

**BRIGHTON & HOVE CITY COUNCIL**

**POLICY, RESOURCES & GROWTH COMMITTEE**

**4.00pm 9 JUNE 2016**

**FRIENDS MEETING HOUSE, SHIP STREET, BRIGHTON**

**MINUTES**

**Present:** Councillors Morgan (Chair), Hamilton (Deputy Chair), G Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Daniel, Janio, Miller, Mitchell, A Norman and Sykes

**PART ONE**

**1 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

1.1 Councillor Miller was present in substitution for Councillor Wealls and Councillor Daniel was present in substitution for Councillor Bewick.

**(b) Declarations of Interest**

1.2 Councillor A. Norman declared a non-pecuniary interest in respect of Item 9 - Targetted Budget Management (TBM) Provisional Outturn 2015/16 as she was trustee of The Keep Records Office.

**(c) Exclusion of Press and Public**

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

1.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in Part Two of the agenda.

**2 MINUTES**

2.1 **RESOLVED –** That the Chair be authorised to sign the minutes of the ordinary meeting held on 17 March 2016 as a correct record.

2.2 **RESOLVED –** That the Chair be authorised to sign the minutes of the special meeting held on 28 April 2016 as a correct record.

### 3 CHAIR'S COMMUNICATIONS

#### 3.1 The Chair gave the following communications:

'As you may have seen from the press I am making an announcement today on the Madeira Terraces which have lasted over 130 years. A remarkable testimony to the quality of Victorian craftsmanship, sadly the seaside environment has taken its toll on the iron work and major restoration is needed. I'm committing the Council today to a project that will fully restore or replace that iron work and return the Madeira Terraces to their original condition. Named for the Brighton Borough surveyor who created the terraces, our seafront rails and our famous bird cage bandstand, Phillip Cawston Lockwood, we're calling it the Lockwood Project. The terraces were created as a covered promenade to attract tourist from London on the new railway of the 1800s. In the 21<sup>st</sup> century we need something more and something that will help fund the restoration and upkeep of the terraces we are exploring ways of achieving this with colleagues at Mott McDonald and Historic England to protect the integrity of the terraces but also will provide new ways of generating income to pay for the restoration and provide new activity along this important stretch of our city's coast line.

The option we are proposing is self-contained but serviced glass fronted units within the terraced arches. Structures that preserve the integrity of the terraces but allow new spaces to be rented or leased for use as cafes, shops, business or even overnight beach huts, but not permanent accommodation. None of this can be achieved without some public funding and we're placing a bid at the end of this month for up to £4 million of Coastal Communities Funding to get the Lockwood Project underway. Further funding will be sought from grants, lottery funding and private investment and we'll look at using the same public works loan board borrowing as for the i360 for some of the estimated £20-£30 million worth of costs. A report will come to the next meeting of the Policy, Resources and Growth Committee in July to begin what is likely to be at least a year long process of consultations with residents, planning and legal agreements and the procurement of a specialist contractor expert in this type of restoration. Ideally work will be underway by the end of next year if we're able to secure the required funding.

A Madera Drive master plan will come to this Committee in the autumn with restoration of the Madera Terraces being an integral part of the multimillion pound regeneration of Madeira Drive as a whole with a new swimming pool, zip wire attraction, aquarium, terraces replacement, children's play area and our new 10,000 seat arena and conference centre at Black Rock. From the Pier to the Marina the whole area will be improved and enhanced whilst restoring the wonderful Madera aches for future generations. It's my hope that the Lockwood Project will preserve a much valued part of our local heritage whilst adding to our tourist offer in the same way that the terraces did in Victorian times. I'd like to think that Phillip Cawston Lockwood would have approved and I hope that this Committee will too when it comes in July.

Also I would like to send congratulations to all involved for delivering a fantastic 50<sup>th</sup> Brighton Festival one of the most memorable not least for the success of the Dr. Blighty event at the Royal Pavilion. Thanks to officers for ensuring that the final performances went off without risks from overcrowding. The Festival and Fringe bring millions to the city and are a vital part of our annual calendar and an essential part of

what makes our cultural life so rich and diverse so here's to another 50 years of Festival.'

#### 4 CALL OVER

4.1 The following items were reserved for discussion:

Item 7	Development of Library Services in Hove and Hollingbury
Item 8	Progress Report on the Workforce Equalities Action Plan
Item 9	Targetted Budget Management (TBM) Provisional Outturn 2015/16
Item 10	Redeployment & Pay Protection Policies
Item 11	Fair Trade within our Minimum Buying Standards Report
Item 12	Proposed New Grievance and Disputes Procedure
Item 14	Disposal of 28 York Place

4.2 The Democratic Services Manager confirmed that the items listed above had been reserved for discussion, and that the following reports of the agenda, with the recommendations therein had been approved and adopted.

Item 13 Update to the Scheme of Delegations to Officers.

#### 5 PUBLIC INVOLVEMENT

##### Public Questions

5.1 The Chair noted that the two public questions that related to Item 7 Development of Library Services in Hove and Hollingbury, would be taken with the consideration of that item.

##### Deputations

5.2 The Chair noted there was one deputation concerning Public Space Protection Orders (PSPOs) from the Friends, Families and Travellers Group. He called forward Gareth Fisher to present the deputation.

5.3 Mr Fisher stated;

'I would like to thank all concerned for inviting me to speak this afternoon on the public space protection order (PSPO) as it pertains to gypsies, travellers and unauthorised encampments. This affects me directly as I too live in a vehicle. I would like to think most if not all of you have been made aware of and read the response of the Equality and Human Rights Commission to the Brighton & Hove City Council's consultation on the public spaces protection orders in city parks and open spaces. All of it is invaluable reading as is section 11 on human rights law and section 21 which plainly states that the PSPO will not address the root cause of unauthorised encampments but will instead subject gypsies and travellers who wish to pursue a traditional nomadic lifestyle to a criminal sanction.

Though-out history there has been a distain and almost fervent, euphoric hatred of Gypsy, Romani, Kale, Welsh and Scottish traveling communities portrayed by the state

and in contemporary literature as pseudo-vagrants, criminals and the dispossessed underclass; themes which exist to this day. The first such law aimed explicitly against these new travellers of the time was Henry VIII's proclamation of 1530 aimed at spreading fear, marginalisation and racial hatred towards them. In 1553 Queen Mary passed the Egyptians Act which decreed that the death penalty be imposed on anyone who was a Gypsy or anyone who befriended one, that particular offence stayed on the statute books of this country for well over 2 centuries.

Well into the 19<sup>th</sup> Century the persecution of the Gypsy Travelling people at large. In Holland Gypsy hunts were organised where not only was it an offence to be a gypsy, it was perfectly legal to hunt them down and kill them. The Nazi Holocaust provides the clearest example of how the articulation of this ancient hatred of nomads became legislation and was translated into a government sanctioned policy of racial hygiene. ½ million men, woman and children lost their lives precisely because they were Gypsies. 31 years ago this month on the 1 June 1985 in Wiltshire some 1,300 police attacked 600 travellers in a peace convoy. It was an organised ambush by the police with paramilitary style planning. The Travellers had not committed any crime and were following directions from the police force. The Travellers homes were invaded and smashed, vehicles were damaged, pregnant women and those with babies were mercilessly truncheoned by the police who were hitting anyone they could within reach.

In 1994 the Criminal Justice and Public Order (CJPO) Act was introduced by the then Conservative government, a draconian piece of legislation that attracted widespread opposition. Some noted on the legislation in bill form that it was about politicians making laws on the basis of judging people's lifestyles and therefore no basis to form a law. As the Equality and Human Rights Commission states there are through CJPO 1994 sufficient acts and statutes to deal with unauthorised encampments on public authority land and private land. Section 77, 78, part 55, section 62a and 61 and gives those accused of infringements of those acts a basic recourse to the law, PSPO does not. The proposed public spaces protection order is discriminatory, racist and infringes on article 3, 13 and 14 of the universal declaration of human rights.

This seems all quite heavy stuff folks and it is but there is a light amounts' this darkness of all this history and persecution, there may not be much light but it is a light. You have a wonderful opportunity to say no to the PSPO order and go forward into the future and not to regress into repressive legislation of history. Look with better eyes at the homeless on our streets, be more liberal with your support of diverse life styles and cultures; act with compassion and love and not with further condemnation and persecution. Let Brighton stand out as a shining example of an open libertarian and radical thinking governance and who we share it with. You could lead the way into the support of low impact living, the carbon footprint of living in a vehicle is minimal compared to that of living in a house. With solar voltaic panels and wind turbine power there would be less demand on precious resources that could be diverted elsewhere. You'd be helping set an example of truly radical alternative living, environmental balance, little cost to an already over stretched budgets. Let not the history books in your name read 'first they came for the Gypsies and it started in Brighton' you may choose what you wish. Thank you for listening.'

- 5.4 The Chair provided the following response; 'Public Spaces Protection Orders (PSPOs) were introduced by the Government in 2014 to give councils and the police more

powers to reduce antisocial behaviour in specified locations. We have been consulting on whether to pilot these orders at sensitive sites, including some parks and areas of the seafront, where antisocial behaviour is known to be an issue.

PSPOs do not target any specific group of people. When introduced, they impose conditions on the use of an area that apply to everyone. This helps authorities deal with particular nuisances or problems that are affecting the local community's quality of life in that area. Once in place they remain in force for a maximum of three years.

We have seen the distress caused by criminal and environmental damage as a result of activities such as driving large vehicles onto grass and fly tipping. We have wonderful parks and we want to ensure everyone has access to them without being spoilt by a minority. Public Space Protection Orders could be a useful addition to the work we already do to keep parks clean and safe.

Brighton & Hove is a tolerant and welcoming city but it is not somewhere people can expect to behave in ways that have a detrimental effect on the quality of life of residents.

The council is currently compiling the results of the public consultation and a report is planned for the July meeting of the Policy, Resources and Growth Committee."

5.5 **RESOLVED** – That the Committee note the deputation.

5.6 The Chair noted there were no other matters listed under Public Involvement.

## **6 MEMBER INVOLVEMENT**

### **Member Petitions**

6.1 The Chair noted that the Member Petition relating to Item 7 Development of Library Services in Hove and Hollingbury, would be taken with the consideration of that item.

6.2 The Chair noted there were no other items listed under Member Involvement.

## **7 DEVELOPMENT OF LIBRARY SERVICES IN HOVE AND HOLLINGBURY**

7.1 The Chair noted there were two public questions that related to this item as listed in the agenda. He called forward Mr Christopher Hawtree to put his questions to the Committee.

7.2 Mr Hawtree asked, 'Would Councillor Morgan please tell us who owns the Hove Carnegie Library?'

7.3 Councillor Morgan replied, 'Brighton & Hove City Council own Hove Library and this is confirmed by the property register.'

7.4 By way of a supplementary Mr Hawtree asked, 'Can we be assured henceforth that Hove residents will be given more open and tenable information about this crucial

subject as it develops?' Councillor Morgan noted that this would be picked up in the debate on the item.

- 7.5 The Chair then invited Ms Ninka Willcock to put her question to the Committee. Ms Willcock asked, 'Was the option of localised repairs to the existing concrete-tiled roof of the Carnegie Library considered and costed?'
- 7.6 The Chair replied, 'The professional Building Surveyor's opinion, who undertook the condition survey in 2014, was that the existing concrete tiles were in poor enough condition to warrant replacement within a 3 year period from the survey date. The Building Surveyor would have assessed the possibility of ongoing patch repairs but considered that this would not be the right solution for the Grade 2 Listed Building.'
- 7.7 By way of a supplementary Ms Willcock asked, 'The current libraries report to this Committee states that were the Hove museum and art gallery to be closed and relocated the Heritage Arts Council and Arts Council England might request a refund on their investments. Would you kindly clarify the evidence base for this as well as details of the financial risk?'
- 7.8 The Chair replied, 'I'm happy to ask Officers to respond to that in the course of their dealings in the debate.'
- 7.9 The Committee considered a report of the Acting Executive Director for Economy, Environment & Culture in relation to Development of Library Services in Hove and Hollingbury. The report set out in summary the proposal costs, savings and funding sources following business case reviews for these service changes and developments and sought approval for the disposal of the existing Hove and Hollingbury Library buildings.
- 7.10 The Chair noted there was a proposed amendment from the Labour & Co-Operative Group and called upon Councillor Mitchell to formally propose the amendment.
- 7.11 Councillor Mitchell stated the amendment recognised the degree of unanimity between the Groups to ensure the majority of the Library Plan was implemented, but gave attention to the difference in opinion of how the service in central Hove should be provided. The proposed amendment would give provision to retain the current service for a year whilst the issue could be considered further. This would not have an immediate budgetary implication and would allow the outcome of any review to feed into the 2017/18 budget setting process. It was the aim of the Administration to provide a good and accessible library service to the public; whilst acknowledging the sensitivities of the site in central Hove. Councillor Mitchell asked that the Committee support the proposed amendment.
- 7.12 The Chair formally seconded the amendment.
- 7.13 The Chair noted there was a proposed joint amendment from the Conservative & Green Groups and called upon Councillor G. Theobald to formally propose the amendment and Councillor Sykes to second.
- 7.14 Councillor G. Theobald moved the amendment.

- 7.15 Councillor Sykes seconded the amendment.
- 7.16 In response to Councillor Sykes the following information was given in response to questions. As part of the budget savings every department needed to make a full year needs analysis was undertaken and Officers had come to the view that the proposed changes to Hove Library service were a sensible means to achieve the savings. The business case related to savings projected to be made in the 2018/19 financial year. The specification for the works to Hove Museum included the costs of compliance and health and safety. The previous report, that had been deferred from the April, had highlighted borrowing to meet the funding gaps for works; however, since then further financial information suggested that this would no longer be necessary.
- 7.17 In response to Councillor G. Theobald the following information was given in response to questions. The projected annual running cost savings associated with the move included a range of measures such as a greater shift towards self-service. It was clarified that any planning permission would likely to be the subject of a S106 agreement.
- 7.18 In response to Councillor Miller the following information was given in response to questions. The reasons for lateness were set out in the report and these complied with the legislative requirements for the publication of agenda papers, such that they could be late with good reason. The proposed savings on staff budgets were not only linked to the moving of the Hove Library service, but instead referenced a restructure that also linked into the wider plans around the Libraries Extra project. The book fund was outlined in the business case and reflected the historic position, as well the changing nature of customer demands in libraries; this allowed the book fund savings to be made ahead of other savings.
- 7.19 In response to Councillor Mac Cafferty the following information was given in response to questions. The Workstyles business case provided the rental income of the ground floor of Hove Library; this income would be lost if Hove Library was disposed of. A list of items and works that the proposed fund of £142K would be used for was set out in appendix 1 of the business case.
- 7.18 Councillor Daniel stated that the service was not automatically connected to a specific building, and she felt the proposals to move the library would offer a better service for the central Hove area. The proposals were in line with the position from Central Government and would allow the library network in the city to be reinvigorated and become community hubs. Combining a modern wing at the museum would offer tourist benefits, as well as an outside learning space for the library. The majority of residents supported the plan, and had asked for libraries to be multi-purpose spaces. The service was a successful one, and Councillor Daniel felt that the case before the Committee was robust and justified, creating a fit for purpose, modern service.
- 7.19 Councillor G. Theobald stated his view that the proposals would not create a better library service for the residents of Hove; the building was much loved and well used. He went on to reference literature that had been distributed by the local Labour Party and argued that this had been misleading, creating unnecessary worry and concern for residents. Councillor G. Theobald felt the literature had sought to scaremonger

residents by suggesting it would be necessary to close several branch libraries across the city, if the proposals before the Committee were not carried – he asked that the Chair apologise to the Committee for the literature.

- 7.20 Councillor G. Theobald went on to thank Officers for the time and information they had given to Members; he noted that 80% of the proposed savings would be achieved by reducing staff at the new site and that the book fund would be reduced regardless of the decision taken by the Committee on the future provision of Hove Library. He stated that it was difficult to argue that the Council could not afford to maintain and operate the service from the existing Carnegie building, when the budget for 2015/16 can come in significantly underspent. The costs of repair and maintenance to the Carnegie could be as low as approximately £300k and the costs for the works to Hove Museum could be much higher. He reiterated his view that the proposals would create a reduced library service for central Hove, and whilst the Conservative Group supported the vast majority of the Library Plan they were not willing to support the proposed move.
- 7.21 Councillor A. Norman stated she was distressed to have seen the literature that had been circulated on the matter, and she did not support any of the claims it made. She noted that she had received a number of emails from concerned residents, but highlighted that it was not the position or intention of the Conservative Group to close any libraries in the city.
- 7.22 Councillor Miller stated that the consultation had not been explicit about the proposal to close the Carnegie building, and he felt the provision in central Hove should be more than a wing of Hove Museum. He felt the claims made in the distributed literature were misleading and that the actions of the local Labour Party had made it increasingly difficult to pursue a cross-party consensus on this matter.
- 7.23 Councillor Sykes stated his view that the proposed joint amendment offered a better temporary solution and urged the Labour Members on the Committee to agree it. He was of the view that the proposed costs to maintain the Carnegie building would be lower than estimated and the works to Hove Museum would be higher. He added that the report before the Committee was not consistent, the Administration needed to come back to the matter and work in a much more cross-party manner to achieve consensus.
- 7.24 Councillor Mac Cafferty made reference to his petition that had been included in the agendas papers; he thanked all those that had signed it and noted that it had now received over 5,000 signatures. He noted that the Green Group had consistently opposed any move to close the Carnegie building, and added that despite the amendment the Labour & Co-Operative Group had not attempted to engage opposition Members to reach a consensus. He noted that both Opposition Groups had expressed concern in relation to proposed maintenance and renovation figures at the March 2016 Council meeting and they were now in agreement on the matter. He highlighted that the proposed joint amendment was a victory for residents who had fought to save the building.
- 7.25 Councillor Janio thanked Officers for their work on this and asked that the Administration accept the joint amendment and go forward working with both Opposition Groups.

- 7.26 Councillor Mitchell noted that it was the aim of the Administration to work with the Opposition Groups to ensure that the Council keep all libraries open. She noted that branch libraries were a lifeline in some communities and there was no desire to pursue the closure of any library in the city.
- 7.27 Councillor Hamilton noted that it had the previous Green Administration that had been responsible for closing the mobile library service in the city. He noted that no comments had been made in the debate about how the revenue savings would be achieved if this scheme were not seen through. He noted that the underspend in last year's budget had been earmarked, and it would be poor financial planning to set a budget on assumed underspends each year. He highlighted that the running costs of over £500K each year were not sustainable, and he was concerned that without a permanent solution, this matter would have to keep coming back before the Committee. He hoped that all Groups could now move forward and work on a solution together.
- 7.28 Councillor Morgan stated that the financial context was forcing the Council to modernise, rationalise and run services more effectively and he was of the view that the agreed Library Plan would do just this. He noted that the budget had been agreed in February and within that context Officers had been able to find a means to continue the service with longer open hours, whilst retaining the service in public ownership. He argued that faced with a politically difficult decision the Opposition Members had rejected the information put forward in the report by Officers. The Administration was fully committed to finding a cross-party solution.
- 7.29 The Chair then put the proposed amendment from the Labour & Co-Operative Group to the vote, this was **not carried**.
- 7.30 The Chair then put the proposed joint amendment from the Conservative and Greens Groups to the vote, this was **carried**.
- 7.31 The Chair then put the amended recommendations to the vote.
- 7.32 **RESOLVED:**
- 1) That the Committee authorises officers to proceed with the moving of Hollingbury Library to Hollingbury and Patcham Children's Centre and the Old Boat Community Centre, in accordance with the adopted Libraries Plan 2016-2020.
  - 2) That the Committee authorises the Acting Executive Director Economy, Environment and Culture, Assistant Director Property and Design to market the current Hollingbury Library building widely on the open market to support the library service
  - 3) That the Committee (a) approve the ring fencing of the capital receipts from the sale Hollingbury Library to fund -the physical move of Hollingbury Library service into the Hollingbury and Patcham Children's Centre and the Old Boat Community Centre; and (b) agree that the surplus receipt from the disposal of the building will be reinvested into the capital resource for the library service.

- 4) That the Committee approve the allocation and use of up to £0.100m proposed for Restructure & Redundancy Reserve as part of Agenda item 9 Targeted Budget Management (TBM) Provisional Outturn 2015/16, Section 3.4 be used towards what would have been financial savings and possible maintenance cost for 2017/18 to retain the Hove Library service at the Carnegie building.
- 5) That Officers bring a report to a future Policy, Resources and Growth Committee with options for Hove Library and Hove Museum and the 4 year financial savings plan.
- 6) That the Committee note that none of the proposals in the above resolutions result in the closure of any libraries in Brighton and Hove.
- 7) That the Committee note the petition referred from Council on 24 March 2016.

## **8 PROGRESS REPORT ON THE WORKFORCE EQUALITIES ACTION PLAN**

- 8.1 The Committee considered a report of the Executive Director for Finance & Resources in relation to Progress Report on the Workforce Equalities Action Plan. The focus of the report was to update on how the Council was performing against its Workforce Equalities Action Plan.
- 8.2 In response to Councillor Sykes it was explained that a significant amount of work had been undertaken in the last two years to improve the quality of the data, this had included the production of regular monitoring reports; however, to consider this information more frequently than annually, as requested by the Joint Workers' Forum, was not practical. The organisation was however, getting a much better picture of equalities as linked to individual groups.
- 8.3 In response to questions from Councillor Mac Cafferty the following was explained. A number of barriers to protected groups outside of the organisation had been identified, and work now needed to be undertaken to identify any barriers for existing employees in the recruitment process. The Global HPO report had put forward around 70 recommendations; current analysis showed that around 80% of these had been achieved and the view was that managing detailed recommendations would not enact some of the 'shift change' that was required. Discussions with the Joint Workers' Forum had agreed to move the focus to be outcome driven.
- 8.4 Councillor A. Norman thanked Officers for this work and welcomed the implementation of the recommendations in the Global HPO report; however, she advised caution that any shift change in the organisation would take time to come to fruition.
- 8.5 Councillor Daniel welcomed the report, and she noted the concerns raised by the Joint Workers' Forum as well as the necessity to work with them on these matters. She went on to note that the Neighbourhoods, Communities & Equalities Committee would be considering a report at the July meeting in relation to how the Council worked with BME communities with the aim of providing a strategy and better guidance. However, she highlighted that very real progress had been made in this area.

8.6 Councillor Janio noted he was fully supportive of the report, and it was vital to foster a culture where all staff felt part of the collective workforce.

8.7 The Chair then put the recommendations to the vote:

8.8 **RESOLVED:**

That the Committee:-

- 1) Note the progress made against the Year 3 Action Plan, as summarised in paragraph 3.7 and set out in more detail in Appendix 1.
- 2) Approve the areas of focus that will inform the Year 4 Workforce Equalities Action Plan.
- 3) Gives the Executive Director of Finance & Resources delegated authority to sign off the Action Plan once it has been developed in conjunction with the Workforce Equalities Group.

**9 TARGETTED BUDGET MANAGEMENT (TBM) PROVISIONAL OUTTURN 2015/16**

9.1 The Committee considered a report of the Executive Director for Finance & Resources in relation to Targetted Budget Management Provisional Outturn 2015/16. The Targetted Budget Monitoring (TBM) report was a key component of the Council's overall performance monitoring and control framework. The report set out the provisional outturn position (i.e. Month 12) on the Council's revenue and capital budgets for the financial year 2015/16.

9.2 In response to Councillor Janio it was clarified that the decisions in relation to the allocation of the surplus funds had been taken by the Administration following prudent recommendations from Senior Officers; however, it was highlighted that these decisions were always taken by Members.

9.3 In response to Councillor Sykes the Executive Director for Adults' Services explained that when a directorate was not able to achieve full in-year savings they were rolled over to the next financial year as unachieved savings.

9.4 In response to a further query, the Executive Director for Finance & Resources clarified for Councillor Sykes that there were 'unknowns' every year as part of the budgeting process; whilst it was important for the organisation to be prudent in its planning, there was an argument against over prudency. The Executive Director for Adults' Services added that demand varied considerable in social care; this was combined with pressures from other areas of the market.

9.5 In response to Councillor G. Theobald it was explained that Officers were already intending to enter into discussions with the CCG to gain a clearer understanding of the budgetary impact of the Better Care Fund this financial year.

- 9.6 In response to a further question, Councillor Hamilton explained that there was some one-off fund for grass-cutting in cemeteries to assess if this achieved improvements in maintenance standards.
- 9.7 Councillor Janio noted his view that the surplus at the year-end in the budget should have been put into the Council's reserves.
- 9.8 Before the vote was taken the Monitoring Officer highlighted that the allocation of funds on page 56 of the report would be subject to changes to the budget already agreed at Item 7 on the agenda.
- 9.9 The Chair then put the recommendations to the vote.

9.10 **RESOLVED**

- 1) That the Committee note that the provisional outturn position for the General Fund is an improvement of £1.299m compared to the projected and planned resource position taken into account when setting next year's budget, including the Month 9 forecast position.
- 2) That the Committee note that in total, the General Fund underspend is therefore a £4.780m underspend, which is made up of the projected and planned resources of £3.481m reported to Budget Council in February 2016, including the Month 9 forecast position, together with the improved resource position since month 9 of £1.299m.
- 3) That the Committee note the provisional outturn overspend of £0.473m on the council's share of the NHS managed Section 75 services.
- 4) That the Committee approve the allocation and use of the additional one-off General Fund resources of £1.299m as set out in paragraph 3.4.
- 5) That the Committee note the provisional outturn for the Housing Revenue Account (HRA), which is an underspend of £2.037m.
- 6) That the Committee note the provisional outturn position for the Dedicated Schools Grant which is an underspend of £0.432m.
- 7) That the Committee approve carry forward requests totalling £1.322m as detailed in Appendix 3.
- 8) That the Committee approve the creation of the earmarked reserves as set out in paragraph 6.2.
- 9) That the Committee note the provisional outturn position on the capital programme.
- 10) That the Committee approve the following changes to the capital programme

- a. The variations and reprofiles in Appendix 5 and the new schemes as set out in Appendix 6.

## **10 REDEPLOYMENT & PAY PROTECTION POLICIES**

- 10.1 The Committee considered a report of the Executive Director for Finance & Resources in relation to Redeployment & Pay Protection Policies. The report considered, and made recommendations, in relation to the recent review of redeployment and pay protection policies.
- 10.2 In response to Councillor G. Theobald it was explained that as part of the negotiations with the trade unions pay protection had reduced from three years to two, with the second year being at 75% of the difference. The position at other Councils nationally varied between one and three year's pay protection.
- 10.3 In response to Councillor Mac Cafferty the Chief Executive explained that recruitment was one of the main tools that Service Managers used to control budgets and spending; however, work had been undertaken to look more vigorously at how staff were utilised from redeployment.
- 10.4 The Chair then put the recommendations to the vote; Councillors G. Theobald, A. Norman, Miller and Janio abstained from the vote.
- 10.5 **RESOLVED** – That the Committee:
  - 1) Note the work being commissioned to develop a pay and reward strategy.
  - 2) Agree the attached redeployment policy.
  - 3) Agree the attached protection policy.

## **11 FAIR TRADE WITHIN OUR MINIMUM BUYING STANDARDS REPORT**

- 11.1 The Committee considered a report of the Executive Director for Finance & Resources in relation to Fair Trade within our Minimum Buying Standards Report. The report recommended that the Committee note the Council's continued commitment to Fair Trade as part of the Minimum Buying Standards for food and catering contracts.
- 11.2 Councillor Sykes noted that the city had been leading nationally on sustainable food and the buying standards were a further asset to this work.
- 11.3 Councillor Daniel noted that it was the work of Councillor Hill that had brought this back to the attention of the Committee and it was important to reinstate the Council's commitment to this.
- 11.4 Councillor A. Norman welcomed the report in particular that it now included the Brighton Centre.
- 11.5 The Chair then put the recommendations to the vote.

**11.6 RESOLVED – That the Committee:**

- 1) Notes the Council's continued commitment to Fair Trade as part of the Minimum Buying Standards for food and catering contracts (Appendix 1).
- 2) Notes that opportunities to increase the Council's commitment to buying Fair Trade for food and catering contracts continue to be sought and taken wherever possible within the current budgetary constraints.

**12 PROPOSED NEW GRIEVANCE AND DISPUTES PROCEDURE**

12.1 The Committee considered a report of the Executive Director for Finance & Resources in relation to Proposed New Grievance and Disputes Procedure. The report set out the proposed new procedures and asked the Committee to agree these.

12.2 Following a query from Councillor G. Theobald the Head of Human Resources & Organisational Development clarified the difference between collective disputes and collective grievances as they had now been defined in the relevant procedures.

12.3 In response to Councillor Miller it was noted that there was the potential for collective grievances to be taken forward as collective disputes as a mechanism of having them considered by Members; however the new procedures would be subject to review.

12.4 Councillor Mac Cafferty welcomed the report and the agreement with the unions. In response to a query it was explained that reasonable requests from the unions for another senior manager to hear a case would be considered by the relevant Executive Director.

12.5 At the request of the Chair it was agreed that definitions of the relevant terms would be included in the procedures. The Chair then put the recommendations to the vote.

**12.6 RESOLVED:**

- 1) That the Committee agrees to adopt a new Grievance Procedure and a separate Disputes Procedure (attached at Appendix 1 and 2), which have been jointly agreed with GMB and Unison.
- 2) That the Committee notes that further training for managers will be provided to help equip them to implement the new Procedures appropriately.
- 3) That the Committee notes the operation of the new procedures will be reviewed twelve months after their implementation to ensure that timescales and the process for dealing with disputes has improved and is appropriate for the organisation.
- 4) That in addition, the Committee notes that there will be a joint review with the unions after 6 months on the effectiveness of the provision to make a reasonable request to change the hearing manager at Stage 2 of the grievance process (Appendix 1 para 8.5)

- 5) That the Committee delegates authority to the Chief Executive to take the steps necessary to implement these recommendations.

### **13 UPDATE TO THE SCHEME OF DELEGATIONS TO OFFICERS**

#### **13.1 RESOLVED – That the Committee**

- 1) Approves the changes to the scheme of officer delegations set out at paragraphs 3.1 to 3.6 below and Appendix 1 of the report;
- 2) Authorises the Chief Executive to take all steps necessary or incidental to the implementation of the proposals set out in this report;
- 3) Authorises the Monitoring Officer to make amendments to the relevant parts of the constitution to reflect the changes resulting from the above paragraphs and to make any necessary consequential amendments;
- 4) Approves the transitional arrangements as set out at Appendix 2;
- 5) Agrees that the changes to the scheme of delegations and transitional arrangements come into force with immediate effect.

### **14 DISPOSAL OF 28 YORK PLACE**

- 14.1 The Committee considered a report of the Acting Executive Director for Economy, Environment & Culture in relation to Disposal of 28 York Place. The report sought agreement for the disposal of 28 York Place to provide capital funding for reinvestment to generate additional revenue funding streams to support the council's Corporate Property Strategy & Asset Management Plan 2014-18, Corporate Plan and Medium Term Financial Strategy.
- 14.2 In response to Councillor G. Theobald it was explained that the Council's portfolio of properties was reviewed regularly to ensure assets could be sold if there was a case to release them.
- 14.3 In response to Councillor Miller it was clarified that the valuation of the property was based on the private rental of the building if fully refurbished.
- 14.4 It was confirmed for Councillor Janio that sale would be by way of open market.
- 14.5 The Chair then put the recommendations to the vote.
- 14.6 **RESOLVED –** That the Committee authorises the Acting Executive Director for Environment, Development & Housing, Assistant Director Property & Design and Head of Legal Services to approve terms for the freehold disposal of 28 York Place by Informal Tender on the open market at best consideration to be recommended by the agents appointed.

### **15 ITEMS REFERRED FOR COUNCIL**

15.1 There were no items referred to Council.

**16 DISPOSAL OF 28 YORK PLACE - EXEMPT CATEGORY 3**

16.1 The Committee noted the information contained in the Part Two appendix to Item 14 on the agenda.

**17 PART TWO PROCEEDINGS**

17.1 **RESOLVED** – That the information contained in the Part Two item listed on the agenda (Item 16) and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 6.49pm

Signed

Chair

Dated this

day of