	
15	Gibson	✓				Penn	✓		
16	Gilbey	✓				Phillips	✓		
17	Greenbaum	✓				Robins	✓		
18	Hamilton	✓				Russell-Moyle	✓		
19	Hill	✓				Simson		x	
20	Horan	✓				Sykes	✓		
21	Hyde	✓				Taylor		x	
22	Inkpin-Leissner	Not present				Theobald C		x	
23	Janio		x			Theobald G		x	
24	Knight	✓				Wares		x	
25	Lewry		x			Wealls		x	
26	Littman	✓				West	✓		
27	Mac Cafferty	✓				Yates	✓		

						Total	32	20	0
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39.19 The Mayor confirmed that the motion had been carried.

39.20 The Mayor then adjourned the meeting at 7.00pm for a refreshment break.

39.21 The Mayor reconvened the meeting at 7.35pm.

40 READINESS FOR UNIVERSAL CREDIT IMPLEMENTATION

40.1 The Mayor noted that there were three Notices of Motion on the same subject and stated that she was therefore inclined to take Items 42(d),(e) and (f), which related to the introduction of Universal Credit together with the report from the Neighbourhoods, Inclusion, Communities & Equalities Committee; in one debate. The Mayor then invited Councillor Daniel to introduce the report.

40.2 Councillor Daniel introduced the report, which outlined the work undertaken across the council and with advice providers in the city to prepare for the introduction of Universal Credit. She noted that transitional measures were being put in place to help vulnerable people and urged all Members to read the report.

40.3 The Mayor then invited Councillor Janio to move the Notice of Motion as listed on the agenda at item 42(d).

40.4 Councillor Janio moved the Notice of Motion Item 42(d) on behalf of the Conservative Group and stated that there was a need to prepare for the introduction of Universal Credit. He also suggested that the government should be requested to provide additional funding to local authorities in the forthcoming budget.

40.5 Councillor Bell formally seconded the motion.

40.6 Councillor Penn moved the Notice of Motion, Item 42(e) on behalf of the Labour & Co-operative Group and stated that the concept of Universal Credit had laudable aims but was not fit for purpose. She felt that people would be driven into debt and rent arrears and action had to be taken to enable financial support and payments to be made sooner.

40.7 Councillor Daniel formally seconded the motion.

40.8 Councillor Sykes moved the Notice of Motion, Item 42(f) on behalf of the Green Group and stated that there was a need to look at alternative options such as establishing a universal income level as in Finland. He believed that vulnerable people in supported accommodation would be more at risk and that would then have an impact on the local authority.

40.9 Councillor Gibson formally seconded the motion.

40.10 Councillor Page stated that it was an unkind benefit and there was a need to consider the impact for the most vulnerable people in the city.

- 40.11 Councillor Meadows stated that it was hard to find anyone who was not concerned about the roll-out of the scheme and people would be forced to make unpalatable decisions that would affect their lives.
- 40.12 Councillor Bell stated that the scheme was a major reform for the welfare structure and that work should pay so that benefits were reduced as people earned. The scheme provided greater flexibility and would be easier for claimants and there was an ability to make discretionary payments to help people in a difficult situation.
- 40.13 Councillor Gibson stated that he believed there would be an increase in homeless levels as a result of the introduction of Universal Credit and suggested that there was need for the reinstatement of the New Homes Bonus. He acknowledged that the work of officers locally had been excellent but believed that people would still be forced into greater debt.
- 40.14 Councillor Daniel welcomed the comments and stated that she supported the Green motion but felt that the Conservative motion did not do enough to raise the issue.
- 40.15 Councillor Janio stated that it had been an interesting debate and there was a need to see if Universal Credit would be effective but accepted that more funding would help with the transition. He was happy to support the Green motion but not the Labour motion.
- 40.16 Councillor Penn thanked the Green Group for their support and stated that the Labour Group would abstain on the vote on the Conservative motion.
- 40.17 Councillor Sykes stated that the Green Group were happy to support both the Conservative and Labour motions.
- 40.18 The Mayor stated that the report had been referred for information and moved that it be noted
- 40.19 **RESOLVED:** That the report be noted.
- 40.20 The Mayor then put the Conservative Group's motion as listed in the agenda to the vote:
- "This Council requests:
- That the BHCC Chief Executive Officer writes to the Secretary of State for Work & Pensions to seek assurance that the residents of Brighton and Hove, who are transitioning from the complexity of six separate state benefits onto Universal Credit, will have the financial assistance necessary to make the switch as seamless as possible."
- 40.21 The Mayor confirmed that the motion had been carried by 31 votes to 0, with 20 abstentions.
- 40.22 The Mayor then put the Labour Group's motion as listed in the agenda to the vote:

“This council resolves to request the Chief Executive to write to the Secretary of State for Work and Pensions, requesting that the roll out of Universal Credit is paused until the issues associated with this key social security programme are fixed, including that:

- The in-built 6 week delay for initial payments should be ended,
- Claimants are allowed to choose between monthly and more regular payments
- The cap should be lifted on the housing element of Universal Credit
- Landlords should be paid direct by default
- Payments should be made to individuals rather than one payment per family.

This council also resolves to request the Chief Executive to:
Inform the city’s three MPs of this motion and to call for their support in lobbying the Government to achieve our objectives on this issue.”

40.23 The Mayor confirmed that the motion had been carried by 31 votes to 20.

40.24 The Mayor then put the Green Group’s motion as listed to the vote:

“In view of the potential impact of the transition to Universal Credit and the number of individuals and families likely to fall into rent arrears and possible eviction, the Council resolves to:

1. Request the Policy, Resources & Growth Committee to receive a report outlining how the Council can be as effective as possible on this matter, taking into consideration the following actions:
 - Where arrears are solely due to delay or wait-period for Universal Credit payments or removal of entitlement under Universal Credit, that officers use all means other than evictions and bailiffs to recover rent due; e.g. to delay any eviction proceedings in cases where Universal Credit Claims have not yet been processed;
 - That the Council work with partners to ensure all those affected by benefit changes are prioritised to prevent eviction and homelessness;
 - Explores the options for increasing the existing Discretionary Housing Payments budget, to support the distribution of greater one off payments in cases where eviction is a real risk following Universal Credit payment delays;
2. Ask the Chief Executive to write to the Secretary of State, requesting a reinstatement of the cut to New Homes Bonus Payments, so that a ring-fenced budget can be made available to cover the cost of increased homelessness resulting from Universal Credit.”

40.25 The Mayor confirmed that the motion had been carried unanimously.

41 GEORGE STREET OPENING HOURS

41.1 Councillor Mitchell introduced the report which detailed the proposal to amend the opening hours to traffic in George Street. She noted that the Environment, Transport & Sustainability Committee had agreed to a trial taking place following the receipt of a deputation and petition to its June meeting.

- 41.2 Councillor West stated that he felt it was an ill-conceived change to the existing arrangements and would result in increased danger to pedestrians and an increase in air pollution. It was likely to impact on trade and there had been no consultation on the proposed change.
- 41.3 Councillor Wealls stated that both he and Councillor Moonan as ward councillors had consulted on the proposed change and noted that over a 1,000 people had expressed their support whilst only 300 had been opposed to it. He stated that the local traders were in favour and noted that both Boots and Spec Savers had said it was likely to benefit vulnerable clients in getting to their appointments. He also noted that it was intended as a trial and would be reviewed.
- 41.4 The Mayor noted that Councillor Mitchell did not wish to respond and that the report had been referred for information. She therefore moved that it be noted.
- 41.5 **RESOLVED:** That the report be noted.

42 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION

(a) Conflict in Myanmar

- 43.1. The Mayor noted that since the publication of the agenda, the Notice of Motion relating to the conflict in Myanmar was no longer supported by all 3 Groups and following a request from the Leader of the Council, she had agreed to it being withdrawn from today's meeting.

(b) Banning of Single Use Plastics
(c) Unnecessary Single-Use Plastics

- 43.2. The Mayor noted that there were two notices of motion which related to the same subject matter of single use plastics and stated that she would take both motions in one debate before taking a vote on each motion. She also noted that a revised version of the first motion had been circulated as part of the addendum papers.
- 43.3. The Notice of Motion as listed in the addendum was proposed by Councillor Bell on behalf of the Conservative Group and seconded by Councillor Nemeth.
- 43.4. The Notice of Motion as listed in the agenda was proposed by Councillor Mac Cafferty on behalf of the Green Group and seconded by Councillor Littman.
- 43.5. The Mayor then put the following motion to the vote:

"This Council requests:

- (1) The Environment, Transport & Sustainability Committee to consider calling for a report detailing the economic and environmental impact of single use plastics, and the potential for a ban on the purchase of 'single use plastics' in all BHCC buildings and agencies;

- (2) The Policy, Resources & Growth Committee to consider the implementation of a ban on the purchase of 'single use plastics' in all BHCC buildings and agencies; taking into account the financial implications of such a ban and the recommendations of the Environment, Transport & Sustainability Committee;
- (3) To request the Procurement Advisory Board to encourage all businesses with which the council engage, via the procurement network, to support the banning of these consumables in their place of work."

43.6. The Mayor confirmed that the motion has been carried unanimously:

43.7. The Mayor then put the following motion to the vote:

"This Council resolves to:

Request that a report be brought to Policy, Resources and Growth Committee on the options for bringing an end to the use of unnecessary Single Use Plastics (SUP) in Brighton and Hove, taking account of the following measures to:

- a) enable Brighton and Hove City Council to become a full signatory of the 'Plastic Free Pledge', by phasing out the use of unnecessary SUPs in all City Council buildings, and working with commissioning partners to end the purchase and procurement of SUPs through the BHCC supply chain;
- b) encourage the city's businesses, organisations and residents to go 'plastic free,' working with best practice partners in the city to explore the creation of a 'plastic free network,' that could provide business support, practical guidelines and advice to help local businesses transition from SUPs to sustainable alternatives;
- c) to incentivise traders on Council land to sell re-usable containers and invite customers to bring their own, with the aim of phasing out SUPs; including investigating the possibility of requiring food and drink vendors to avoid SUPs as a condition of their event permission, strengthening the existing Sustainable Event Commitment Form and guidance circulated to exhibitors and traders."

43.8. The Mayor confirmed that the motion had been carried unanimously.

(d) Universal Credit Transition

43.9. This item had been taken earlier in the agenda as part of Item 40, Universal Credit Readiness and Response, which had been referred for information.

(e) Universal Credit

43.10. This item had been taken earlier in the agenda as part of Item 40, Universal Credit Readiness and Response, which had been referred for information.

(f) Mitigating the Adverse Impact of Universal Credit

43.11. This item had been taken earlier in the agenda as part of Item 40, Universal Credit Readiness and Response, which had been referred for information.

(g) Affordable Housing and Rough Sleeping

43.12. This item had been taken earlier in the agenda as part of Item 39, Rough Sleeping Strategy Progress Update, which had been referred for information.

(h) Fair Pay for Public Sector Staff

43.13. The joint Notice of Motion as listed in the agenda was proposed by Councillor Morgan on behalf of the Labour & Co-operative and Green Groups and seconded by Councillor Greenbaum.

43.14. Councillor Bell moved an amendment on behalf of the Conservative Group, which was seconded by Councillor Taylor.

43.15. The Mayor noted that the Conservative amendment had been accepted by Councillor Morgan and put it to the vote, which was carried by 38 votes to 10, with 2 abstentions.

43.16. The Mayor then put the following substantive motion as amended to the vote:

“This council resolves to ask the Chief Executive to write to the Prime Minister and the Chancellor of the Exchequer calling for:

- An end to public sector pay constraint for workers currently earning less than £45,000,
- New Government money for public services so that fair pay settlements can be achieved without impacting services or jobs,
- Recognition of the disproportionate impact of these pay issues on women.”

43.17. The Mayor confirmed that the motion had been carried unanimously.

43 CLOSE OF MEETING

44.1. The Mayor thanked everyone for attending and closed the meeting.

The meeting concluded at 9.10pm

Signed

Chair

Dated this

day of

2017