

# **BRIGHTON & HOVE CITY COUNCIL**

## **COUNCIL**

**4.30pm 21 JULY 2011**

### **COUNCIL CHAMBER, BRIGHTON TOWN HALL**

#### **MINUTES**

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

#### **PART ONE**

##### **1. DECLARATIONS OF INTEREST**

- 1.1 Councillors Kennedy and Wakefield declared a personal and prejudicial interest in Item 7(a) on the agenda, Save The Big Lemon Bus, as they were both shareholders of the company; and stated that they would withdraw from the meeting prior to the consideration of the item.
- 1.2 No other declarations of interests in matters appearing on the agenda were made.

##### **2. MINUTES**

- 2.1 The minutes of (a) the last Ordinary Council meeting held on the 24<sup>th</sup> March, together with (b) the Annual Council Meeting held on the 19<sup>th</sup> May, and (c and d); the two Special Council Meetings held on the 19<sup>th</sup> and 26<sup>th</sup> May 2011 were approved and signed by the Mayor as a correct record of the proceedings.

##### **3. MAYOR'S COMMUNICATIONS.**

- 3.1 The Mayor asked the Council to stand for a minute's silence as a mark of respect for ex-councillor Norman Wright who had served on Brighton Borough Council from 1992 to 1996 and had passed away recently.
- 3.2 Following the minute's silence, the Mayor stated that she wished to inform the Council that one of her charities, PDSA had indicated that it wanted to concentrate on its national campaign and therefore could not be involved at a local level. As such, she had decided to adopt RISE as her third mayoral charity for the remainder of her mayoral year.

- 3.3 The Mayor stated that she was very pleased to invite Councillor Mitchell as Chair of the Overview & Scrutiny Commission to come forward and receive the Centre for Public Scrutiny's national award for Innovation following the Scrutiny Review on Climate Change.
- 3.4 The Mayor then drew Members' attention the addendum papers that had been circulated prior to the meeting and noted that copies of the Notices of Motion listed as Items 15(d) and 15(f) on the agenda had been re-circulated. Item 15(d) was to be seconded by Councillor Gilbey and item 15(f) had slightly amended wording at paragraph 1(a). She also noted that Item 13, Annual Report of the Audit Committee was being reported to the council for information rather than approval.
- 3.5 The Mayor then drew Members' attention to the aide memoir included in the agenda papers and noted that an extension granted to Members' speaking times was limited to 3 minutes and not 5 as shown.
- 3.6 Finally, the Mayor stated that she was aware of a number of items regarding Gypsies and Travellers and therefore intended to take Items 7(b) petition for debate and 15(f) notice of motion, together with one debate, which would have no time limit and at the end of which she would take votes on each item separately.

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

- 8.1 The Mayor invited the submission of petitions, including combined paper and e-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.
- 8.2 The Mayor noted that Ms. Paynter was not present due to illness and stated that in view of the time-scales, the combined paper and e-petition should be presented directly to the Environment, Transport & Sustainability Cabinet Member Meeting.
- 8.3 Mr. S. Derwent presented a petition signed by 435 residents requesting the provision of a regular gardener for Withdean Park.
- 8.4 Councillor Mitchell presented a petition signed by 311 residents concerning the No.21 Bus Service and associated facilities.
- 8.5 Councillor Turton presented a petition signed by 25 residents of Chesham Street requesting that in the interests of road safety one end be blocked off from traffic.
- 8.6 The Mayor noted that 3 petitions had been submitted.

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

- 5.1 The Mayor reported that eight written questions had been received from members of the public and invited Mr. Furness to come forward and address the council.

- 5.2 Mr. Furness asked the following question, "As the price of scrap metals such as aluminium and steel continues to rocket, could Councillor West please tell us how much money the council generates from the sale of these plus all other recyclable materials collected from our homes?"
- 5.3 Councillor West, Cabinet Member for Environment & Sustainability replied, "In 2010/11 the council collected over 19,000 tonnes of material for recycling. In total this generated £488,000 worth of income for the council. This income is off set against the total cost of collecting waste and recycling and waste treatment and disposal, which is approximately £26 million per year. The more we reduce waste and the more we recycle, the lower our total waste bill is. This is why this administration is reviewing the existing waste strategy to identify how we can achieve much improved performance in this area."
- 5.4 Mr. Furness asked the following supplementary question, "Councillor West could you further enlighten us please, I'm very grateful for your answer I'm glad to hear we are deriving some income from these valuable resources but you are quoted recently in the Evening Argus as saying that you intend to investigate cutting down refuse services to once a fortnight in order to improve recycling rates. I may be able to see some logic in that but I can't see any logic in when you claim that this will save the authority £56 per ton in landfill tax when any week now the Newhaven incinerator will be vaporising the lot."
- 5.5 Councillor West replied, "We are looking at a number of different options for food waste recycling as well as improving other waste recycling. Some of the other options include changing the rounds and the frequency of which items may be collected. So if we are collecting food wastes separate from residual waste we would perhaps do that at a weekly rate but we wouldn't necessarily need to do the residual waste quite as frequently as we are at the moment. All in all we may be looking at an improved service but this is something that is being looked at in great detail at the moment. Can I just point out that the position we have inherited with recycling is that it is at an embarrassing low level. We are now only collecting something in the order of 27% of what could be recycled and food waste contributes over 30% of the waste stream. We are very keen because we wish to be the greenest city in the UK to push up recycling rates and reduce down the amount of waste. These are the ambitions that we have set out in our manifesto. We will be bringing forward our ideas later in the year."
- 5.6 The Mayor thanked Mr. Furness for his questions and invited Mr. Morris to come forward and address the council.
- 5.7 Mr. Morris asked the following question, "The proposed location of the skatepark in the northern section restricts parents' and carers' ability to supervise the combination of young children and older children. The disparate locations of the skatepark, café and play area make it impossible for a parent with children of varying ages to keep an eye on children using the public lavatories, the skatepark or play areas. Local residents raised these problems throughout the consultation period, but were constantly ignored. Would the council accept that there are still many massive flaws in the proposed overall design to be submitted to the Heritage Lottery Fund?"
- 5.8 Councillor West, Cabinet Member for Environment & Sustainability replied, "The consultation gave residents the opportunity to not only choose an option but to make

comments on the two options. In total 33 people commented that it is easier to supervise children if all activities are in one area and the skatepark remains in its current location next to the playground. However, 95 people responded saying they want skaters and bikes separated from small children's areas. Thus, the majority of people who commented on this very issue feel overall it would be better to move the skatepark.

So, no I do not believe there are massive flaws in the proposed overall design. I believe that both options presented for consultation were viable, but the response to the consultation is clear. With any design there will always be people who prefer one option over another. The bid is a once in a life time opportunity to improve the Level and provide activities and facilities for a much larger part of the community."

- 5.9 Mr. Morris asked the following supplementary question, "Friends of the Level and the Triangle Community Group maintain that fencing will ensure the safety of the children and all user groups at all times. Dogs and young children will easily be able to run into the skatepark. If the skatepark is used after dark, local residents will be disturbed by ambient noise and light. I would like to point out that the skatepark at Hove Lagoon is fenced and closed at night. The question, I remind you, was about how parents and carers would be able to supervise a combination of young children and older children. Is it intended that on the level there will be unrestricted access to all areas 24 hours a day despite the obvious risks of such an approach?"
- 5.10 Councillor West replied, "Mr Morris I did answer questions from you when I considered the level master plan at my cabinet member meeting. In your original question today you didn't specify what flaws you were thinking of so I wasn't able to respond directly. You have now mentioned fencing and I know that this is a topic that we discussed before and as I told you at the cabinet member meeting or other questioners a risk assessment was done and it was established that there is no need for fencing in order for the facility to be safe. That was the professional response that we received. However, we are looking at putting planting around the skatepark as a way of creating some delineation and as I said at the cabinet meeting, we are happy and we are offering to continue to work with the local groups on those sorts of details. With regard to twenty four access one of the issues that has arisen out of this consultation is quite apparent, is the lack of safety on the park and that passive surveillance of having more people on the park throughout the day and in the evening will considerably help raise safety levels and therefore people's happiness to go on the level."
- 5.11 The Mayor thanked Mr. Morris for his questions and invited Ms. Shelling to come forward and address the council.
- 5.12 Ms. Shelling asked the following question, "In the Environmental Cabinet Meeting' on July 5th, the council were asked what measures would be taken to prevent dog's from entering the 'dogs free skating area' despite it being located in a 'dogs-off lead zone'. The council replied along the lines that planting schemes were under consideration (this thinking was reflected in the master Plan D presented for cabinet).

Given that 'planting as a preventative barrier' to dogs entering the skate area is under consideration, would the council please clarify how 'plants' would/could meet safety standards for the skate park required by Health & Safety?"

- 5.13 Councillor West, Cabinet Member for Environment & Sustainability replied, "As I mentioned at the Environment and Sustainability Cabinet member Meeting on the 5th of July, the skatepark location has been subject to an independent risk assessment. This risk assessment concludes that the skatepark can be designed without the need for fencing and that a suitable boundary could be provided using planting. I also made a commitment that officers would work with residents and the skateboarding community to work up this detail now that the skatepark location has been determined.

Our Health and Safety Manager has confirmed that there are a range of possible control measures that will be evaluated and considered during the detailed design phase."

- 5.14 Ms. Shelling asked the following supplementary question, "To date the council still can't tell us what the new skatepark will look like, what size it is to be, whether the required funding can ever be raised, where the entrance points will be located, whether it will be surrounded by plants or a fence or even if it actually can be rebuilt in the north at all until nursery ground surveys are conducted. Respondents to the questionnaire were not informed of these essential facts. What real democratic mandate has the green party therefore got for supporting the relocation of the skatepark to the open green?"

- 5.15 Councillor West replied, "As I say many of these details are for the detail design phase after the second round of the lottery funding is received. We will continue with people to work on those points but the basic design is there, the size, as you know, is very much dependant on the ultimate amount of funding that can be achieved for the skatepark itself because the skatepark is being funded separately from the rest of the works on the level."

- 5.16 The Mayor thanked Ms. Shelling for her questions and invited Ms. Davis to come forward and address the council.

- 5.17 Ms. Davis asked the following question, "Residents in Hanover/Elmgrove and northern section of St Peters/North Laines, the two wards closest to the Level expressed concern that their votes would be diluted when voting was expanded from 13,500 to 28,000 homes. PPT accepted the recommendation should not depend on a simple headcount but on consideration of all relevant factors and their views would count. Can the PPT demonstrate a mature consideration of all facts as its report appears to focus on top level results and overlooks the granularity of voting data in the two affected wards which shows a divide in type of voter (parent/pro-green) and no obvious Option 2 majority?"

- 5.18 Councillor West, Cabinet Member for Environment & Sustainability replied, "My Cabinet Member Report on the 5th of July clearly acknowledged that residents living closest to The Level had a preference for Option 1, leaving the skatepark where it is. I am fully aware of the strength of feeling regarding the location of the skatepark which is why I personally worked with residents and officers to help ensure more detailed engagement and consultation took place.

I believe the consultation was robust and clear and that residents have been given a clear opportunity to express their views. The consultation report considers the overall numbers as well as people's preference in relation to:

- different household types (e.g. couples, sole occupants, families)

- why people visit The Level
- what elements of design people like the most
- what activities people prefer.

This data shows that people overwhelmingly prefer Option 2.

The Level is in an area where people have limited access to open space and many people do not have private gardens. It is therefore important that everyone within the catchment has an equal say.”

- 5.19 Ms. Davis asked the following supplementary question, “Given the strong opposition to option 2 and the Green Party’s town planning policy to protect and preserve formal and informal green spaces, coupled with the necessity for community support for the HLF bid, would the Green councillors please reconsider an analysis of the data collected from the affected wards against the top level data?”
- 5.20 Councillor West replied, “In your original question you asked why the consultation was increased to include 28,000 homes. There are 28,000 homes within 15 minutes walk of the level and therefore all of those people’s needs are relevant to our understanding of what to do with the level. There has been an incredibly detailed analysis of all the responses to all the very many questions along with all the other aspects of the design and consultation not just the consultation document itself. I am very satisfied that this matter has been extremely well explored and that the outcome is very clear of what people want and we are supporting that position.”
- 5.21 The Mayor thanked Ms. Davis for her questions and invited Ms. Monson to come forward and address the council.
- 5.22 Ms. Monson asked the following question, "The Decision to build a concrete skatepark on a green lung in the centre of the City is at odds with green philosophy. Also, it is a contradiction of Green Party policy. I quote “the need for urban green spaces, both formal and informal, should be recognised and these spaces should be protected.” The Level, in use for nearly 200 years, is an urban space that satisfies both these formal and informal criteria.

How can the people of this City, with the UK’s first Green Party MP and council, have confidence that this Party will protect green open spaces?"

- 5.23 Councillor West, Cabinet Member for Environment & Sustainability replied, “The Level is a run down park in a part of the city where many people do not have private gardens. Over half the people consulted state they feel unsafe or very unsafe on The Level and many groups including the elderly and people with disabilities state they don’t go to The Level because they do not feel welcome or there is nothing for them there.

Parts of the community are currently excluded from The Level for these reasons – to them it is not a welcoming or accessible park. This is not the kind of park this Green Administration wants in the city. In any case, the overall area of greenery will not decrease. The underused gravel area will become grass, and the current area of the skate park will become a garden. It is very important not to overlook this.

Open spaces affect people's quality of life and currently The Level far from fulfils it potential. It needs significant investment, and we have a one off, real opportunity to transform the park. This bid will protect the park and will actually increase the amount of green open space within The Level."

- 5.24 Ms. Monson asked the following supplementary question, "Will the councillor admit that it was prepared to break the Green Party stated policy under local planning and the built environment rules a mere two months after taking office by developing part of a valuable, much cherished, open green space within the heart of both a historic and congested urban area?"
- 5.25 Councillor West replied, "I think Ms Monson must be referring to national policies; we obviously also have local policies. This is a very local issue for local people living in the centre of our city and so we have to take a wide view which respects other aspects of our manifesto and our approach to how we value people's opinions and their needs in many different ways. Just suggesting that all we are here for is to defend green space is a complete misinterpretation of the depth of what we stand for."
- 5.26 The Mayor thanked Ms. Monson for her questions and invited Mr. Hardy to come forward and address the council.
- 5.27 Mr. Hardy asked the following question, "Can you tell me how much it cost council tax payers since May to clean up the mess left by gypsies and travellers, following the unauthorised encampments in Withdean Park, including the cost of re-installing the fences they drove over and the paving slabs they dug up and smashed, which for has not been replaced?"
- 5.28 Councillor West, Cabinet Member for Environment & Sustainability replied, "There have been four separate unauthorised encampments in Withdean Park since May. The costs associated with these unauthorised encampments were £1,703.07. These costs cover waste management; the provision of bins, rubbish, and other waste removal; the re-installing the fence; repairing an access gate; and replacing paving slabs. The replacement paving slabs will be installed before the end of July."
- 5.29 Mr. Hardy asked the following supplementary question, "First of all, I understand the Greens are the environmentally friendly party. Travellers and Gypsies do not have toilets in their caravans they use the bushes in Withdean Park as toilets and don't use the bins provided to put their rubbish in. This is a health issue; you know it's going on wherever they set up camp. Is that environmentally friendly and acceptable by the Green councillors?"
- 5.30 Councillor West replied, "We are a party of many different things I think what we have to recognise here is that some people have different lifestyles and different needs and I do not accept that every traveller doesn't use a toilet and I don't accept that every traveller doesn't use bins. What I do say is that we don't accept anti social and criminal behaviour where that occurs. I am very aware of the unhappiness of local residents when there are encampments on sensitive places including parks and we have moved very quickly to deal with those when they occur within the bounds of our powers and the powers of the police and it does require evidence and it has to be legal. Later, I will speak about other measures we are taking to try and relieve the pressures that we have

found on parks in recent times. But you must reflect on the fact that this council has only been in office for 2 months and this is not a new phenomenon that we are dealing with. The previous administration had the same difficulties that we are having now.”

- 5.31 The Mayor thanked Mr. Hardy for his questions and invited Mr. Jewell to come forward and address the council.
- 5.32 Mr. Jewell asked the following question, “Have The Scrutiny Panel on Renewable Energy Potential scrutinised the relevant energy and noise study supporting documents and biomass literature in the PortZED planning application and identified that all technical aspects of the renewables are totally without foundation such that the wind turbines will not work in the proposed experimental configuration and all study results are confused and incorrect resulting in the developers making a late substitution of a very large wood pellet fuelled combined heat and power plant with associated health risk issues from the emissions?”
- 5.33 Councillor West, Cabinet Member for Environment & Sustainability replied, “As a Cabinet Member I am not responsible for the work of scrutiny, however I did sit on this particular panel prior to May’s election. The Scrutiny Panel on Renewable Energy Potential has completed its work and reported in April. The Executive response to the report’s recommendations was submitted to Cabinet last week. All of these documents are available on the council website. The scrutiny panel did not look at details of the PortZED planning application as it was not within its remit to look in detail at each and every planning application regarding renewable energy generation.

As a general point, scrutiny does not look at specific planning applications as the Council has a separate planning process for this.”

- 5.34 Mr. Jewell asked the following supplementary question, “What independent expertise has been utilised to evaluate the validity of the renewable claims of this proposed project with particular reference to the wind turbines. I would add this is not a typical project it’s a very large prestigious suggestion of claims that will make Brighton and Hove the greenest city in the country and I would like to know where the expertise is for this vital task of checking the validity?”
- 5.35 Councillor West replied, “This is a very different application, the nature of a zero carbon development is going to push the boundaries; that at the potential impact of the scheme are being looked at by Planning Environmental Health and Sustainability Officers and that the planning application is due to come before the committee in August or September. This isn’t really, in a planning sense, a question you would be better to refer your concerns to the planning process.”
- 5.36 The Mayor thanked Mr. Jewell for his questions and invited Mr. Fallon-Khan to come forward and address the council.
- 5.37 Mr. Fallon-Khan asked the following question, “Bearing in mind the award winning Revenues and Benefits and NNDR teams at the Council under the last Conservative Administration undertook some excellent initiatives which were nonsensically rejected by the previous Labour Government [for example a review of the way residents were being penalised when they started to draw unemployment benefit] would the Cabinet



Member for Central Services please inform us what additional services these teams are likely to endure under the present Green Administration?"

- 5.38 Councillor J. Kitcat, Cabinet Member for Finance & Central Services replied, "As the meaning of your question is unclear, I shall concentrate on the positive work that the Revenue & Benefits team are currently undertaking. The welfare benefit system is complex for customers. The government welfare reforms currently include Local Housing Allowance (LHA) reforms in the run up to the introduction of a Universal Credit. Migration to the latter will be complete at the end of 2018 and we will then be administering only a localised council tax benefit, but no housing benefit support.

In order to try and mitigate some of the short term impact we put in a bid with two other local authorities – Benefits, Housing Strategy team & Brighton Housing Trust, for £487,000. We wanted to develop a coordinated approach in adapting to Local Housing Allowance changes to minimise negative impacts to landlords, tenants and statutory/voluntary agencies, and to prevent housing crises and homelessness. The bid was put to the DWP who had £4million in transitional funding to mitigate the effects of LHA reforms. Bids received totalled £68 million and unfortunately we were unsuccessful.

Nevertheless, we have already put in place initiatives to help Brighton & Hove residents facing hardship during government reductions in LHA including the creation of a Debt Prevention Team in council tax. We will also shortly be opening the Customer Service Centre at Bartholomew House to provide our customers with a better service. We will also be working through the key aspects of the Green Manifesto around financial inclusion and the credit union to help those hardest hit by these reforms."

- 5.39 Mr. Fallon-Khan asked the following supplementary question, "Now that the Green's have hiked council tax they also have two proposals which are clearly set out in their manifesto which I think they are promising to implement next year. Education Business Tax - Tax1, which is lumping the entire education budget on the top 4% of companies which is fool hardy because all they'll do is asset strip so they don't hit that criteria. More pertinently the business levee which will punish existing businesses for work placed parking which will make it more challenging for them to employ young and local people. How does Councillor Kitcat propose to resource, enforce and collect these punitive taxes all of which the conservative party were vehemently opposed to in the last budget?"
- 5.40 Councillor J. Kitcat replied, "The Education Business Tax proposal was not in this manifesto but may have been in the general election manifesto, clearly as a council we are not so empowered to change the national taxation scheme so we will continue to advocate changes at a national level and I look forward to debating them with you but that's not something appropriate for my position as a humble cabinet member. With relation to work placed car parking charges that is something that we are looking at and it is very early stages, just considering a wide variety of options to deal with the huge challenges relating to air pollution and congestion which the previous Conservative administration failed to tackle for four years."
- 5.41 The Mayor thanked Mr. Fallon-Khan for his questions and noted that this concluded the public questions.

**6. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

- 6.1 The Mayor reported that one deputation had been received from members of the public and invited Mr. Morris as the spokesperson for the deputation to come forward and address the council.
- 6.2 Mr. Morris thanked the Mayor and stated that, "The Level is in the Valley Gardens Conservation Area. The northern section is an in conic community resource that must be preserved from development, as a place for congregating, recreation, holding community events, festivals and fairs. This northern part is the only remaining open green space as laid out from 1791 as a formal ground and later gifted to the townspeople of Brighton in 1822.

In the southern section, there are a few remaining features from Bertie Maclaren's 1927 design of the children's playground. At that time the railings were removed as part of Maclaren's "valley vistas" scheme and the northern section remains free to this day of any obstruction. Whereas the southern section is an area for designated activities, the north, separated by the hedging and planting of the Rose Walk, is a free space for a wide variety of users. It's an open space that is unimpeded by buildings, which will be lost if this awkward chunk is taken out of it for the skate park. It's a green space for many who see it as their back garden and where there's opportunity for peace and relaxation in a busy and highly polluted area.

The engagement of relevant community groups is listed as one of the five Heritage Lottery Fund requirements when submitting a bid. The two groups named by the council in their bid are Friends of The Level and The Triangle Community Group and we both fully support the other aspects of the bid. Full consultation with these groups is essential to the success of the HLF bid, together with an ongoing contribution to ensure that The Level is a popular and well-maintained open space in the very heart of the City.

But we have been devalued and dismissed constantly. Getting hold of information from the council officers has been more difficult than juggling with jelly. In August last year we were incorrectly told that the final bid had to be submitted by end of February 2011, otherwise the money would be lost. Constantly we were fobbed off with "that matter will be dealt with at a later stage". Questions such as the needs of dog walkers, lighting of the Skate Park, health and safety, fencing were never answered or addressed. And they are still being fudged. In a draft report, which we saw only fifteen days ago, the plan of the skate park shows no lighting, five pages on it's briefly mentioned in the text and four pages later there's a photograph of the type of lighting to be used. The Health and Safety report just released, after months of us asking endless questions, has more fudging, with misleading out-of-scale illustrations.

We are all merely custodians of our heritage to pass on to future generations. But you, as councillors, carry the even further burden of being the protectors of our heritage too. We don't want to see any more of the disastrous past planning decisions that have scarred our City. And this needs to be looked at as a planning issue – remember The Level is in a conservation area.

No amount of planting and trees will plaster over this gaping wound on an old friend. The skate park will not be able to hide, as if in shame, behind the proposed raised banks that are to be added to its perimeter. Yes raised banks in the middle of an open green space that is called The Level. We totally oppose any building on the northern end of The Level and believe that this will set a dangerous precedent. It could be said that it's a brave Green councillor who will authorise this concreting over of part of an open green space. But it would be more courageous for all parties to join together and reject this lamentable proposal before it's too late."

- 6.3 Councillor West thanked Mr. Morris for attending the meeting the putting forward the deputation. He replied, "The level is an important park in the heart of our city and located in an area where many people do not have private gardens yet out of all out major parks it is in the worse condition due to the lack of investment over many decades. It suffers form anti social behaviour, buildings are in poor condition, lighting and seating is poor and the playgrounds need improving as do plantings and key historical features. It cannot be maintained to an acceptable standard without external funding. Over 50% of people consulted feel unsafe or very unsafe and avoid the level and certain groups of people for example the elderly or the disabled and their carers feel excluded from the level, they feel they cannot access it and that it doesn't have anything for them. This is not acceptable. For many years residents have rightly been calling for something to be done to improve the park, initial consultations carried out in 2009 in which most respondents stated they would prefer the skatepark to be moved out of the southern area.

Councillors and local residents groups felt that the consultation could have been more extensive and called for further consultation engagement to ensure all options were properly considered. Councillors, including myself, worked with officers and residents to ensure this happened, this is why the submission date for the bid was delayed. Extensive consultation and engagement has now been carried out, 75 meetings have been held along with numerous meetings attended by officers with the Friends of the Level and Park Crescent and Triangle. Meetings have also been held with schools, residents and minority groups. Under represented groups were asked why they don't use the level and what they would like to see done to the park to make it more welcoming. An access audit was carried out with the Federation of Disabled People to ensure the park is accessible and to engage the wider community has been mentioned earlier. Numerous well advertised public exhibitions were held including 4 public design workshops, 28000 households who live within 15 minutes walk were sent a newsletter about the proposals this was followed with a consultation document in March to the same 28000 households, they were given the opportunity to come to exhibitions, respond by post, online and now 11% of people (3300 people) responded, I frankly do not know what more you would want us to ask people. The council was open and has presented both options of having the skatepark in the north of having it in the south in a fair and balanced way so that residents could decide between the two. The consultation ran the same time as the campaign, you were involved against moving the skatepark and all the signatories of the petition that you were presenting have the chance to respond to the consultation. This was a very robust, transparent and thorough process and I have every respect for our officers who have worked tirelessly over two years to bring this about. The Brighton Society has recognised this and it is evident from their supportive letter in the Argus recently. The option preferred resulted in an increase in

the amount of build space and the location of the existing skatepark will be transformed to garden and the current underused gravel area will be grassed over.

Officers have made it very clear, the Council does not have a preference as to where the skatepark goes the priority is to secure funding, and to secure that as soon as practical, otherwise we will miss the boat with the lottery and we have consulted widely and fairly. To have overruled this consultation after all this work, all this involvement and I suspect that potential funders would have great concern had done so, to have done that would have been so much the wrong thing to do and I think it is truly unfair and untrue to say that the Friends of the Level and the Triangle Community Group have been devalued and dismissed. There has been a high level of engagement with them and I'm sorry if you don't agree with the outcome but there we have it. The people of the city have spoken and they have had a great opportunity to speak and I hope people will just move on now and live with that and support this bid to its success so we can have a new park that everyone can be happy with."

- 6.4 The Mayor thanked Mr. Morris for attending the meeting and speaking on behalf of the deputation. She explained that the points had been noted and the deputation would be referred to the Cabinet Member for Environment & Sustainability for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

## **7. PETITIONS FOR COUNCIL DEBATE**

### **7(a) Save The Big Lemon Bus**

- 7.1 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Save the Big Lemon Bus.
- 7.2 The Mayor invited Ms. J. Chase to present her petition.
- 7.3 Ms. Chase thanked the Mayor and stated that a total of 2,316 people had signed the combined paper and e-petition which read as follows:
- "We the undersigned, petition the council to level the playing field in the local bus industry to ensure smaller groups like The Big Lemon Bus Company are not at a disadvantage."
- 7.4 Ms. Chase stated that she hoped the council could support local businesses which offered a sustainable future and should not be threatened by larger competitors. She believed that action taken by the larger bus company on specific routes where the Big Lemon operated were unfair and should be challenged.
- 7.5 Councillor Davey noted the petition and stated that he had been impressed by the number of signatures that had been obtained. He believed that there should be an open dialogue with all the bus companies and noted that the Office of Fair Trading was looking in to the situation in Brighton and Hove. He hoped that their findings could be

taken on board in due course and stated that he was happy to discuss ways in which the council could help smaller businesses to succeed.

- 7.6 Councillor Pissaridou referred to the report on the matter and stated that she supported the petition that she wished to move an amendment on behalf of the Labour & Co-Operative Group to the report's recommendation, to encourage help for smaller businesses.
- 7.7 The Mayor congratulated Councillor Pissaridou on her maiden speech.
- 7.8 Councillor Farrow formally seconded the amendment.
- 7.9 Councillor Janio stated that he supported the petition and the proposed amendment as any measures that could be used to prevent a monopoly of service provision should be welcomed. He noted that the council had very little influence over the bus company and suggested that new legislation was required to assist with the issue.
- 7.10 Councillor G. Theobald stated that he believed the Big Lemon Bus Company should be supported and welcomed the Cabinet Member's response. As the previous Cabinet Member for Environment had previously written to the Brighton & Hove Bus Company and Competition Commission expressing the need for competition. However, the council had very little influence over such matters other than in preparing tender documents, which he hoped would be made more suitable for smaller businesses to understand.
- 7.11 Councillor Davey welcomed the cross-party support on the issue and stated that he was keen to help wherever it was possible.
- 7.12 The Mayor noted that an amendment had been moved along with the recommendation to refer the petition to the Environment & Sustainability Cabinet Member Meeting and stated that she would put them to the vote.
- 7.13 The Mayor then put the Labour & Co-Operative Group's amendment to the vote, which was carried.
- 7.14 The Mayor then put the substantive recommendations as amended to the vote which were carried.
- 7.15 **RESOLVED:**
- (1) That the petition be referred to the Environment & Sustainability Cabinet Member Meeting for consideration; and
  - (2) That the council requests the Cabinet Member to consider how to offer help and advice to The Big Lemon Bus operators in the same way that it does for other smaller businesses and social enterprises in the city.

Note: Councillors Kennedy and Wakefield, having declared a personal and prejudicial interest in the item as shareholders of The Big Lemon Bus withdrew from the meeting and took no part in the discussion or decision thereon.

**7(b) Gypsies and Travellers****15(f) Responsibilities Towards Travelling Communities**

- 7.16 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Gypsies and Travellers.
- 7.17 She also reminded the Council that she intended to take the Notice of Motion listed as Item 15(f) Responsibilities Towards Travelling Communities on the agenda at this point, so as to enable one debate on the matter. She would however take the various recommendations and amendments separately during the voting on the petition report and the notice of motion.
- 7.18 The Mayor invited Councillor Simson to present her petition.
- 7.19 Councillor Simson thanked the Mayor and stated that a total of 2,309 people had signed the combined paper and e-petition which read as follows:  
"We the undersigned petition the council to take immediate and effective action when gypsies and travellers set up unauthorised encampments on parks and open spaces within the city's boundary. Immediate action should mean requesting Sussex Police to use their powers under the Criminal Justice and Public Order Act 1994 rather than using the long-winded process of repossession of the land through the courts. We also petition Council to recognise that providing a permanent site in the city will only accommodate a small number of travellers who wish to remain in the city and will not deal with the problems of the many who have permanent sites elsewhere and come to the city looking for work."
- 7.20 Councillor Simson stated that the petition had resulted from the need of residents to express their views and feel that they were being listened to and to get some clarity on what action could be taken when areas of land were taken over by unauthorised encampments. It had become clear when such encampments occurred the police would not take any action immediately but would rather monitor the situation. She also noted that the travelling community tended not to use the transient site at Horsdean. She believed that the police should be encouraged to use the powers available to them at the earliest point in time and that access to important areas should be prevented.
- 7.21 The Mayor then invited Councillor Simson to move her amendment to the recommendation contained in the report.
- 7.22 Councillor Simson moved the amendment on behalf of the Conservative Group and stated that the current administration needed to clarify its position in regard to the treatment of gypsies and travellers and unauthorised encampments.
- 7.23 Councillor Wells seconded the amendment and noted that he had sought the assistance of the Cabinet Member concerned to deal with an unauthorised encampment, but had been referred to the police instead. He believed the responsibility lay with the Cabinet Member and hoped that he would respond to the matter.

- 7.24 The Mayor then invited Councillor West to move his notice of motion.
- 7.25 Councillor West moved the notice of motion on behalf of the Green Group and stated that he believed there were no more travellers in the city than there had been last year. He accepted that the council had a duty to its residents, but stated that there was also one to gypsies and travellers who were often a marginalised group. He was fully aware of the concerns being raised and had asked for an urgent review of the Travellers' Strategy and to look at possible sites that could be used for short-term toleration.
- 7.26 Councillor Randall formerly seconded the motion.
- 7.27 Councillor G. Theobald moved an amendment on behalf of the Conservative Group and stated that he believed the number of incursions had increased significantly. There had been five separate instances in Patcham and Withdean recently and he believed that if the council requested the police to take action, then the police could use their powers to move the travellers on and refer them to Horsdean.
- 7.28 Councillor K. Norman seconded the amendment and referred to the recent encampment at 19 acres, which was an area of environmental interest and had previously been closed off but was opened to enable access for travellers. He also noted that the Leader of the Council had apologised to the Ward Councillors for the failure to inform of the decision to open up the 19 acres site, but he asked for confirmation as to who was consulted on the decision.
- 7.29 Councillor Mitchell moved an amendment on behalf of the Labour & Co-Operative Group and stated that whilst she could agree with a lot of the actual motion, she felt that there was a lack of clarity from the Administration which had not been helped by the statements from the MP for Pavilion. The Labour & Co-Operative Group had supported the intention to identify permanent plots for travellers with a local connection and recognised that it was not possible to prevent incursions but there should be a clear and uniform means of dealing with such incursions.
- 7.30 Councillor Hamilton seconded the amendment and stated that he felt the council needed to have a co-ordinated approach to dealing with issues and was concerned about recent newspaper articles which he felt had not helped the situation. He hoped that an understanding could be reached with the police so that available powers could be used and any incursions dealt with quickly and calmly.
- 7.31 Councillor C. Theobald stated that she felt the Administration had not been fair to residents in their approach to gypsies and travellers and that tolerated sites had been identified. She also queried whether the costs associated with maintaining those sites had been taken into account.
- 7.32 Councillor Simson stated that there was a need to balance both the needs of residents and those of the travelling community. However, it had become apparent that the needs of residents were not being taken into account, hence the petition and she hoped that some action could be taken to redress that balance.

- 7.33 Councillor Mears suggested that residents were confused and did not understand the position of the Administration and a clear message needed to be given in respect of how the council would respond to any unauthorised encampment.
- 7.34 Councillor Follett stated that he was concerned about the reaction of certain councillors and welcomed the comments from Councillor Hamilton in regard to the issues that were being raised. He believed that consideration needed to be given to the needs of the travelling community and that action should be taken appropriately.
- 7.35 The Mayor congratulated Councillor Follett on his maiden speech.
- 7.36 Councillor Randall stated that an apology had been made to the Ward Councillors in respect of the action taken to open up 19 acres, however there was a need to address a difficult set of circumstances. He also believed that previous attempts to resolve the problem of unauthorised encampments had not achieved anything and that there was a need for the council to find a solution. The site at Horsdean offered permanent transient sites but was not liked by the travelling community and therefore a better understanding of why that was the case was required. He also felt that there should be consultation with both residents and the travelling community to see if a more balanced approach could be found.
- 7.37 Councillor West stated that he could not accept the Conservative Group's amendment and noted that the MP for Pavilion had signed an early day motion which had cross-party support. He also recommended the recent Cabinet report to all Members and asked that they support its intentions.
- 7.38 The Mayor noted that an amendment had been moved along with the recommendation to refer the petition to the Cabinet Meeting and stated that she would put them to the vote.
- 7.39 The Mayor then put the Conservative Group's amendment to the vote, which was lost.
- 7.40 The Mayor then put the recommendation as listed in the report to the vote which was carried.
- 7.41 **RESOLVED:** That the petition be referred to the Cabinet Meeting for consideration.

#### **15(f) Responsibilities Towards Travelling Communities**

- 15.27 The Mayor then stated that she would deal with the Notice of Motion, Item 15(f) and noted that two amendments had been moved.
- 15.28 The Mayor then put the Conservative Group amendment to the vote, which was carried.
- 15.29 The Mayor then put the Labour & Co-Operative Group amendment to the vote, which was lost.
- 15.30 The Mayor then put the following motion as amended, to the vote:



“This council shares the concerns expressed by residents about the behaviour of some members of the Gypsy and Traveller groups visiting the city, and it condemns anti-social or criminal behaviour by anyone. Where such behaviour is evidenced and substantiated, the Police should take appropriate and proportionate action.

The council should continue to adopt a fair but firm approach to the issues raised by unauthorised Traveller encampments. Working in partnership with the Police, it should use:

- Government guidance introduced by the previous Government and new guidance in “Planning for Traveller Sites”, once adopted
- Brighton and Hove City Council’s Traveller Strategy, which the previous administration introduced in June 2008.

This council recognises Gypsy and Traveller communities’ heritage and the right to continue their nomadic lifestyle, as enshrined in law. It will continue to work with Friends and Families of Travellers and other organisations to address the problems faced by travelling communities and with residents’ groups, local action teams etc. to address the problems faced by the local residents.

It also acknowledges the excellent work of the council’s Traveller Liaison Team and urges all Council Members to behave in a mature, respectful and tolerant way when debating the presence of Gypsy and Traveller groups in the city, in accordance with relevant codes of conduct.

Therefore

1. This Council resolves to ask the Cabinet:

- (a) To continue the search for another permanent Traveller site in the city taking into account the thorough work of previous Conservative and Labour Administrations;
- (b) To continue to work with other local authorities to seek a regional solution to the provision of Traveller sites;
- (c) To follow the firm but fair approach adopted by the previous Administration to the issues raised by unauthorised Traveller encampments, working in partnership with the Police on special initiatives like Operation Monza, where necessary;
- (d) To establish a cross-party review of the Traveller Strategy as soon as possible to relieve the pressures created by unauthorized Traveller encampments; and

(2) The Council welcomes government proposals to ‘raise awareness amongst councillors of their leadership role in relation to traveller site provision; [1].”

[1] ‘Planning for Traveller sites’ Consultation, Department for Communities and Local Government, April 2011.

15.31 **The motion was carried.**

7.42 The Mayor then adjourned the meeting for a refreshment break at 7.05pm

7.43 The Mayor reconvened the meeting at 7.35pm and in view of the absence of the lead petitioner for Item 7(c) took Items 8 and 9 before returning to Item 7(c).

### **7(c) The Level**

7.44 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning The Level.

7.45 The Mayor invited Mr. A. Morris to present his petition.

7.46 Mr. Morris thanked the Mayor and stated that a total of 3,044 people had signed the combined paper and e-petition which read as follows:

"We the undersigned petition the council to take account of our opposition to any structural development of the area of the Level north of the Rose Walk. We believe that a new and improved skate park should be built in the southern play area."

7.47 Mr. Morris stated that he hoped the council would take account of the number of people who had signed the petition and noted that the two interest groups who were integral to the lottery fund bid felt ignored throughout the consultation process. The concern expressed by parents who would have children using the play area in the south and the relocated skate park in the north had not been addressed and it would appear that the impact of the new skate park had not been fully explained as part of the consultation. He believed that The Level was a historic open space and it needed to remain as such and any relocation of the skate park to the north would be a disaster.

7.48 Councillor West noted the petition and stated that Mr. Morris had been given the opportunity to present it to the Cabinet Member Meeting at which the decision was taken, but chose not to and therefore it could not be taken into account. He noted that the consultation process had been extended and the options put forward for people to express their views on. The majority of respondents had indicated they were in favour of moving the skate park and wanted to see the bid succeed. In taking the decision he felt that he had to take account of the majority of people being in favour of moving the skate park and to breathe new life into city centre with the development of the area. He acknowledged that his personal view had been to leave the skate park in the south but the public view was that it should be moved and he wished to thank the residents and officers for their work in taking the project forward.

7.49 Councillor Mitchell stated that she wished to move an amendment on behalf of the Labour & Co-Operative Group to the report's recommendation. She believed that the matter had become controversial and that people were not clear about the impact of moving the skate park to the north would have on the area as a whole. She queried the

timing of the second round for the lottery bid and suggested that there was time to review the situation and ensure that the bid had the support of the two interest groups.

- 7.50 Councillor Fitch formally seconded the amendment and noted that over 3,000 signatures had been obtained on the matter. He suggested that there was time to re-think the proposals and to submit the bid, whilst maintaining the open spaces that the users of the area wanted.
- 7.49 The Mayor congratulated Councillor Fitch on his maiden speech.
- 7.50 Councillor G. Theobald queried whether the bid had been submitted or if there was time to amend it given the degree of opposition expressed by the number of signatories to the petition. He suggested that further consultation could be undertaken and confirmation of their support obtained from the two interest groups that were party to the lottery bid.
- 7.51 Councillor Mears stated that she fully supported the investment in The Level but could not support the proposed relocation of the skate park to the north. She argued that The Level had two distinct areas, the north being recreational and the south a play area. She was also concerned about how the regular Fair and Festival activities would be accommodated if the skate park was moved to the north. She queried whether the funding for the skate park was attributed to the lottery bid or was to be found via a Section 106 Agreement.
- 7.52 Councillor Smith stated that he could not support the loss of an area that was used by residents as recreational space with the imposition of the skate park. He believed that further consultation should take place and the Cabinet Member should consider the matter further.
- 7.53 Councillor J. Kitcat stated that a thorough consultation process had been undertaken and 55% of the respondents had voted in favour of moving the skate park to the north. He also noted that at the recent Cabinet Member Meeting, opposition councillors had not raised the question of reviewing the matter or deferring the decision and had not made a call-in request following the decision. He stated that there was a need to accept the views of the majority and to take forward that mandate.
- 7.54 Councillor Peltzer Dunn referred to the proposed amendment and suggested that it was possible for Councillor West to reconsider the decision and to take account of the views expressed by a significant number of people.
- 7.55 Councillor Simson stated that she felt there was a need to take account of the views of the families that used the current play areas and their concerns should the skate park be moved to the north of not being able to watch their children in both areas. She also suggested that there was time to re-examine the options and to retain the skate park in the south.
- 7.56 Councillor West noted the comments and stated that the consultation process had shown 3 times more families in favour of moving of the skate park to the north and to be separate from the play area. Of the 28,000 people consulted, 55% had been in favour of moving the skate park and he felt their preference should be supported. He noted

that the proposed amendment 2.2 referred to the second round of the lottery bid and that to date there had only been one round, the intention was to submit the bid for the second round. He believed local ward councillors, officers and residents had worked very hard to take the project forward and therefore he could not support the amendment and stated that the bid should be submitted.

7.57 The Mayor noted that an amendment had been moved along with the recommendation to refer the petition to the Environment & Sustainability Cabinet Member Meeting and stated that she would put them to the vote.

7.58 The Mayor then put the Labour & Co-Operative Group's amendment to the vote, which was carried.

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

7.60 **RESOLVED:**

- (1) That the petition be referred to the Environment & Sustainability Cabinet Member Meeting for consideration; and
- (2) That it be noted Brighton and Hove City Council was successful in the second round of the Heritage Lottery Fund Parks for people funding programme and that the council's bid for funding has to demonstrate engagement with community groups;
- (3) That it be noted the friends of The Level and The Triangle Community Group, both named in the bid, are opposed to the moving of the skate park into the northern area;
- (4) That given the degree of public opposition as evidenced by this petition to the decision by the Cabinet Member for Environment and Sustainability to move the skate park into the northern area and the fact that the Cabinet Member stated when he took the decision that he is personally opposed to this move, that the proposals are now reviewed;
- (5) That as a part of this process the council should draw up and publish more detailed plans and illustrations that clearly demonstrate the impact that the skate park would have on the open, northern area including any safety features such as fencing, planting and landscaping; and
- (6) That meanwhile all monies held by the council in relation to The Level are ring-fenced and safeguarded for that purpose.

**8. WRITTEN QUESTIONS FROM COUNCILLORS.**

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

**(a) Councillor Hamilton**

- 8.2 “In the dying days of their administration, the Conservative Cabinet voted to sell off half of the council owned site in Victoria Road, Portslade, home of the former Portslade Urban District Council. The disposal was to include the Council offices, a bowling green, the car park and the public toilets. There is widespread concern about this proposal in Portslade. Extension of the bowls pavilion, relocation of staff from other buildings, a police presence in the building and a home for any future community forum are all options that have been proposed by local people. Will you agree to put the proposed disposal on hold and carry out a full appraisal and consultation on the future use of the site?”

**Reply from Councillor J Kitcat, Cabinet Member for Finance and central Services.**

- 8.3 “The entire Portslade Town Hall site (including the Town Hall, housing offices, car parking, public toilets, bowling green, practice area and pavilion) has been identified through the asset management process as an under-used site with the buildings being in a poor condition. The Town Hall itself is well used by local groups but is expensive to maintain and requires substantial investment to improve and prolong its life. The council has a duty to ensure that it is making best use of its land and property assets.

We propose to show our commitment to Portslade Town Hall and use the capital receipt from the disposal of the under-used part of the site to reinvest in the Town Hall. We plan to refurbish and extend it to create new offices to support a new neighbourhood customer service contact and access point. All the features of Portslade Town Hall are to be retained and enhanced, especially historical artefacts and the Compton organ. Our aim is to ensure the Town Hall’s long-term viability as a publicly-owned resource for the community.

This proposal is currently being consulted on with a variety of local clubs and organisations who use the Town Hall regularly and a broad range of local community groups (approx 12+) who may wish to use it in the future. The feedback is positive so far.

Other voluntary and public sector organisations are also showing interest in using it for similar customer access functions, including the police. Consultations are on-going, and again are enthusiastic.

Car parking concerns are being met through approx 10 dedicated public car spaces around the Town Hall. This is a reduction but the area is well served by nearby car parks that could be used when required through appropriate negotiations.

The proposal also includes an extension to the bowling green to square it off so that it can be played on from both sides. There is an area for a new bowls pavilion next to the Green with access to the car parking. The bowlers should gain from all these changes.

Consultations are carrying on with the various interested stakeholders and will inform the development of the informal planning and marketing brief. A better use of the site for much-needed new housing; a viable, refurbished Portslade Town Hall and the other benefits previously mentioned is what we are working towards for the benefit of the local community.”

**(b) Councillor Pidgeon**

- 8.4 “Could the Cabinet Member for Finance and Central Services confirm how many full time equivalent trade union representatives and local constituency representatives were employed by the Council during 2010-11 and how this compares to other similar unitary authorities?”

**Reply from Councillor J Kitcat, Cabinet Member for Finance and central Services.**

- 8.5 “Corporate representatives  
In 2010-11 we had one employee who was employed full-time as a trade union convener for GMB.

In addition, we had a number of employees who were granted release from their substantive posts to represent their members within the council's workforce. The total Full Time Equivalent (FTE) of these representatives broken down by union was 9.65 (Unison 6; GMB 3; NUT / ATL / NASUWT 0.65).

The table below sets out how this figure compares with some other similar Unitary Authorities:

Council	Level of Trade Union Release
BHCC	10.65 FTE
Council A	2.0 *
Council B	19.0 *
Council C	1.0*
Council D	3.3 FTE
Council E	4.0 *
Council F	3.0 *

Note: \* from the information available it is unclear whether this figure relates to headcount or FTEs

It would appear from our research that other local authorities do not hold detailed information on trade union release. This makes it difficult to compare the level of trade union release within BHCC with other authorities in a meaningful way.

Local constituency representatives

A number of other council employees (164) were allowed release on an ad hoc basis to represent their members within their local service area. The time these individuals spent on trade union duties is not recorded centrally.

It is worth pointing out that the vast majority of these representatives generally do not get involved in representing colleagues in formal procedural matters. This role tends to be carried out by those employees on corporate release. Instead they play a key role in disseminating information within their respective constituencies.”

**(c) Councillor C Theobald**

- 8.6 “Can the Cabinet Member for Planning, Employment, Economy & Regeneration tell me whether any work is currently being carried out, or will be carried out in the near future, on assessing the economic impact of introducing a ‘workplace parking levy’ in Brighton & Hove as set out in the Green Party’s local election manifesto?”

**Reply from Councillor Davey, Cabinet Member for Transport and Public Realm.**

- 8.7 “Thank you for your question Councillor Theobald.

The priority we accorded to work place parking charges in our manifesto is an indication of one of the ways that we intend to give the city a fresh start. Transport measures to reduce the impact of cars on the city are part of how we will achieve this and the proposal is consistent with the 3 main priorities that Cllr Randall set out last month. But this measure is about more than just the economy.

This measure will help tackle and reduce some of the inequality that exists in journeys to work, because not everyone has access to a car. Car traffic and busy roads can affect local communities and reduce people’s quality of life.

It will contribute to making Brighton & Hove the greenest city in the UK by addressing the impacts of commuter car journeys, by reducing vehicle emissions.

And it will only be introduced, following consideration of the responses we receive through involving the community more in decision making, especially local businesses.

At present, no work is being carried out on this initiative but we will be asking officers to prepare briefings on the options and opportunities available to begin this process. This will include consideration of the economic benefits and impacts. Learning from the experiences of other cities that have considered the idea – especially Nottingham – we will be able to assess the likely effects of introducing the measure.”

**(d) Councillor Peltzer Dunn**

- 8.8 “Would the Cabinet Member for Communities, Equalities and Public Protection confirm that it is the Councils duty to enforce bye laws which are legally in place within the City?”

**Reply from Councillor Duncan, Cabinet Member for Communities, Equalities and Public Protection.**

- 8.9 “There is no mandatory duty or automatic requirement to prosecute for breaches of bye laws. We are required to look at each case on its merit and, as I understand it, a blanket policy of prosecution for each and every breach, apart from being costly and impracticable, would, in itself, be unlawful and could be challenged by way of judicial review. The Council has in place an enforcement protocol, where enforcement is the last resort and not the first. Normally, unless serious, a warning should be given and this generally deals with the problem.

We also have to be aware whether it is in the public interest or the interest of justice to take action. The Council as well as the Crown Prosecution service are subject to good practice guidance which requires prosecution to be undertaken only when in the public interest. Minor technical breaches will, generally, not be prosecuted. It is normally where there are serious or persistent breaches that we will consider action.”

**(e) Councillor Carden**

- 8.10 “Will the Leader confirm exactly how much money this council has spent on dealing with unauthorised Gypsy and Travellers encampments since the new administration came into power in May 2011?”

**Reply from Councillor Randall, Leader of the Council.**

- 8.11 “Since 05 May 2011, The Council has spent £30,368 in relation to the management of unauthorised Gypsy and Travellers encampments. This figure consists of:

- Clear up costs, and waste management - £21,803
- Removal and storage of Traveller vehicles following eviction - £2,850.00
- Legal costs - £5,715.00

These costs include those incurred by two unauthorised encampments that were established prior to the new administration forming, where services were provided after 5 May 2011. These two encampments were evicted on 9 May 2011.

With the exception of the storage of Traveller vehicles, this reflects normal costs associated with managing unauthorised encampments at this time of the year.”

**(f) Councillor Mitchell**

- 8.12 “Would the Leader of the Council please give details of the current number of council employees that have accepted or been offered voluntary redundancy packages, the number of deleted posts and the number of any permanent redundancies occurring since 1st April 2011?”

**Reply from Councillor Randall, Leader of the Council.**

- 8.13 “The council has a good reputation for working in partnership with trade unions to reduce the need for compulsory redundancies. Since April 2011 four employees (excluding schools based employees) have left the council with a voluntary redundancy package. These posts have since been made redundant. We are maintaining a robust approach towards vacancy management with establishments being managed locally.

The approved council budget for 2011/12 included savings proposals that were expected to result in a reduction of approximately 250 full time equivalent posts including value for money proposals to reduce management and administration costs. In order to achieve these reductions, the council is currently running a voluntary severance



scheme so as to try and reduce the need for compulsory redundancies arising from budget cuts.

Alongside the deletion of existing vacancies and expected normal turnover during 2011/12, the voluntary redundancy scheme is seeking to attract approximately eighty employees who are prepared to leave the authority on pre agreed financial terms. Decisions arising from this scheme will be made later this month, and we hope to find eighty approved applicants.

It is likely that, following the completion of the voluntary severance exercise, a number of local consultation exercises will take place which would then result in movement of some colleagues into new or different roles and posts being deleted. Only when all of this activity has been completed will we know the final reduction in the number of full time equivalent posts.”

**(g) Councillor Mitchell**

8.14 “Does this administration:

- a) share my concerns regarding the consistent overspending of the council’s communications service, who in 2009/10 overspent by 46.3% (£272,000), in 2010/11 overspent by an increased 109% (£459,000) and are this year predicted to overspend by £311,000, and;
- b) what does this administration plan to do about this consistent overspending by the communications team, at a time when services such as children and young people and adult social care are facing unprecedented cuts?”

**Reply from Councillor J Kitcat, Cabinet Member for Finance and Central Services.**

8.15 “As the Cabinet Member with responsibility for the council finances I am of course concerned about any overspends by council services. As soon as I took my position I looked into the communications budget in some detail. The historical position has been that each directorate (and now service unit) has held its own communications budget. The central corporate communications unit has also had a small budget (the communications operational budget), which is the one being reported as overspent.

Previously directorates and service units could, and did, spend their communications budgets with a wide variety of suppliers. This resulted in inefficient use of funds and failed to take advantage of the council’s size to negotiate the best prices. The central communications unit are leading a process of drawing all the Council’s communications budgets into a single budget line which will enable smarter spending, consolidation of suppliers, standardised branding and economies of scale. In the previous year this process already has saved £650,000; however this saving was shown in individual directorates’ budgets, not the central communications unit’s operational budget.

The communications operational budget has been overspending for the last 2 financial years due to a shortfall on the advertising budget, specifically City News, and staffing pressures. Unfortunately the budget consolidation has also been slower than planned, adding to these budgetary pressures. An accelerated timescale to consolidate

communications budgets from across the Council has now been agreed with a target to introduce key changes by the end of this financial year. As a result of these changes the overspend will be resolved. In meantime the Communications Team have been holding vacancies to reduce costs (headcount has reduced by 19%). However, this is starting to cause significant pressures.

I continue to keep a very close eye on communications spending. I am also reviewing future plans for City News and other communications to make sure they are cost effective and deliver best value for our citizens.”

**(h) Councillor Marsh**

8.16 “What is the administration’s view on the Education Bill and its proposals to remove:

- a) local parents’ ability to challenge decisions about admissions and exclusions
- b) make a local complaint
- c) the local admissions forum
- d) this city’s successful school places lottery

Can you explain how this administration:

- a) intends to encourage faith Encourage faith schools to subscribe to the local authority admissions system, rather than set their own admissions policies, as stated in your manifesto?
- b) will encourage local schools to collaborate and share best practice, as stated in your manifesto?
- c) will protect youth services, especially for young people at risk of becoming NEETs (Not in Education Employment or Training) or falling into the criminal justice system, as stated in your manifesto?
- d) plans to campaign for a reinstatement of Building Schools for the Future money, as stated in your manifesto?
- e) is going to help groups of schools develop in-house environmental officers posts to save money and reduce the city's carbon footprint, as stated in your manifesto?”

**Reply from Councillor Shanks, Cabinet Member for Children and Young People.**

8.17 “The Council is preparing a full response to the consultation on the proposed new School Admissions Code. This will make plain the Council’s opposition to any removal of parental rights of complaint, the proposed removal of a statutorily constituted Admissions Forum, and any limitation on the use of random allocation as a tie break for Community Schools. The proposed changes on school admissions and the Admissions Code are mixed, with some positive changes, but some, such as the proposal to remove coordination of admissions in year, would in our view have an extremely negative impact on children and families. Our position will be made clear through this Council’s response to the consultation.

*Can you explain how this administration:*

- a) *Intends to encourage faith schools to subscribe to the local authority admissions system, rather than set their own admissions policies, as stated in your manifesto?*

Councillor Marsh will be aware of the fact that they have a legal right to prioritise admissions on the basis of religious affiliation. That does not mean that faith schools are excluded from ongoing discussions and consultation on the provision of school places. At a time when there is growth in the demand for school places in the City. However, we believe that a collaborative approach is the right way forward, and we do recognise that faith schools operate within a different legal framework to Community Schools. Nonetheless we do want to have a conversation with faith schools around the possibility of their offering a proportion of local community places that do not rely on religious affiliation.

- b) *Will encourage local schools to collaborate and share best practice, as stated in your manifesto?*

Collaboration and sharing of best practice amongst schools is already a reality, and the Council is strongly supportive of school led initiatives in this area including cluster working, the Behaviour and Attendance Partnership and the Learning Partnership. My administration will encourage the development of these and other initiatives which will drive towards a cohesive and fully inclusive education system.

- c) *Will protect youth services, especially for young people at risk of becoming NEETs (Not in Education Employment or Training) or falling into the criminal justice system, as stated in your manifesto?*

Officers of the Council are working with schools and colleges to ensure the right provision so all young people will have a suitable placement age 16. The Youth Employability Service will work with young people aged 16 – 18 who are NEET and 4 Advisers will work with young people with SEN to support them from school into FE or work with training. Consultation on a commissioning strategy follows the Youth Service review. The Administration has considered the Youth Review findings and will consult on a three year commissioning strategy to improve outcomes for all young people, and to reduce inequality and child poverty including those at risk of becoming NEET or falling into the criminal justice system.

- d) *Plans to campaign for a reinstatement of Building Schools for the Future money, as stated in your manifesto?*

It is our view that a replacement programme is essential to ensure that capital is available to improve and enlarge the secondary estate outside of the Academy option. This view will be made known to Ministers. The James review contained 16 recommendations regarding the future of capital expenditure in schools, the fundamental premise of these recommendations is that funding should follow need, either in terms of additional school places or the condition of the school estate. The review suggests that better value for money can be obtained by increased central procurement and frameworks for procurement.

- e) *Is going to help groups of schools develop in-house environmental officers posts to save money and reduce the city's carbon footprint, as stated in your manifesto?*

I stand by our commitment to develop in-house environmental officer posts. There are many individual examples of work already undertaken in this area and broader initiatives including Eco-schools status. I believe that we are pushing against an open door as schools are already well down the road of carbon reduction and environmental awareness. A network of designated school staff will help share best practice on carbon reduction, and lower energy consumption will lead to savings for schools."

**(i) Councillor Farrow**

- 8.18 "What is the council doing to attract new media enterprise to the city, as well as supporting current media business in the city?"

**Reply from Councillor Bowden, Cabinet Member for Culture, Recreation and Tourism.**

- 8.19 "The city has rightly been identified as a new media enterprise hub for the whole country – most recently in studies published by IBM and HSBC. The Council works closely with partner organisations such as Wired Sussex, the Brighton & Hove Economic Partnership and both Universities to support the development of the existing business base in Brighton & Hove and to attract more companies.

The city council has an approved Business Retention and Inward Investment Strategy that identifies the creative industries /digital media sector as a key sector for growth in the city. Support for the sector includes tailored property searches for media businesses, the delivery of six targeted workshops over the last 18 months (attended by over 450 business representatives), part funding a successful digital internship programme with Wired Sussex and the University of Sussex and disseminating information on key international opportunities for partnerships and funding.

Our Administration is also looking at the future of New England House as a potential Media Hub and we would support actions to develop the media sector through the Local Enterprise Partnership.

In supporting the wider cultural sector in the city, we are also creating and maintaining the environment that these kind of businesses need to grow and flourish.

I am particularly looking forward to the Digital Festival this September led by Lighthouse - an excellent example of the strength and vibrancy of the sector."

**(j) Councillor Wealls**

- 8.20 "Would the Cabinet Member for Housing give a pledge to continue with the commitment of the previous Conservative Administration to ring-fence Supporting People funding, which provides housing-related support for some of the most vulnerable residents in Brighton & Hove?"

**Reply from Councillor Wakefield, Cabinet Member for Housing.**

- 8.21 “The current administration is fully committed to protecting the successful Supporting People Programme that funds housing-related support services that make a real difference to local vulnerable people in our city. The programme has consistently delivered positive benefits to a range of service users, from people that are homeless, rough sleeping, people with mental health and substance misuse problems and older people with support needs.

Our local providers have effectively delivered services of high quality, performance, excellent value for money and good outcomes. We recognise the strong commitment from previous Conservative Administration to protect Supporting People services. We as the new Green administration fully support the current Supporting People Strategy signed off by the previous administration.”

**(k) Councillor Barnett**

- 8.22 “Would the Cabinet Member for Environment and Sustainability confirm who authorised a provision of the bund at the 19 acre site, the date of the provision of the bund and the cost of same? Will he further confirm the authorisation of the removal of the bund, the date of same and the cost for carrying out such works?”

**Reply from Councillor West, Cabinet Member for Environment and Sustainability.**

- 8.23 “A Bund has been in place at this site for at least 10 years. A new long section of bund was provided to cover the 19 acres site in May 2011 at a cost of £1000. This section of bund was further reinforced in early July 2011 at no cost to the Council, as a highway contractor was working on site and had surplus chalk.

The authorisation for the levelling of a small 3 metre section of bund was made by Senior officers of the council on the 8th July 2011 and was carried out by the in-house city parks team no cost to the Travellers Liaison Service. For information a typical cost for re-instating this section of bund would be £80, with a further £37 if more chalk material is required.”

**9. ORAL QUESTIONS FROM COUNCILLORS**

- 9.1 The Mayor reminded the Council that councillors’ oral questions would be taken in the order as listed in the council agenda and that a period of 30 minutes was set aside for the item. Should any questions not be reached at the end of the time period, those councillors would have the opportunity for their question to be carried over to the next council meeting.
- 9.2 The Mayor then called on Councillor G. Theobald to put his question to Councillor West as Cabinet Member for Environment & Sustainability.
- 9.3 **(a)** Councillor G. Theobald asked, “Should residents expect a weekly refuse collection?”
- 9.4 Councillor West replied, “Some residents have different collections to others. Residents living in the city centre using communal bonds for example compared with black sacks

or wheelie bins. Our intentions regarding how food waste may change things, we haven't yet decided on what scheme we will employ. We are discussing a variety of options."

- 9.5 Councillor G. Theobald asked the following supplementary question, "Is it your policy to take away a weekly collection from residents?"
- 9.6 Councillor West replied, "It's our policy to drive up the recycling rates from the powerless level they are at, that we inherited from your administration and to improve the general service to residents that is problematic and some residents are unhappy with. It could be done so much better, that's no disrespect to your office at all. We intend to improve the situation considerably, in order to improve cleanliness, recycling and rates."
- 9.7 **(b)** Councillor MacCafferty asked, Can the leader of the council tell me what progress has been made with the Green Party's manifesto commitment to work towards the introduction of a living wage in Brighton and Hove and a reduction in the salary ratio to 10 to 1 between the highest and lowest paid employees working for the City Council?"
- 9.8 Councillor Randall replied, "I can announce that we are taking 2 steps towards the introduction of a living wage in Brighton and Hove which is one of our key manifesto pledges and is part of our wider commitment to reduce the inequality in the city where 22,000 children live in poverty for instance. Step 1 the consulting from today on introducing a 59p an hour rise this September to the council's lowest paid workers which should bring them up to a rate of £7.19 an hour. This will cover around 250 staff many of them women and part time workers. We propose to offer the same rise to the lowest paid workers in school; the council will cover the cost of the rising schools in the current financial year. The full year cost of our proposals is £109,000 on council services which represents 0.05% of the council's budget and £70,000 for schools. The average secondary school increase is £2209 a year for primary schools the average £652 a year. Assuming a September implementation, the cost for 2011-2012 will be £63,500 for the council and £40,800 for schools. Our plans are being discussed with Unison and the GMB who have given their support. Indeed Unison is very supportive of the initiative and has said they will give whatever assistance they can to take it forward and the next part which is step 2 is the setting up of a living wage commission for Brighton and Hove, which will look at the benefits, risks and opportunities of establishing a living wage in the city public, private and 3<sup>rd</sup> sectors.

This initiative has the support of the GMB, Unison, the Brighton & Hove Chamber of commerce which represents 450 businesses in the city, CBSF, Brighton University, Brighton and Sussex University Hospital Trust and the Sussex Police Authority. We will draw on the experience of other local authorities, here and abroad and the work carried out for the Living Wage foundation by Loughborough University, work that is funded by the Joseph Ramsey Foundation. The director of the Living Wage Foundation has agreed to sit on the commission which will start work in October and report in March 2012. The full terms of reference will be published next week. In particular the commission will be charged with establishing a living wage based at an hourly rate of the City of Brighton and Hove by ensuring that local businesses remain effective and competitive. Many people in our city are paid low wages and one avenue to ending this situation is to do everything we can to bring more high value jobs to the city. However we believe it is important to establish a realistic and fair living wage for the city and I

urge the other parties to join us in this important work and hope that each would nominate a member for the commission. National research shows that paying a living not only lifts people out of poverty but also increases productivity and reduces days lost to sickness.

Finally another of our manifesto pledges is to reduce the pay gap between the highest and lowest paid workers in the council to a ratio of 10 to 1 and I am pleased to announce that the Chief Executive John Barradell has agreed to forego 5% of his salary which brings the ratio down to just above 11 to 1 and I thank him for his help. I am also taking a voluntary reduction of 5% in my leader's allowance. The money saved by these reductions will be ear marked to help protect frontline services."

- 9.9 (c) Councillor Cobb asked, "Last year, Councillor Duncan wrote on his blog that the stealing of public money through benefit fraud is a petty crime and that sending benefit fraudsters to jail is another way in which the poorest in our society are discriminated against. Does the new cabinet member for finance and central services share his view?"
- 9.10 Councillor J. Kitcat replied, "Recent figures are released by the DWP and the Office of National Statistics show that the level of fraud relating to benefits is about a third of the level of moneys lost relating to error. So when one puts things in perspective the amount of time that the party on that side of the chamber talk about fraud when the error in the current systems costs the tax payer so much more it leads one to wonder what are their priorities? The careful spending of tax payer money or making cheap political points?"
- 9.11 Councillor Cobb asked the following supplementary question, "The previous administration made tackling benefit fraud in the city one of its top priorities recovering between £800,000 and 1 million pounds a year. Through improving procedures and better coordination between the different agencies involved. Can the Cabinet Member reassure residents that the new Administration will continue with this zero tolerance approach to the theft of public money?"
- 9.12 Councillor J. Kitcat replied, "We continue to treat every penny of public money carefully and we will investigate any reports to us of alleged benefit fraud. The conservative led government are actually implementing a change to the way benefit fraud is handled and from April 2013 all benefit frauds will be centralised into a single DWP unit known as the Single Investigation Service so some of this will actually be taken out of our hands but I can assure the residents of this city and the councillors that we believe in value for money and treating all public money extremely carefully."
- 9.13 (d) Councillor Farrow asked, "Have this administration acknowledged a recent e-petition from Mr Christopher Kiffit chair of Brighton and Hove Tenant City Wide Assembly regarding the state of some of the city's dropped kerbs and what will they be doing to address the concerns raised?"
- 9.14 Councillor Davey replied, "I am aware of the petition but normal protocol dictates to wait for the petition to come forward from the person who raised it before I can offer a particular response to that. On the matter of dropped kerbs in general I recognise that they are of great importance to people in the city. Particularly, but not exclusively to those with disabilities. I understand that the program is normally funded through the local transport plan but is significantly supplemented by section 106 money where those

opportunities arise. Last year for example when the local transport funding was removed for this project as a result of the cuts imposed by the government's in year funding cuts, 80 were actually achieved through section 106 money. In this years budget there is a budget of £25,000 which although helpful, at £2,000 per pair will not stretch very far. So we are going to have to seek whatever monies we can to extend the program but improving the general environment for walking in the city is an absolute priority for us."

- 9.15 Councillor Farrow asked the following supplementary question, "Are the administration aware that the disability discrimination act 2005 requires the council to make reasonable adjustments to physical features such as kerbs which make it impossible or unreasonably difficult for a disabled person to make use of and will the administration promise to comply with this legislation and also promise to involve as much as possible, disabled residents in planning any future work?"
- 9.16 Councillor Davey replied, "Of course we will include disabled people. There is the transport partnership which all parties here are represented on, so at times there hasn't been a disability representative on that and I hope there will be in the future."
- 9.17 (e) Councillor A. Norman asked, "The war memorials in the city are dedicated to those who made the ultimate sacrifice in 2 world wars and more recent conflicts. What plans does the Green Administration have to protect the war memorial in the Old Steine from those who see it as a place to relax, eat sandwiches and allow children to play games?"
- 9.18 Councillor J. Kitcat replied, "As I understand it there has actually been only one incident of damage to that war memorial in recent years, the council had been made aware of and was dealt very quickly. The fact that people move around the area where the war memorial is actually improves the security as it means there are people passing by. If it was left isolated and not visible to all, there would be more room for anti social behaviour to occur."
- 9.19 Councillor A. Norman asked the following supplementary question, "I wasn't specific in referring to damage to war memorials; I was referring to people who don't respect the war memorial. So my supplementary was going to be, would it be an idea to leave the reef that was laid on Remembrance Sunday from the Lord Lieutenant and perhaps the one from the Mayor in situ because if people can see it's a war memorial it does tend to deter them from what I would call anti social and insensitive behaviour?"
- 9.20 Councillor J. Kitcat replied, "It sounds like a good idea, we will have to discuss that with the British legion and see if that is possible."
- 9.21 (f) The Mayor noted that in Councillor Morgan's absence his question would be held over to the next Council meeting.
- 9.22 (g) Councillor Mears asked, "Will the cabinet member confirm her support for the work undertaken and brought forward by Tenant working groups and HMCC under the previous Administration?"
- 9.23 Councillor Wakefield replied, "I recognise the work that you and your predecessor did in the involvement of resident groups in this area to have the tenants voices is very important. I also hear you referring to the question on care on care leavers and



housing, this was addressed in the cabinet meeting the answer is they're in the cabinet papers.

On tenant involvement we want to see the wider involvement of everyone in this city. We want to see the involvement of residents in the procurement and continued management of all properties. We recognise the important contribution of sheltered housing action group and how it's developing the services that have been developed by the tenants in our 23 sheltered schemes across the city. Personally I've been involved in quite a lot of the different tenant groups and quite a lot of the different consultations that have gone on. I firmly believe that all residents including care leavers should be given the opportunity to be involved in the shaping of our housing policies and priorities. I am also committed to continuing resident involvement through initiatives such as excellent monitoring of services that are delivered. Including the services that we as a council deliver, this includes such processes as mystery shoppers which has been very successful. I want to thank the officers for there extremely hard work in this area."

- 9.24 Councillor Mears asked the following supplementary question, "Care leavers sit under CYPT who have a duty of care until they are 25 costing approximately £600 per week per client. On reading the new format for the Green Administration's TBM month 2 report it would appear they had agreed to un-ring-fence the homeless, housing benefit and adult social care budget which will affect the most vulnerable in this city. So therefore can the cabinet member for housing confirm that this is not another budget cut by the Green administration?"
- 9.25 Councillor Wakefield replied, "There has been no actual change in the allocations policy."
- 9.26 **(h)** Councillor Robins asked, "Is the cabinet member aware of the potential difficulties facing local families in south Portslade regarding the shortage of local junior school places from 2013 which will affect classes from St Peters infants and Portslade infant school making the transition into junior school. Will the council be acquiring the premises next door to St Peters school as a possible remedy for future shortages of junior school places in the area?"
- 9.27 Councillor Shanks replied, "There is a bulge of places coming through in 2012. I have met with councillors from Goldsmid this morning and Action for Kids about primary school places in the city, I'm not entirely sure about St Peters school. We are working to try and get some extra classes in some of those schools as the bulge goes through."
- 9.28 Councillor Robins asked the following supplementary question, "Will you acknowledge these concerns and agree to meet with myself and my fellow ward councillor to review and attempt to resolve the situation?"
- 9.29 Councillor Shanks replied, "Yes that would be a very good idea."
- 9.30 **(i)** Councillor Pissaridou asked, "Can you explain your Administration's position regarding the pressing need for primary school places, both infant and junior, in West Hove?"

- 9.31 Councillor Shanks replied, "We know that there is an issue with primary school places in Hove. In terms of building new schools; the government is not allowing us to build new schools unless we do them under free schools or academy, there is an issue with funding. We are looking at possible sights for schools in Hove and its something we are concerned about."
- 9.32 Councillor Pissaridou asked the following supplementary question, "In your view will the Connaught building alone resolve the pressing need for primary school places in West Hove and Portslade because the problem in Portslade is directly related to the problem in West Hove?"
- 9.33 Councillor Shanks replied, "It will not resolve the problem and we will need to be looking at other premises for it, another primary school and other intakes perhaps extra classes etc."
- 9.34 **(j)** Councillor Marsh asked, "My ward has one of the highest numbers of young people not in education, employment or training. It also has the second highest rate of child poverty in this city at 45%. What is the Council's strategy for reducing this child poverty and reducing the rising youth unemployment with currently around 4300 young people jobless in wards like mine and across the city as a whole?"
- 9.35 Councillor Shanks replied, "I'm afraid miracles take a bit longer, we do recognise the issue in particular the 2 northern wards and the extent of child poverty is foreshown by the recent Child Poverty Needs assessment. It is something that our administration is really concerned about; inequality in the city is one of things in 4 years we would like to say we have done something about that. We want to make sure children leave school with qualifications. We want to create job opportunities to support young people as they come through to help them get into work. We want to preserve front line services such as youth services and employment services."
- 9.36 Councillor Marsh asked the following supplementary question, "What is this Council's strategy to make this city a more active and healthier place for children and young people?"
- 9.37 Councillor Shanks replied, "We have a healthy schools team that works with schools to try and improve issues, we want to encourage the health and wellbeing in the city. The healthy schools team also develop PHSE programs. Focus on sex and relationships, drug and alcohol education. It would be wrong to promise that we can do something overnight but we do want to do something about that."
- 9.38 **(k)** Councillor Gilbey asked, "As a party you have previously voted with the Labour and Co-operative Group on core strategies to attain green fill sites on the urban fringe. Will you therefore confirm that Hangleton bottom is to be kept as a green fill site?"
- 9.39 Councillor Kennedy replied, "Hangleton Bottom is one of the few currently designated and unused waste sites in the city. Although the site is shown in the Brighton and Hove Local Plan and the East Sussex and Brighton and Hove Waste Local Plan for waste use at the moment. The process of designation of sites is under review as part of the local development framework and the waste and minerals development framework. Accordingly it is apparent that the future designation of the site will not be resolved until

at least spring 2013 because the processes are very much under way at the moment in terms of working with our partners in East Sussex around the waste and minerals development framework and also in the council. Regarding business, we are revisiting our own local development framework. The site is currently used for grazing and adjoins a residential area for the site; a property report was taken to the central services cabinet member meeting in January 2010 seeking to explore market interest in the site through the development of an informal developmental planning brief on the site. Currently property and planning are working on this process although the uncertainty about the designation of waste sites under the waste and minerals framework is a key factor.

I will of course want to take as much information as I can from ward residents not just from your ward but from adjacent wards around these issues. We are very short of land in this city there's a balance we must achieve between providing open space and immunity for residents and quality of life. But also other competing demands such as providing sites for housing, work and leisure."

9.40 Councillor Gilbey asked the following supplementary question, "Regarding the inspection, when the inspectors did the enquiry they recommended the deletion of Hangleton Bottom as a waste site at the time the Council were only looking across East Sussex for a site and they found one in Hollingdean. Will the Cabinet Member therefore listen to the people of Portslade and stop the market testing of Hangleton Bottom so land is left free of business development?"

9.41 Councillor Kennedy replied, "I was not aware that there was a campaign in Portslade around that, I would be very interested to see a petition or a deputation about that. I am very much committed to extending and opening the process to include residents and ward council."

## **10. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.**

### **(a) Callover**

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

- Item 11 - Cultural Provision for Children – Scrutiny Review Panel Report
- Item 12 - Overview & Scrutiny Annual Report 2010-11
- Item 14 - Withdrawal of the Core Strategy to Update and Amend

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

10.2 The Head of Democratic Services confirmed that Items 11, 12 and 14 had been reserved for discussion; and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 13 - Annual Report of the Audit Committee 2010-11.

### **(c) Oral Questions from Members**

10.3 The Mayor noted that there were no oral questions.

**11. CULTURAL PROVISION FOR CHILDREN - SCRUTINY REVIEW PANEL REPORT**

- 11.1 Councillor C. Theobald introduced the report and stated that the Panel had made a number of recommendations in regard to the cultural provision for children in the city and widening accessibility to that provision. She noted that the majority of the recommendations had been accepted and wished to thank the other members of the Panel and the Scrutiny Officer for their work and support in bringing the report forward.
- 11.2 Councillor Bowden stated that he wished to pay tribute to the Members of the Panel and stated that he believed it was an excellent report and as the Cabinet Member for Culture, Tourism and Enterprise he would seek to ensure that its findings were implemented.
- 11.3 The Mayor congratulated Councillor Bowden on his maiden speech.
- 11.4 Councillor Marsh stated that areas of good practice had been identified and she hoped that these could be extended in the future and resources utilised effectively such as the Youth Arts Workers.
- 11.5 Councillor Brown stated that it had been a very successful report and hoped that the dissemination of available information in respect of cultural activities would be improved. As the Chair of the Culture, Tourism & Enterprise Overview & Scrutiny Committee she would ensure that an update report on the progress was brought back to a future meeting.
- 11.6 Councillor C. Theobald noted the comments and hoped that improvements across the city would be enjoyed by young people.
- 11.7 The Mayor stated that the report had been moved and asked that it be noted.
- 11.8 **RESOLVED:** That the report be noted.

**12. OVERVIEW & SCRUTINY ANNUAL REPORT 2010-11**

- 12.1 Councillor Mitchell introduced the report which outlined the work of Overview & Scrutiny over the last year. She wished to thank all the Members who had been involved and the interviewees who gave evidence to the various review panels. There had been a wide-range of activities which had been reviewed and she highlighted the work of the Adult Autism Panel and the Environmental Renewable Panel. She also welcomed the process for the In-Year Budget Review and hoped that this would continue for the forthcoming Budget setting cycle. She also wished to thank the Overview & Scrutiny team for their work and support over the year.
- 12.2 Councillor G. Theobald welcomed the report and stated that the overview & scrutiny process had represented the previous Administration's desire to have an open and transparent decision-making system. However, he noted that the Chair of the Overview & Scrutiny Commission had been offered to the Labour & Co-Operative Group rather than the Conservative Group as the main opposition. He also questioned the ability of the Environment & Community Safety Overview & Scrutiny Committee to the three

Cabinet Members whose portfolios were covering the Environment one that he previously held.

- 12.3 Councillor Randall welcomed the report and congratulated Councillor Mitchell on chairing of the Commission and stated that the Administration believed scrutiny had an important role to play in the development and review of policy.
- 12.4 Councillor Simson noted that the voluntary sector had welcomed the opportunity to be involved in the budget review and was pleased to see that the intention was to include as many interested parties as possible in the next round of budget setting.
- 12.5 Councillor West noted the comments and stated that the role of overview & scrutiny was highly valued and he hoped that future reviews would prove to be as effective and well received.
- 12.6 The Mayor noted that the report had been moved and asked that it be noted.
- 12.7 **RESOLVED:** That the annual report of the Overview & Scrutiny Commission be noted.

**Motion to terminate the meeting:**

- 12.8 In accordance with Procedural rule 17, the Mayor noted that the meeting had been in session for over four hours and she was therefore required to move a closure motion to effectively terminate the meeting.
- 12.9 The Mayor moved the closure motion and put the matter to the vote which was lost and therefore resulted in the continuation of the meeting.

**13. ANNUAL REPORT OF THE AUDIT COMMITTEE 2010-11**

- 13.1 **RESOLVED:** That the Annual Report of the Audit Committee 2010-11 be noted.

**14. WITHDRAWAL OF THE CORE STRATEGY TO UPDATE AND AMEND**

- 14.1 Councillor Kennedy introduced the report and expressed her thanks to the officers involved in preparing the report and the Core Strategy to date. She noted that there had been significant changes in the circumstances since the Core strategy was first prepared and the Planning Inspector had recommended that it be withdrawn from the examination process to allow it to be amended and updated in light of the changes. She also noted that various proposals in the Localism Bill directly impacted on the planning process and would need to be taken into account in an update Core Strategy document. It was intended to bring a report back to the Cabinet in October and then onto the Council meeting and she hoped that the proposed cross-party working group would be able to develop ideas and feed into the report. In this respect, she could not accept the proposed joint amendment from the Conservative and Labour & Co-Operative Groups.

- 14.2 Councillor G. Theobald moved the joint amendment on behalf of the Conservative and Labour & Co-Operative Groups and stated that he felt it was inappropriate to have voting rights on a cross-party working group.
- 14.3 Councillor Mitchell formally seconded the amendment and stated that whilst it made sense to review the Core Strategy; it was not necessary to have voting on the cross-party working group. She welcomed the resurrection of the working group and felt that it would be able to put forward views which could be taken into account as the revised strategy was developed. She also noted that the Planning Inspector had raised concern over the council's over-reliance on windfall sites for development opportunities and hoped that the working group would take this into account.
- 14.4 Councillor C. Theobald suggested that the main reason for the withdrawal of the Core Strategy was the Localism Bill. She welcomed the proposed legislation in respect of the planning process and the ability for local people to determine how their local areas were affected from a planning perspective. She hoped that further details would be brought forward for Members in regard to how the system would operate and asked for a time table of events to be made available to all Members as soon as possible.
- 14.5 Councillor Randall stated that he welcomed the opportunity to take another look at the matter, especially as the new Administration held different objectives in regard to sustainability and neighbourhood decisions than the previous one.
- 14.6 Councillor Kennedy noted the comments and stated that she hoped the cross-party working group would prove to be worthwhile and questioned how the resources that would be required to meet the proposals in the Localism Bill would be found; given the Government's current stance and level of targets its was setting.
- 14.7 The Mayor noted that a joint amendment had been moved and put it to the vote which was carried.
- 14.8 The Mayor then put the recommendations from the Cabinet meeting as amended to the vote which were carried.
- 14.9 **RESOLVED:**
- (1) That the Secretary of State's direction to withdraw the submitted Brighton and Hove Core Strategy from the examination process be sought for the reasons set out in Part 3 of the report; and
  - (2) That the Cabinet be recommended to delete paragraph 4 of the Terms of reference of the Cross Party Working Group set out in Appendix 2 to the report.

## 15. NOTICES OF MOTION.

### (a) Armed Forces Covenant for Brighton & Hove

- 15.1 The Notice of Motion as detailed in the agenda was proposed by Councillor G. Theobald and seconded by Councillor A. Norman.

- 15.2 Councillor Farrow moved an amendment on behalf of the Labour & CO-Operative Group which was seconded by Councillor Turton.
- 15.3 The Mayor congratulated Councillor Farrow on his maiden speech.
- 15.4 The Mayor noted that the amendment moved by Councillor Farrow had not been accepted by Councillor Theobald and therefore put the proposed amendment to the vote which was lost.
- 15.5 The Mayor then put the following motion to the vote:

“This Council recognises the huge contribution made by the UK’s armed forces in protecting the basic and fundamental freedoms which we all take for granted. As a result of their duties they sacrifice civilian freedoms, face constant danger and sometimes suffer serious injury or even death. At the very least, they deserve our respect and support and should face no disadvantage compared to other citizens in the provision of services.

This Council warmly welcomes recent initiatives in Brighton & Hove which have sought to recognise the unique contribution of the armed forces such as the ‘Heroes Welcome’ campaign, Armed Forces Day celebrations, the Freedom Parade and the awarding of Freedom of the City to Henry Allingham and Flight Lieutenant Marc Heal.

However, this Council recognises that both nationally and locally, the Armed Forces community (including veterans, reservists and their families) face many unique social and economic problems and distinct challenges in accessing services provided by public authorities.

Therefore, this Council welcomes the recent commitment by the Government to enshrine the national Armed Forces Covenant into law. This will bring about tangible benefits to the Armed Forces Community including increasing council tax relief to 50%, a pupil premium for service children, a new veterans’ information service, a Veterans’ Card and a Troops to Teachers scheme.

This Council wishes to further show its moral and practical support to the local armed forces, veterans, reservists and their families by committing to sign a Community Covenant. The aims of the Community Covenant include:

- Encouraging local communities to support the Armed Forces in their areas and vice versa;
- Promoting understanding and awareness amongst the public of issues affecting the Armed Forces community;
- Recognising and remembering the sacrifices made by the Armed Forces community; and
- Encouraging activities which help to integrate the Armed Forces Community into local life.

Therefore, this Council requests that the Cabinet considers signing a Brighton & Hove Community Covenant and asks for a report to be brought to a future meeting on how such a Covenant could be implemented, with a view to launching the Covenant on Remembrance Day 2011; and such report should be drawn up in close consultation with the Armed Forces Community and their representative organisations in Brighton and Hove.”

15.6 **The motion was carried.**

**(b) Returning to a Committee System in Brighton & Hove**

**(c) Return to the Committee System**

15.7 The Mayor noted that the notices of motion listed as Items 15(b) and 15(c) on the agenda related to the same subject matter and she would therefore take both items and have one debate on the issue, before putting each to the vote separately.

15.8 The Notice of Motion as detailed in the agenda was proposed by Councillor Peltzer Dunn and seconded by Councillor Wealls.

15.9 The Mayor congratulated Councillor Wealls on his maiden speech.

15.10 Councillor J. Kitcat moved an amendment to Item 15(b) on behalf of the Green Group which was seconded by Councillor Follett.

15.11 Councillor Hawtree stated that he believed in the committee system but recognised that there was a need to improve and therefore time was required to review how it could work for the city council.

15.12 The Mayor congratulated Councillor Hawtree on his maiden speech.

15.13 The Mayor noted that the amendment moved by Councillor Kitcat had not been accepted by Councillor Peltzer Dunn and therefore put the proposed amendment to the vote which was lost.

15.14 The Mayor then put the following motion 15(b) to the vote:

“This Council notes that Schedule 2 of the Localism Bill currently going through Parliament gives provision for local authorities to return to operating a committee system of governance should they wish to do so.

Prior to its implementation in 2008, all political groups on Brighton & Hove City Council were opposed to the Executive Leader and Cabinet system, and reaffirmed unanimously their desire to return to a committee system at Full Council on 15<sup>th</sup> July 2010.

This Council further notes that although, as it currently stands, new governance arrangements could only come into force immediately after the next election of the local authority – May 2015 in the case of Brighton & Hove – there is flexibility written into the Localism Bill. Clause 13 permits the Secretary of State to make an order setting out



transitional arrangements and, in addition, s105 of the Local Government Act 2000 allows for secondary legislation specific to individual or groups of local authorities.

Therefore, this Council:

- Reaffirms its desire to return to a committee system of governance at the earliest possible opportunity;
- Asks the Chief Executive to write to:
  - (a) The Secretary of State for Communities and Local Government requesting the necessary amendments to the Bill and/or other measures, are so ordered to enable Brighton & Hove City Council to return to a committee system without delay and;
  - (b) The City's 3 MPs advising them of the Council's wishes and requesting that they add their support through appropriate lobbying of the Secretary of State for Communities and Local Government."

**15.15 The motion was carried.**

15.16 The Mayor then put the following motion 15(c) to the vote:

"On Thursday 15<sup>th</sup> July 2010 the previous Council agreed:

- (a) that it desired to return to the committee system of governance, provided there is significant local support from residents to do so following proper consultation;
- (b) for the Chief Executive of the Council to write to the Minister with responsibility for Communities and Local Government asking when the required legislation will be forthcoming and seeking clarification of the process to be followed.

Further to this agreement, the Localism Bill is due to become enacted later this year and according to advice from the Department of Communities & Local Government, it would be for councils opting to operate the committee system to decide how to discharge their functions, subject obviously to the requirement to have certain statutory committees and also subject to any regulations made by the Secretary of State specifying that certain functions (e.g. decisions on the council's budget) should be for full council.

This council therefore:

- a) reaffirms its desire to return to the committee system, as a model for running a more effective, inclusive and responsive City Council and;
- b) wishes to put in place all necessary arrangements as soon as possible and apply to the Secretary of State for Communities and Local Government, as soon as the Localism Bill is enacted, to return to the committee system."

**15.17 The motion was carried.**

**Motion to terminate the meeting:**

15.18 In accordance with Procedural rule 17, Councillor Fitch moved a closure motion to effectively terminate the meeting in view of the length and time of the meeting.

15.19 Councillor G. Theobald formally seconded the motion.

15.20 The Mayor therefore put the motion to the vote which was carried and noted that each of the remaining items would need to be taken and voted on or withdrawn by the mover before the meeting was concluded.

**(d) Legal Aid Cuts**

15.21 Councillor Mitchell confirmed that she wished the Notice of Motion as detailed in the agenda to be taken.

15.22 The Mayor then put the following motion to the vote:

“This Government proposes to cut £350 million to legal aid, as part of the Legal Aid, Sentencing and Punishment of Offenders Bill.

As a result, over half a million fewer people a year will receive support from the legal aid system.

This Council believes that these cuts to legal aid are short-sighted and counter-productive because many of the issues covered by legal aid will simply escalate, resulting in greater cost to the taxpayer further down the line. For example, according to cost-benefit analysis from the Citizens Advice Bureaux, for every one pound of legal aid expenditure on:

- Housing advice, the state potentially saves £2.34
- Debt advice, the state potentially saves £2.98
- Benefits advice, the state potentially saves £8.80
- Employment advice, the state potentially save £7.13

Furthermore, Law Centres help 120,000 people annually. Independent research has revealed that for every £1 spent by a Law Centre in the provision of legal service, at least £10 was generated in savings and social benefits.

Of these 120,000 people, with problems such as eviction, unfair dismissal, exclusion from school and domestic violence, it is estimated that 60,000 will no longer be helped, if these proposals are brought into force. There is no alternative source of advice available or that is suitable.

This council believes that this Government’s proposals remove vital support when people need it the most and that it is an irresponsible time to be leaving the most vulnerable in society without advice or legal support, when demands on advice services as a result of Government cuts are higher than ever.

This Council acknowledges that advice centre funding has been hit by cuts from all angles, from local authorities and central government grants from BIS, DCLG and now the Ministry of Justice. This has put at risk, on average, nearly 45% of the funding that advice centres receive.

This Council acknowledges the role of the local advice centres and is grateful of the hard work which helps so many vulnerable people in Brighton & Hove. These include Age Concern, Brighton Housing Trust, Citizens Advice Bureau, Community & Voluntary Sector Forum, Fitzhugh Gates Solicitors, MACS (Money Advice and Community Support), Mind, Rise Women's Refuge, The Bridge Community Education Centre and the Whitehawk Inn.

Approximately 20,000 residents receive one-to-one advice from voluntary sector agencies in this city, with the Brighton Housing Trust providing specialist casework support and representation to 3,000 people per year. Legal Aid accounts for around 90% of BHT funding for advice and around 25% of the Citizen's Advice Bureau.

This Council therefore deeply regrets that due to proposed cuts, the admirable work of our local advice centres may be unable to continue and therefore resolves to:

- (a) Express its support to Brighton & Hove's Justice for All campaign in asking Government to rethink their cuts to legal aid, and;
- (b) Requests the Chief Executive to write to the Secretary of State for Justice, Ken Clarke to express concern over these proposals."

**15.23 The motion was carried.**

**(e) Legal Aid**

15.24 Councillor MacCafferty confirmed that he wished the Notice of Motion as detailed in the agenda to be taken.

15.25 The Mayor then put the following motion to the vote:

"This council notes with deep concern the Coalition Government's plans to cut the national legal aid budget by £350 million depriving many Brighton & Hove residents from free legal advice. [1]

It is concerned that claimants – including vulnerable residents needing help in cases of medical negligence, divorce, employment and welfare – will no longer be entitled to legal aid. These people will be denied justice, as their cases will go unheard without the support of a legal aid lawyer.

Furthermore, the council is concerned the cuts will devastate the inspiring work of the local Citizen's Advice Bureau and Brighton Housing Trust, among others. If Legal Aid Funding is withdrawn, Brighton and Hove Citizens Advice Bureau estimates it will no longer be able to help 220 local residents needing specialist welfare benefits advice and 381 needing specialist debt advice each year.

The work of the Brighton Housing Trust helps clients in more than 1,400 housing cases each year. The proposed legal aid cuts will mean 900 of those cases will go unsolved. Long-term problem solving will also be lost. The Legal Action Group estimates legal aid in East Sussex will be cut by 64% with a total loss of funding to legal aid providers of £407,266.40. [2]

This Council believes legal aid cuts in addition to the Coalition Government cuts to public services are a further blow to those communities in Brighton & Hove already enduring poverty and discrimination. Many older people, unemployed, families and the infirm will be left with little or no access to justice. The erosion of legal aid is likely to exclude even more people from enforcing their rights to fair treatment at work, decent housing and quality education and health.

This Council further believes cutting legal aid is a false economy and will bring additional costs to Brighton & Hove City Council as more hardship problems are relinquished by central Government. Indeed, in the opinion of the Law Society "The suggested cuts will cost the government and the tax payer more than they will save and will have a severe impact on society." [3]

Furthermore, in a period of economic depression, these cuts are likely to reduce social cohesion, increase criminality and silence the vulnerable.

This Council believes that fundamentally the legal aid cuts abandon the principle established by the *Magna Carta* of 1215 that everyone is equal in the eyes of the law.

This Council resolves to:

1. Express its support for the Sound off for Justice Campaign that has brought together the Law Society and non-government organisations as varied as the Women's Institute, Netmums and Shelter to campaign against the changes;
2. Ask the Cabinet to work with solicitors and barristers in the city with clients receiving legal aid to lobby the Government to reverse the cuts;
3. Ask the Cabinet to work with Citizens Advice Bureau, Brighton Housing Trust and other NGOs and to lobby Government to axe the cuts;
4. Ask the Cabinet to meet with the bodies affected by the cut in legal aid funding to examine what proposals can be drawn out to help them navigate the changes; and
5. Request the Chief Executive to write to the city's three MPs urging them to lobby for the withdrawal of the government proposals."

15.26 **The motion was carried.**

**(f) Responsibilities Towards Travelling Communities**

15.31 **The motion as amended was carried.**

Note: The item was taken together with Item 7(b) on the agenda and the decision relating to this is therefore listed in the minutes under Item 7(b).

**16. CLOSE OF MEETING**

16.1 The Mayor thanked Members and formally closed the meeting.

The meeting concluded at 10.25pm

Signed

Chair

Dated this

day of