



**Brighton & Hove
City Council**

COUNCIL ADDENDUM

4.30PM, THURSDAY, 19 MARCH 2009

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

ITEM		Page
64.	WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.	1 - 2
65.	DEPUTATIONS FROM MEMBERS OF THE PUBLIC.	3 - 6
66.	WRITTEN QUESTIONS FROM COUNCILLORS.	7 - 16
68.	MEMBERS ALLOWANCES	17 - 18
71.	NOTICES OF MOTION.	19 - 32

WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the authority at each ordinary meeting of the Council.

Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

The following written questions have been received from members of the public.

(a) Mr Ian Elkin

"Hove Town Hall Housing Benefit. To reopen will cost almost nothing. By opening it 3 days a week (Mon - Wed - Fri) from 10am to 4pm, and I am sure either using staff from King's House or Hove Town Hall to staff it. All it would cost is a few hours, a photocopy machine, and Brighton Town Hall will not be so busy. In Hove there are a number of old people (80's & 90's) that find it difficult to get to East Street, nearly three miles away. Including in this the flat I live in, there are 7 flats (there is a 92 year old, a 84 year old, a 82 year old)."

Councillor Fallon-Khan, Cabinet Member for Central Services will reply.

(b) Mr Christopher Hawtree

"Could Councillor Smith please tell us when work will begin on providing the Jubilee Library with the much-needed, well-filled proper shelving for whose illumination more than two hundred electrical outlets were installed across the ground floor?"

Councillor Smith, Cabinet Member for Culture, Recreation and Tourism will reply.

(c) Mr Peter Poole

"Last year, leaflets distributed to residents in East Brighton announced the coming of street bins in the summer of 2009. An illustration showed a bin with a pedal-operated lid, yet rumour suggests those installed will lack this facility and be of inferior design. Will Cllr Theobald state the prices of each design, and the overall saving envisaged by this apparent cutback?"

Councillor Theobald, Cabinet Member for Environment will reply.

(d) Ms Valerie Paynter

"Can the Administration confirm to me, please, that Corporate Objectives do not take precedence over any legal instruments such as Acts of Parliament, or over-ride adopted long-term policies such as The Local Plan, or the emerging Local Development Framework as this would obviously compromise the integrity and effectiveness of professionally trained officers and their recommendations?"

Councillor Hyde, Chairman of the Planning Committee will reply.

(e) Ms P E Tompkins

"What is the duty of the BHCC to protect the home environment of the public, singular or otherwise?"

Councillor Theobald, Cabinet Member for Environment will reply.

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the deputation be thanked for attending and its subject matter noted.

Notification of one Deputation has been received. The spokesperson is entitled to speak for 5 minutes.

(a) Deputation concerning the obstruction of pavements

Mr T Chavasse (Spokesperson)

Councillor Mrs Theobald, Chairman of the Licensing Committee will respond.

Regulations covering 'A' Boards, Display of Goods & Outdoor Facilities on the Highway.

Introduction.

'A' Boards and Displays of Goods on the Highway can be a fashionable way for businesses to promote and display their goods in and around town centres, adding to the colour and atmosphere of some street scenes for residents and visitors alike. Similarly furnishings may add to the streetscene through the provision of Outdoor Facilities for suitably located food and drink establishments. However, unless Licensed they are illegal and always subject to Enforcement process.

Under the Highway Act 1980, *and City Council Policies*, Licences are required for 'A' Boards, the Display of Goods and Outdoor Facilities on the Highway. This is to ensure that they are properly set up, licensed and operated so that commercial benefits to some businesses, and changes to the shopping area, do not cause any problems for other premises or users of the street - or adversely affect the streetscene. Among significant factors in determining Applications are the available safe space alongside the juxtapositions of different licensed areas, and types of Licence, to each other and to street & utilities furniture, tactile paving, dropped kerbs, junctions, pavement edges and to private land The City Council takes seriously the discharge of its duties to all Highway users and its specific duties to those who are disabled. Which take precedence over commercial advantage. Moreover, statutory duties within Conservation Areas and towards Listed Buildings have to be considered alongside controls upon advertising. All of which attention increases safe and pleasant footfall to encourage business for all.

- **The grant of a licence for any of the above does not confer or modify any rights or conditions attached to other forms of licence – for example, those governing the consumption of alcohol.**
- **In some cases an appropriate health and safety risk assessment may be required.**

Requirements for Applying for a Licence

'A' Boards, Goods, Outdoor Facilities not fully set on private land must be licensed. Articles set on private land may be subject to other regulations, and Planning requirements. They are considered when Applications are made and the private area is excluded in measurement of available pavement space.

There is a presumption that A Boards will only be displayed directly adjacent to the Applicant's premises and that where private forecourts exist they provide sufficient opportunity for such advertisements, without licence fees, provided they conform with all other legislative *or Code of Practice* requirements. Remoter A Boards, usually for premises in side streets and thus often at the nearest corner, create additional hazards and supervision difficulties. Corners are particularly dangerous places and such locations are usually unsuitable. If approved the required evidence of Indemnity may be increased and special conditions may be applied. If additional hazards arise thereafter, including from evident lack of supervision, the Enforcement Procedure for Removals will be reduced to that applicable to gross breach of the conditions of the licence including immediate removal.

The five main areas taken into account, which in effect encourage more safe trade in that street, are :

- The amount of space that will be removed from the public highway and its location in relation to other pavement installations & facilities, including cumulative and obstructive impact upon all users but especially disabled persons, wheelchair users, the elderly and family groups.
- How the proposed 'A' Board, Goods, Outdoor Facilities will appear when set up.
- The effect they may have on local residents, workers, shoppers, visitors and passers by.
- Is a proposed 'A' Board in a Conservation Area or a street where A Boards are prohibited ?
- Evidence, and maintenance, of public liability insurance of £5 million will be required.

Consultation

Upon receipt of an application, (*See link to Form and Fees*) a range of City Council Departments and organisations may be consulted to ensure that the proposal is acceptable to them. They include:

- The Access Officer · Planning and Conservation.(Planning Consent(s) may be required)
- Town Centre Management · Legal Services · Environmental Health · Local Councillors
- Waste Management · The Police · East Sussex Fire and Rescue and Ambulance Services
- Representative Residential and Trading Groups for the location*.
- Representative Groups for Disabled persons. · The Older People's Council

- ★ A public notice giving location details will also be displayed close to the site so that local people can comment. Comments will be considered when determining the Licence.

Licence conditions

Each application is considered on its merits and its suitability to the local environment. When a licence is granted, the licence holder must adhere to conditions set out in this guide, unless different to those on the licence itself, otherwise the City Council will have no choice but to remove any article causing an obstruction and may consider taking away the licence. *See link to Enforcement procedure.*

The Council appreciates that people will want to ensure attractive displays that will encourage potential customers to enjoy their business offer without detriment to other trade, the streetscene or free passage.

The following factors are thus among those to be taken into account when planning the layout:

- Available space · Public Highway Pavement width · Carriageway density of usage and junctions · Pavement densities of use. · Existing Council street furniture e.g. benches, planters, & utility Company facilities, & other 'A' Boards, Goods or Street Cafes & Inns nearby · Type of premises & style proposed · Street character including Conservation Area and Listed Building characteristics. · Residential properties: access and nuisances. · Certain types of business premises that require minimal disturbance or special access.
- People passing the premises should have at least 2 metres of clear footway between the edge of the carriageway and the 'A' Board or the boundary of the Goods or Outdoor Articles when in use or displayed. Existing street furniture and utilities apparatus shall not be included within the 2 metres free space. In a very busy street, it may be necessary to leave more than 2 metres of footway space for pedestrians. Special consideration is given to Pedestrianised streets.
- The 'A' Board, Display of Goods or Outdoor Facilities should be located immediately outside the front of the applicant's building. Where adjacent land is private only permitted unlicensed facilities are preferred. Such displays will be taken into account when licences for additional A Boards are applied for so that the cumulative effects are taken into consideration. Only in exceptional and temporary circumstances justifying a special advertisement will additional A Boards be permitted outside the forecourt areas that contain conforming unlicensed A Boards.

· The display positions of all A Boards on the Applicant's adjacent land are to be shown on the location plan. It will be assumed in consideration of a licence, and a condition of any licence, that an Applicant who declares no such existing boards at the time of the Application will not display additional Boards on adjacent private forecourt land during the validity of a licence.

· Licensees will be provided with a sticker, to display in a window and / or on an 'A' Board, to show that they have a licence. If not displayed, the owner may be served with a notice to remove the items.

This is a précis of a six page document which gives reference data.* It provides a firm basis for an urgent consultative review of Brighton & Hove's complained of current practices and consultation methods regarding Pavement Obstructions

*** Available from ConsultConserve@aol.com**

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions listed on pages 69-72 of the agenda have been received from Councillors and will be taken as read along with the written answer detailed below. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion. A second supplementary question may be asked by any other Member of the Council which shall also be put and answered without discussion:

(a) Councillor Kitcat

“Can Cllr Theobald detail in what circumstances residents or their landlords are charged by CityClean for the provision of receptacles for:

1. Waste collection,
2. Recycling collection?”

Reply from Councillor Theobald, Cabinet Member for Environment

“They are not charged unless they are private landlords or managing agents operating businesses and they then pay for their refuse and recycling containers.”

(b) Councillor Kitcat

“Can Cllr Theobald detail the total amount spent by his department on purchases of communal bins in the financial year 2008/9 and also provide the per unit cost paid by the council for each type of model of bin including those with and without foot pedals?”

Reply from Councillor Theobald, Cabinet Member for Environment

“The overall figure is £398,096 to date and I can tell you that both types of bin cost the same, both types cost £819 each.”

(c) Councillor Steedman

“The Valley Gardens, stretching from the Level to the Old Steine, are a much-loved leisure resource for residents and the gateway to the city for many visitors, yet they are in a poor state of repair, isolated and divided by heavy traffic flows, inaccessible to pedestrians and choked by air and noise pollution. Fortunately the Council’s Local Transport Plan outlines a programme of works to transform the Valley Gardens into a fantastic new public space. A revitalised Valley Gardens would reconnect the islands of green space to create a new, accessible public park flowing down to the sea, and prioritise coherent pedestrian and cycling routes, as well as bus transport. It could integrate playgrounds, informal recreation, wildlife gardens and urban food growing. Can the Cabinet Member for the Environment reconfirm that they are committed to delivering this programme, with works beginning in this electoral term?”

Reply from Councillor Theobald, Cabinet Member for Environment

I entirely agree that the condition and quality of the buildings and public space in this area have been deteriorating over many years and are in great need of improvement. However, how this can be achieved, in terms of creating an acceptable and workable balance of all the demands for movement and access that there is, has yet to be defined and would also need to be rigorously tested to ensure that it would work. This administration is aware of the issues, and will need to consider the Valley Gardens as part of the development of future programmes of investment for the whole of the city.

(d) Councillor Davey

“Would the Cabinet Member for Environment agree that it is vital that the local authority lead the way and make every effort to encourage its staff to travel by sustainable means such as walking, cycling and by public transport both to work and during the working day wherever possible?”

Reply from Councillor Theobald, Cabinet Member for Environment

We are very much committed to supporting and encouraging staff to travel sustainably, both for commuting and during the working day. The Council’s Staff Travel Plan offers many initiatives which are having a positive impact across all sections of the Council. These include:

- Interest free loans for bus and train season tickets;
- Discounted bus tickets;
- A corporate contract with City Car Club offering discounted rates;
- A tax-free bike scheme and interest-free bike loan scheme;
- Greatly improved facilities for cyclists (including additional cycle parking and showers) together with beginner, refresher and cycle maintenance training sessions;
- Real-time travel information display screens are soon to be installed at Hove Town Hall and King’s House.

As well as working with Council staff, officers run the Travel Plan Partnership which is working with local employers to support them in implementing their own Travel Plans. Officers are already working with 32 of the largest employers in Brighton and Hove and hope to expand this initiative further over the coming months.

(e) Councillor Davis

“Can the Cabinet Member for Culture, Recreation and Tourism outline what steps are being taken to address the gaps identified in the recent Brighton and Hove Sports audit namely that Swimming, Indoor sports i.e. Badminton, Basketball, Volley ball, Indoor Bowls, and public access fitness activities are all lagging behind when compared to other Local Authorities’ provision.”

Reply from Councillor Smith, Cabinet Member for Culture, Recreation and Tourism

“Thank you for your question on the Sports Facilities Audit. Completion of the Audit should be seen as the first positive step to improving the sports facilities in the city. The audit did highlight that the distribution of the facilities is good across the city compared with other cities where facilities are concentrated in the city centre. The council has already given a commitment to keeping the King Alfred Leisure Centre open and work has already commenced to secure greater planning contributions for new facilities. The council will also develop partnerships with sports clubs, schools and other organisations to increase access to existing facilities as well as developing new facilities. “

(f) Councillor Marsh

“Would the Cabinet Member for Children’s’ Services agree with me that the identification of Government resources to be used in improving the fabric of our schools and helping the local economy is always welcome?”

Reply from Councillor Mrs Brown, Cabinet Member for Children and Young People

“Resources for improving the fabric of our schools are always welcome and that is why we have developed a clear and strategic capital programme to enhance and improve our school provision.

The development of the Academy is on schedule and we have submitted a revised Expression of Interest for Building Schools for the Future.

We are taking a planned and strategic position to ensure capital funds are spent sensibly within the timeframe given but allowing flexibility to support our ambitions for Building Schools for the Future and the Primary Capital Programme.”

(g) Councillor Kitcat

“Could Cllr Geoffrey Theobald clarify that in his response to my question on communal bin fire safety of 29th January 2009 he does indeed say that the Fire

Authority has told the council through cabinet member Cllr Kemble that it has no concerns over the communal bins?"

Reply from Councillor Theobald, Cabinet Member for Environment

"I said in response to your question at the January Council Meeting that Cllr Ted Kemble as the Vice Chairman of the Authority discussed the communal bin scheme with the Chief Fire Officer sometime ago and they are satisfied that they do not pose an additional fire risk.

The specific locations of communal bins have been determined with Highways and Traffic engineers who fully consider road safety issues as well as access for emergency services and delivery vehicles. We have not asked the ambulance service, the fire or police authorities to also view the location of each bin."

(h) Councillor Kitcat

"Can Cllr Geoffrey Theobald provide a list of the type and models of communal bins used by CityClean in the city and any other local authorities which use those types and models?"

Reply from Councillor Theobald, Cabinet Member for Environment

"We use model OMB 1800 litre and 3200 litre, and model Spider 1700 litre and 3200 litre."

(i) Councillor Kitcat

"Could Cllr Geoffrey Theobald detail how many streets or parts of streets have been switched from weekly to fortnightly recycling collections? Could details of how these and other waste collection and recycling changes were planned be detailed?"

Reply from Councillor Theobald, Cabinet Member for Environment

"None.

Regarding the details of how changes were planned for our 121,000 homes across 3,000 streets, I would recommend, once again, that you meet with the Assistant Director of City Clean who will explain the planning process in detail to you."

(j) Councillor McCaffery

"I am sure all Councillors appreciate the weekly information on English Gypsy, Irish Travellers and New Age Travellers in the city, but we lack information on progress on the establishment of 14 pitches, the number identified by SEERA

and progress in East and West Sussex who already have 6 sites and 32 pitches and 10 sites and 106 pitches respectively. Both councils are required to add additional sites and pitches.

Would Cllr Mears please inform the council what consultation has taken place with Travellers and their support organisations on size and location of the pitches, what consultation has taken or will take place with residents and what information is being given to all Councillors and whether any additional information will be given to the Planning Committee?"

Reply from Councillor Mears, Leader of the Council

Thank you for your question and I am glad to note that the weekly update on current Traveller issues is appreciated.

Part of your question relates to East and West Sussex and whilst Cllr McCaffery will be aware that B&H worked with E. Sussex as part of the regional exercise to determine Gypsy and Traveller accommodation need across the south east I am sure she will appreciate that this council cannot answer any question relating to how they take this work forward on their behalf.

Regarding our work in Brighton and Hove - it is still early days for this stage of the establishment of a site and we have yet to finally confirm the details and arrangements for the consultations that will be undertaken. I can confirm however that consultations will include Travellers and their representative groups as well as local residents and all will be informed of the process and how any views can be included.

(k) Councillor Mitchell

"Can the Cabinet Member set out the spending in the current financial year and for the financial years 2009/2010 and 2010/11 on the maintenance for sports changing rooms at council run and managed recreation grounds (i.e. Victoria Park Portslade, Patcham Place, Horsdean, Old Boat Corner, East Brighton Park, Waterhall, Braypool) where both football and cricket are played."

Reply from Councillor Smith, Cabinet Member for Culture, Recreation and Tourism

"We can breakdown the costs of cleaning the changing rooms but I will need to ask officers to gather information about building maintenance costs.

We have not planned an increase in expenditure on sports changing rooms for the coming budget year and as yet we have not drafted proposals for 2010/11 budget year. We will, of course, keep the matter under review.

(l) Councillor Mitchell

“Can the Cabinet Member set out the spending plans for the maintenance and improvement of cricket pitches at council run and managed facilities over the last financial year and the next two years and what plans have the administration got to improve changing room facilities over the next two years.”

Reply from Councillor Smith, Cabinet Member for Culture, Recreation and Tourism

“Thank you for the question. I will need to ask officers to do some work for you to get the information you require.

By way of explanation, our in house grounds maintenance teams work in areas across a range of sites such as cricket pitches, other sport pitches, parks and other green spaces – so it is difficult to break down the cost of maintaining just one type of site or a site and thus provide the figures you request.

We have not planned an increase in expenditure on cricket pitches or changing room facilities for the coming budget year and as yet we have not drafted proposals for 2010/11 budget year. We will, of course, keep the matter under review.”

(m) Councillor Fryer

“What percentage of eligible residents have taken up the Warm Front scheme and what percentage of the population of Brighton & Hove does this represent?”

Reply from Councillor Caulfield, Cabinet Member for Housing

“Whilst a precise figure for the percentage of Brighton and Hove’s residents who are eligible for Warm Front is not readily available, it is possible to use data from various sources to produce an estimate. However before considering the numbers who have taken up Warm Front it is important to bear in mind the fact that changes in circumstances of individual households and changes to properties leads to ongoing changes in the pool of eligible households.

To date it is estimated that the number of households in Brighton and Hove who are eligible for one or more of the main Warm front measures (loft/cavity wall insulation, central heating, boiler replacement and heating repair) is currently in the region of 4,000.

In addition to this a recent extension of this scheme to include families with children under 16 is expected to reach around another 3,500 families with the new Family Insulation Grant. The grant will initially be available to families living in two-bedroom homes, with a view to extending it to more households as the scheme progresses. The new scheme, operated in partnership with Climate Energy, is part of a local grants programme of more than £1 million a year.”

(n) Councillor Hawkes

“Would the Cabinet member for Children’s services explain why on 4th March, when the Government published the list of Local Authorities that had received Myplace funding, Brighton and Hove was not listed. This is a grant which was earmarked as a 100% funded grant to improve the 67 Centre in Moulsecoomb. Did this Conservative led council miss out on much needed government funding for local youth services because the administration deviated from the government guidelines when applying for the bid?”

Reply from Councillor Mrs Brown, Cabinet Member for Children and Young People

“The Government announced funding in May 2008 for the Myplace Strategy which is to provide capital funding to build world class youth facilities. A detailed bid was developed in Brighton and Hove through a thorough needs analysis and extensive consultation with partners and young people. The bid fully met the government’s guidelines for applications and was agreed at both the Youth and Connexions Board and the Children and Young People’s Trust Board in September 2008.

We understand the bidding process was heavily over subscribed and unfortunately the Brighton and Hove bid was not successful in this round. There is to be another tranche of funding available this year and it is the intention of the CYPT to make another application, having taken whatever feedback is available from the Big Lottery (that organised the application and selection process) in order to make any necessary refinements to the bid.”

(o) Councillor Wakefield-Jarrett

“Could the cabinet member for Central Services tell me what proportion of suspected benefit fraud cases are pursued in ways other than through the courts and how this compares to national trends for action by local authorities where benefit fraud is suspected?”

Reply from Councillor Fallon-Khan, Cabinet Member for Central Services

Potential fraud in the housing and Council Tax Benefit system.

There are two aspects to dealing with fraud; Prevention and detection.

Prevention

“As a service recently rated at the maximum 4 out of 4 by the Audit Commission in the recent CPA assessment the Council can take assurance that all the correct measures are in place to deter and prevent fraud before it even occurs. This maybe reflected in national statistics. The Department of Work and Pensions operates sophisticated data matching exercises to identify potential fraud discrepancies within welfare benefits, tax and banking records. The ‘hits’ from these exercises are sent to the Council to investigate. While not all ‘hits’ result in the identification of fraud the ratio is a reasonable indicator of potential

fraud activity and the effectiveness of fraud preventative work. In Brighton & Hove 2007/2008 the number of 'hits' was 36 per 1000 benefit cases, nationally the average was 50. From these figures it may be that Housing Benefit / Council Tax Benefit fraud activity is less than the national average. However, the service does not rest on this statistic and all efforts are made and will continue to be made to prevent fraud.

Detection

The Audit Commission rating also gives assurance that the Benefit Service is conducting its fraud investigation to a high standard. The Service applies strict guidelines to make sure that sanction is only sought where it is fair and proportionate. Where high level fraud abuse is clear we do not hesitate to pursue court decisions that we can then publicise as a deterrent to others.

In comparison with the national average, the last figures we have are for 2007/2008:

(Although two of the three statistics show the authority as being below the national average, this is to be expected given that Housing Benefit/Council Tax Benefit fraud activity is assumed to be 28% less than the national average).

We cautioned 61 customers, 2.07 customers per 1000 benefit cases (national average 2.53)

We issued 47 administrative penalties, 1.6 customers per 1000 benefit cases (national average 1.75)

We went to court for 47 cases, 1.6 customers per 1000 benefit cases (national average 1.55)"

(All figures from CIPFA benchmarking 2007/2008)

(p) Councillor Morgan

"Can the Cabinet member for Environment confirm that staff employed in council-owned car parks are to be sacked and that in future the car parks will have no staff on duty to deal with equipment breakdowns, problems with passes and the safety of car park users?"

Reply from Councillor Theobald, Cabinet Member for Environment

"I would like to assure you that there was full consultation with staff and unions regarding the current improvements to The Lanes and London Road car parks.

Staff have been supportive of these changes, which will create more local jobs and new opportunities through the introduction of an in-house dedicated Maintenance Team, in addition to the new Control Centre operation. There has been no decision to sack staff.

The new Traffic Control Centre will provide 24/7 customer service to all linked car parks. The Maintenance Team will be well equipped to respond and attend as required.

The new access control, CCTV, improved lighting and general upgrading of The Lanes are specifically designed to make the car parks both safe and secure for all customers.”

(q) Councillor Morgan

“Can the Cabinet member for Housing confirm that, despite her promise at Council on the 4th December last year that two vacant council properties would be returned to use “early in the new financial year”, these family homes in the Manor Farm area of my ward remain empty and are still awaiting repair?”

Reply from Councillor Caulfield, Cabinet Member for Housing

“Since my response to Cllr Morgan’s previous question on this matter, further detailed assessments of the works required on both of these properties have taken place. This includes structural surveys, and independent survey to establish the possible levels of recharging that could be applied due to damage by previous tenants. Following these a full specification and an estimation of the cost of the works has been drawn up.

68 Manor Way is estimated to require £32,000 of works, of which £5577 is estimated to be due to damage by tenants, and as such will be considered for recharge.

74 Manor Way is estimated to require £35,000 of works, of which £4850 is estimated to be due to damage by tenants, and as such will be considered for recharge.

The specification of works on these properties has now been completed and it is planned to engage with contractors to progress these works in as timely a fashion as possible, whilst having regard for the lead-in time required for ordering materials and other preliminary works.

It is still expected that these properties will be brought back into use early in the new financial year.”

**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE
HELD ON THE 10 MARCH 2009**

Subject:	Members Allowances		
Date of Meeting:	19 March 2009		
Report of:	Director of Strategy and Governance		
Key Decision:	No		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

FOR GENERAL RELEASE**GOVERNANCE COMMITTEE****4.00pm 10 MARCH 2009****COMMITTEE ROOM 1
HOVE TOWN HALL****MINUTES**

Present: Councillor Ann Norman (Chairman); Councillor Simpson (Deputy Chairman), Councillors Mrs Brown, Kennedy, Mears, Morgan, Oxley, Simson, Taylor and Watkins.

***79. MEMBERS ALLOWANCES – REPORT OF THE INDEPENDENT
REMUNERATION PANEL**

79.1 The Committee considered a report of the Director of Strategy & Governance, which detailed the report of the Independent Remuneration Panel (IRP), in respect of its work in reviewing Members' Allowances (for copy see minute book).

79.2 The Head of Democratic Services introduced the report and explained that the IRP was currently undertaking a review of Members' Allowances with a view to bringing forward recommendations in 2010. However, the IRP had wanted to inform the council of its current position in respect of the review and having previously indicated its view that the level of Basic Allowance should be increased annually in

line with the council's salary inflationary rate. However, the Panel had been informed of the indication given at the Budget Council that the Conservative Group were mindful of the current economic climate and would therefore not be taking any inflationary increase for 2009/10. With this in mind the Panel had therefore put forward the recommendation that the council should determine whether or not to implement the potential increase for the Basic Allowance based on the assumed salary rate of inflation of 2.3%

- 79.3 Members of the Committee noted that the information and expressed the view that the decision whether or not to take any increase in the level of allowances should be for each individual councillor to determine. Members were very appreciative of the Panel's work and its independence and wanted to ensure that this situation was preserved and asked for clarification in respect of the recommendations to be put forward to the council.
- 79.4 The Head of Law stated that the committee had a number of options open to them, i.e. they could endorse the Panel's recommendations, propose no change to the current level of allowances, or propose that the level of basic allowance is increased in line with the rate of inflation in accordance with the Panel's previous presumptions. If the increase was proposed then it could be on the understanding that the decision whether or not to accept the increase would be for each individual councillor to take.
- 79.5 **RESOLVED TO RECOMMEND –**
- (1) That the recommendations of the Independent Remuneration Panel, as set out in its report be noted;
 - (2) That in accordance with the recommendations of the Independent Remuneration Panel as agreed by Council in April 2008, the level of Basic Allowance be increased by the assumed salary rate of inflation of 2.3% for the municipal year commencing 15 May 2009; subject to individual Members' rights to accept or decline the increase;
 - (3) That the position be reviewed following the receipt of the Independent Remuneration Panel's report in 2010; and
 - (4) That the allowance payable to each of the members of the Independent Remuneration Panel continue to be increased by the council's salary inflation assumption of 2.3% for 2009 with effect from 15 May 2009, in recognition of their time commitment and their important role.

NOTICE OF MOTION**LABOUR GROUP AMENDMENT****AUTOMATIC RATE RELIEF FOR SMALL BUSINESSES**

Delete text as crossed out:

“This Council notes that:

1. Business rates are the third largest cost to small firms, after salaries and rent. Yet, many small businesses are unaware of, or do not apply for, the rate relief to which they are entitled.
2. In England more than half of small businesses miss out on claiming back up to £1,200 off their business rates.
3. Every year, around £400 million – calculated and ear-marked by the Treasury for eligible businesses – goes unclaimed, even though this money poses no extra cost to the Government or tax payer.
4. Automatic rate relief is currently available to small firms in Wales but not in England.

In January 2009, it was estimated that there were over a 1,000 small businesses in Brighton & Hove that could be eligible for rate relief but were not claiming. This meant that local small firms could be losing up to one million pounds in revenue to the Government.

This Council welcomes the current Administration’s recognition of the low uptake of rate relief by local small firms and the action it has taken to promote awareness and increase uptake.

However, this Council considers that all qualifying small businesses should be entitled to **automatic** rate relief. This would provide them with much needed additional financial resources during the recession. Furthermore, it would save both small firms and local billing authorities time and money applying and operating the current complex application system.

Therefore this Council:

1. Supports the automatic rate relief campaign started by the Federation of Small Businesses.
- ~~2. Welcomes the ‘Small Business Rate Relief (Automatic Payment) Bill’ tabled by Peter Luff MP and hope to see it made law.~~

This Council instructs the Chief Executive to:

1. Write to Lord Mandelson, the Secretary of State for Business, Enterprise and Regulatory Reform requesting that he introduce automatic rate relief for small businesses.
- ~~2. Write to Brighton & Hove's three MPs calling upon them to sign the current Early Day Motion supporting the Automatic Rate Relief campaign.~~
- ~~3. Make a letter of support for the Automatic Rate Relief campaign available to download on the Council's website.~~

Proposed by: Cllr Les Hamilton

Seconded by: Cllr Warren Morgan

NOTICE OF MOTION**CONSERVATIVE GROUP AMENDMENT****FUEL POVERTY AND EXCESS WINTER DEATHS**

Add text as shown in bold italics:

“This Council notes with regret that according to figures from the Office of National Statistics there were 110 excess winter deaths in the three Brighton and Hove Parliamentary constituency in 2006/7. Most of these deaths are caused by cold homes, or fuel poverty as it is known. Thousands more people suffer from living in poorly insulated homes that leak heat.

This Council welcomes the extensive local grants programme offered by Brighton & Hove City Council to help tackle fuel poverty, which is worth more than £1 million per annum. This includes:

- ***the Warm Homes Initiative, which offers free insulation for residents receiving benefits and for those aged 70 and over***
- ***the new Family Insulation Grant, which will provide funding for up to 3,500 families in the city to improve the energy efficiency of their homes.***

This Council also notes that David Heath MP (Liberal Democrat), supported by John Gummer MP (Conservative) and Alan Simpson MP (Labour), has tabled the Fuel Poverty Bill, which seeks to develop a strategy to tackle this problem.

The Bill is being promoted by the Fuel Poverty Coalition, a wide range of organisations concerned with the elderly, poverty and the environment – including ACE, Friends of the Earth, Help the Aged, Age Concern and others.

The Bill will reinstate the duty to end fuel poverty. It requires the homes of the fuel poor to be brought up to the minimum energy efficiency standards enjoyed by new homes. It also requires energy suppliers to offer social (i.e. reduced rate) tariffs to vulnerable householders in the short term. The Bill will help to lower energy bills and save carbon emissions.

This Council calls on the city's three MPs to do all they can to assist in the passage of this important legislation ***by supporting it through all the relevant parliamentary stages of the Bill. During this process, they should make it clear that the financial burden of any additional energy efficiency work should not fall on local authorities.*** Furthermore it requests that the ***Acting*** Chief Executive writes to the three MPs ***who have tabled the Bill*** to inform them of the strength of feeling of the Council.”

Proposed by: Cllr Maria Caulfield

Seconded by: Cllr Ken Norman

NOTICE OF MOTION
CONSERVATIVE GROUP AMENDMENT
RE-OPEN THE WEALDEN LINE

Delete text as crossed out:

“This council notes

1. The frequent severe disruption to train travel caused by engineering works on the line between London and Brighton particularly at weekends.
2. The inconvenience that this presents to travellers and the extra pressure it puts on the areas already congested roads.
3. The adverse effect that this disruption has on the city’s economy by discouraging visitors from coming here at those times and potentially on other occasions as well.
4. The general congestion on the London to Brighton line which acts as a serious bottleneck limiting the number of trains able to serve both Brighton and Hove particularly at peak times, leading to overcrowding.

In order to help address these problems this council would like the government to urgently begin work to reopen the Wealden railway line between Lewes and Uckfield.

In response to a recent No. 10 petition calling for the reopening of this line the government quoted Network Rails 2008 report that showed:

“that there are no physical obstructions which would preclude the rebuilding of the railway between Lewes and Uckfield” and “The total capital cost for these works was estimated at £141.0 million including a 30% contingency allowance.”

The government is currently offering to spend hundreds of millions of pounds to improve transport infrastructure in regions outside of London. ~~This council believes that the priorities for the South East of England should be on public transport infrastructure including rail rather than on building more roads. Previous experience shows that building roads leads to more traffic and more congestion. This in turn raises levels of air pollution and increases carbon emissions. We need to be investing in rail for the future not repeating the mistakes of the past. At £141m this project represents excellent value for money compared to the costs of building more roads.~~

This council believes that reopening this rail link will.

1. Provide a general boost to the Sussex economy in particular that in Brighton & Hove
2. Relieve pressure on the London to Brighton bottleneck so providing opportunities to improve the train service into the city
3. Provide an invaluable alternative route into the city when engineering works are being carried out on the mainline.
4. ~~Represent a significant shift away from increasing car dependency towards a future grounded in sustainable transport and a low carbon economy.~~

For these reasons this council calls on the government and particularly Lord Adonis the Minister of State responsible for the railways to begin work as soon as possible to re-open this vital missing link on the regions railway network.

The council therefore asks the Acting Chief Executive and the City's Three MP's to write to Lord Adonis in support of this proposal.

Proposed by: Cllr Geoffrey Theobald

Seconded by: Cllr David Smith

NOTICE OF MOTION**CONSERVATIVE GROUP AMENDMENT****MILLICENT FAWCETT & THE FAWCETT CHARTER**

Delete text as crossed out and replace with new text as shown in bold italics:

“This Council notes that:

1. The Fawcett Society is the UK’s leading organisation promoting equality for women. It campaigns for women’s representation in politics and public life; equal pay and pensions, and the fair treatment of women in the workplace.
2. Having begun as the National Union of Women’s Suffrage Societies (NUWSS) in 1866, the Fawcett Society takes its name from Dame Millicent Garrett Fawcett, who made it her life’s work to lead the peaceful campaign for women’s votes.
3. Millicent Fawcett was married to Henry Fawcett, MP for Brighton from 1865 to 1874, and in 1897 she spoke to the NUWSS Conference in Brighton Town Hall.
4. Today the Fawcett Society continues to campaign for equality for women in all areas of life, and is currently calling for employers to sign up to the Fawcett Charter, which represents a coalition of firms and organisations committed to challenging the objectification of women at work. Signatories include BT, Barclays Wealth, Matrix Chambers, and Oxfam GB.

As one of Brighton & Hove’s largest employers, with a stated commitment to equalities for all in the workplace, this Council therefore resolves to ask the Cabinet to consider to:

- ~~1. Sign up to the Fawcett Charter, demonstrating:~~
 - ~~• Support for Fawcett’s aim of challenging the objectification of women;~~
 - ~~• A commitment to audit employee expenses to ensure local authority money is not being spent in lap dancing clubs;~~
 - ~~• A commitment to review internal policies and procedures to ensure they adequately address potential occurrences of objectification.~~
- 1) ***Continue to promote gender equality in the workplace, including through the programme of Equality Impact Assessments currently being undertaken throughout the Council.***
- 2) Request that the Commemorative Plaques Panel considers erecting a blue plaque outside Brighton Town Hall to honour the memory of Millicent Fawcett.

Proposed by: Cllr Mary Mears

Seconded by: Cllr Dee Simson

NOTICE OF MOTION**CONSERVATIVE GROUP AMENDMENT****KEEP ROYAL MAIL PUBLIC**

Delete text as crossed out and replace with new text as shown in bold italics:

“This Council notes ~~and supports~~ the Early Day Motion 428, as supported by the Brighton MPs, which backs a;

“supported vision of a wholly publicly-owned, integrated Royal Mail Group; welcomes the conclusion of the Hooper Report that the current universal service obligation offered by Royal Mail, including six days a week delivery, must be protected and that the primary duty of a new regulator should be to maintain it; further welcomes the recommendations in the Report that the Government should take responsibility for the pensions deficit which followed an extended contributions holiday; endorses the call for a new relationship between management and postal unions and welcomes the commitment of the Communication Workers Union to negotiate an agreement which would support the modernisation of the industry; observes that in 2007 the Government agreed to a £1.2 billion loan facility on commercial terms to modernise Royal Mail operations; rejects the recommendation of the Hooper Report to sell a minority stake in Royal Mail which would risk fracturing one of Britain's greatest public services; further notes that the Government is currently advertising for a new Chair of Royal Mail; and urges the Secretary of State to appoint a Chair and management team who are committed to the principles of a modern public enterprise.”

This Council notes the cross party support that the EDM has received **but acknowledges that it is contrary to Labour Government policy and the content of the Postal Services Bill. It further notes that taking no action to bring additional investment to Royal Mail would** ~~and wishes to express a non-partisan and co-operative approach to an issue that may have repercussions for all of the City's residents and not just~~ **importantly, including its** postal workers.

Asks that this Council seeks to assure postal workers in the City of its support **for (i) maintaining the universal service obligation; (ii) ensuring Royal Mail is properly capitalised; (iii) maintaining deliveries six days per week; (iv) adequate funding of Royal Mail pensions.** ~~to keep Royal Mail public by requesting~~ **Therefore, this Council requests that** the Acting Chief Executive and Leader of the Council write to BERR and the CWU **the Business Secretary and the Shadow Business Secretary** stating the authority's position.

Proposed by: Cllr Brian Oxley

Seconded by: Cllr Ayas Fallon-Khan

NOTICE OF MOTION**GREEN GROUP AMENDMENT****KEEP ROYAL MAIL PUBLIC**

Insert text as shown in bold italics:

“This Council notes and supports the Early Day Motion 428, as supported by the Brighton MPs, which backs a;

“supported vision of a wholly publicly-owned, integrated Royal Mail Group; welcomes the conclusion of the Hooper Report that the current universal service obligation offered by Royal Mail, including six days a week delivery, must be protected and that the primary duty of a new regulator should be to maintain it; further welcomes the recommendations in the Report that the Government should take responsibility for the pensions deficit which followed an extended contributions holiday; endorses the call for a new relationship between management and postal unions and welcomes the commitment of the Communication Workers Union to negotiate an agreement which would support the modernisation of the industry; observes that in 2007 the Government agreed to a £1.2 billion loan facility on commercial terms to modernise Royal Mail operations; rejects the recommendation of the Hooper Report to sell a minority stake in Royal Mail which would risk fracturing one of Britain's greatest public services; further notes that the Government is currently advertising for a new Chair of Royal Mail; and urges the Secretary of State to appoint a Chair and management team who are committed to the principles of a modern public enterprise.”

Further, this council notes that the Postal Services Bill as introduced by Business Secretary Peter Mandelson

- ***represents the part privatisation of the postal services***
- ***has been condemned by union leaders representing the Communication Workers Union, Unite, Unison and the GMB***
- ***and that these same union leaders maintain that the Government's plans break a Labour Party pledge to keep the Royal Mail "wholly" publicly owned. ”***

This Council notes the cross party support that the EDM has received and wishes to express a non partisan and co-operative approach to an issue that may have repercussions for all of the City's residents and not just postal workers.

Asks that this Council seeks to assure postal workers in the City of its support to keep Royal Mail public by requesting the Acting Chief Executive and Leader of the Council write to BERR and the CWU stating the authority's position.

Proposed by: Cllr Rachel Fryer

Seconded by: Cllr Keith Taylor

Supported by: Cllrs Ben Duncan, Ian Davey, Amy Kennedy, Jason Kitcat, Bill Randall, Sven Rufus, Paul Steedman, Vicky Wakefield-Jarrett, Georgia Wrighton and Pete West

NOTICE OF MOTION**CONSERVATIVE GROUP AMENDMENT****ACCEPT £9 MILLION FOR LOCAL SCHOOLS**

Delete text as crossed out and replace with new text as shown in bold italics:

~~“This Council notes the non-acceptance by the administration of £9m of Government funding for schools, and their excuse that that they “did not believe that we were in a position to bring forward the funding and spend it in a proper and strategic way in the time we were given”.~~

~~This Council believes that this statement, as reported in the Argus, is not acceptable.~~

This Council supports action to ensure that children will benefit from the £9 million of government funding ~~being brought forward~~ for local investment in education for ~~2009/10~~ **2010/11** for better equipment and new building repairs and improvements.

This Council recognises and supports the boost to the local economy that this kind of work will bring to the City, increasing construction jobs and the amount of work available.

This Council notes that the agreed schools capital programme for Brighton & Hove has been based on drawing down the money over three years in line with the original Government proposals. The Council intends to deliver the projects as outlined in the capital programme as this is in the best interests of the children of Brighton & Hove and will allow the CYPT to spend the money most effectively.

Contrary to recent reports, this Council further notes that the £9 million will still be available to the CYPT in 2010/11, as the Government originally planned.

This Council asks the ~~Leader of the Council and Cabinet Member for Children and Young People to let Brighton and Hove’s children wait no longer, and to reconsider their refusal to claim the £9 million that is waiting to be given to the City; and to reconsider their current position which does not incorporate this additional~~ ***continue with the current programme of investment in school building and refurbishment programmes which will boost jobs in the City and enhance the educational opportunities of all the city’s children.”***

Proposed by: Cllr Vanessa Brown

Seconded by: Cllr Trevor Alford

NOTICE OF MOTION**CONSERVATIVE GROUP AMENDMENT****SOUTH DOWNS NATIONAL PARK**

Delete text as crossed out and replace with new text as shown in bold italics:

“This council, a long-standing supporter of the South Downs National Park, recognises:

- The vital importance of the South Downs to our tourist economy
- The recreational benefits it offers to local people and visitors
- The additional economic benefits National Park status will bring to Brighton and Hove
- The physical and mental health benefits that access to a high quality landscape will bring to the City.
- The protection National Park status will offer to the fragile and pressured national environment of the South Downs.
- That Brighton, Hove **and Portslade are** ~~is a~~ natural major gateways to the proposed park.

It notes:

- The Government plans to announce its decision on the South Downs National Park in the ‘early summer’
- The efforts of the South Downs Campaign to persuade Ministers to include The Chalk Hills, The Western Weald, Ditchling and Lewes in the confirmed National Park.
- ~~The need for Brighton and Hove City Council to look beyond designation and plan~~ **Brighton & Hove City Council is already planning** for the benefits of the National Park on the city.

It therefore resolves to:

- Commend the South Downs Campaign for its tireless work,
- ~~Ask the Cabinet to consider establishing a working group to develop a comprehensive strategy to reap the benefits for the city of a South Downs National Park.~~

- ~~Ask the city's Chief Executive to write to Hilary Benn, Secretary of State for the Environment, Food and Rural Affairs, urging him to include the chalk hills, the Western Weald, Ditchling and Lewes in the confirmed national park.~~
- ~~Call on the city's three MPs to write to Mr Benn urging him to include the chalk hills, the Western Weald, Ditchling and Lewes in the confirmed national park.~~

Proposed by Cllr Geoffrey Theobald

Seconded by Cllr Maria Caulfield

NOTICE OF MOTION**CONSERVATIVE GROUP AMENDMENT****HOUSING AND HOMELESSNESS SERVICES
FOR YOUNG LESBIAN, GAY, BISEXUAL AND TRANS PEOPLE
IN BRIGHTON AND HOVE**

Delete text as crossed out and replace with new text as shown in bold italics:

“This council:

1. ~~Acknowledges~~ ***Welcomes the excellent*** work of the city’s housing services ***and partners*** in helping young Lesbian, Gay, Bisexual and Trans (LGBT) homeless people in Brighton and Hove. This includes:
 - ***The forthcoming appointment of a specialist LGBT Housing Options Officer.***
 - ***The establishment of an LGBT Housing & Support Working Group in partnership with city support and advocacy groups, the community and voluntary sector and the Primary Care Trust.***
 - ***The development of a specific LGBT Housing Strategy.***
2. ***It further welcomes the fact that Brighton & Hove City Council is the highest ranked local authority in Stonewall’s Workplace Equality Index.***
3. Notes the findings of the report, *Count me in too (LGBT lives in Brighton and Hove)*, which was published in 2008 by the University of Brighton and Spectrum.
4. In particular, it notes the section on homelessness, which reveals that 18 per cent of LGBT young people who have moved to Brighton and Hove in the past five years have been homeless in the city and that many of them have experienced abuse, harassment or violence at the hands of a family member or someone close to them.
5. Also notes that 57 per cent of those who have experienced homelessness in the city told University of Brighton/ Spectrum researchers they would like to see the introduction of specialist LGBT services for homeless people.
6. Notes the successes of the Albert Kennedy Trust, which works in Manchester and London with young people aged 16 to 25 from the LGBT community who are homeless or living in a hostile environment. ***It further notes the excellent work being done with the local LGBT community by organisations such as Hove YMCA, who recently won the contract for Youth Advice Services in the city.*** ~~It provides a programme of training, policy advice, and practical support, which includes supported lodgings schemes, mentoring and befriending services. It has also launched a Quality Assurance Mark, offering a model of best practice to mainstream housing and homelessness organisations.~~

The council therefore resolves to request the Cabinet member for Housing to consider the possibilities of:

- ~~1. Joint working with the Albert Kennedy Trust~~ ***Continue working in partnership with local organisations which the Council currently funds.***
2. ***Continue to consider*** ways in which other 3rd sector services could be used to help young LGBT homeless people in Brighton and Hove.”

Proposed by: Cllr Maria Caulfield

Seconded by: Cllr Mary Mears