



**Brighton & Hove
City Council**

**COUNCIL
ADDENDUM**

4.30PM, THURSDAY, 28 JANUARY 2016

COUNCIL CHAMBER, BRIGHTON TOWN HALL

ADDENDUM

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WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

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

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

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

(a) Ms. M. Ferguson

Felling of trees in Hove cutting by Network Rail on 29th February / 5th March 2016

“Can the Chair of the Environment Committee give an assurance to those residents living adjacent to Hove Railway Cutting that the council will intervene as a matter of urgency and request Network Rail not to commence any removal of vegetation along the Hove cutting until residents have been provided with all the relevant facts regarding this work? Can she also support residents in seeking to negotiate a less drastic measure that will still meet the safety objectives of the railways while at the same time protect homes from facing the risk of poison or even the collapse of the rock-face?”

Councillor Barradell, Deputy Chair of the Environment, Transport & Sustainability Committee will reply.

(b) Ms. V. Paynter

“Last year a Kemptown GP surgery closed and the Care Quality Commission also closed a Hove surgery. Now we are hearing that five more GP surgeries are to lose funding which may force all or some of them to also close. There is a known shortage of GP's, people training to become GP's, and the city has a shortage of secondary school places for the existing primary school bulge to move to as well.

Is it time to ask the Planning Inspectors - on Infrastructure grounds - for a downward revision of their identified sites demand for the City Plan?”

Councillor Morgan, Leader of the Council will reply.

(c) Mr. S. Flanagan

“In the interests of openness and fairness, will the Full Council rule that Viability Reports in support of planning applications will only be taken into account where they are made available for public inspection, which is now the intended practice adopted by Greenwich Council? (References provided by Greenwich Council press article & The Guardian press article supplied with this question).”

References:

http://www.royalgreenwich.gov.uk/press/article/515/royal_borough_consults_on_landmark_new_planning_policy_to_make_affordable_housing_viability_studies_more_transparent
<http://www.theguardian.com/cities/2015/jun/25/london-developers-viability-planning-affordable-social-housing-regeneration-oliver-wainwright>

Councillor Cattell, Chair of the Planning Committee will reply.

(d) Miss Lynne Moss.

“Will the Full Council recognise that air pollution levels in Rottingdean High Street are higher than at Heathrow Airport as evidenced and will the Full Council rule that unacceptably high and unlawful air pollution levels in Rottingdean’s historic High Street should be a material consideration when deciding planning applications that are likely to generate additional traffic movements through the village? (Please refer to the B&HCC Air Quality Action Plan October 2015 and the Heathrow Air Quality Briefing Report, June 2015 supplied with this question).”

References:

B&HCC Air Quality Action Plan October 2015:

<https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Air%20Quality%20Action%20Plan%202015%20%28pdf%201.6%20MB%29.pdf>

Page 48: details 14,300 vehicles per day in Rottingdean High Street. Nitrogen dioxide level in High Street: **49µg/m3**

Page 57: number of Rottingdean residential dwellings at risk to exceeding nitrogen dioxide: 45

Page 57: Rottingdean High Street is No.1 out of 29 roads listed in the “Hierarchy of AQMA Streets: Emission / Available volumetric Street Space”

Appendix to the above document:

<https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Air%20Quality%20Action%20Plan%20Appendix%20%28pdf%204%20MB%29.pdf>

Page 10: showing key AQMA streets close to nitrogen dioxide legal limits.

Heathrow Air Quality Briefing Report, June 2015:

http://www.heathrow.com/file_source/Company/Static/PDF/Communityandenvironment/heathrow-air-quality-briefing-for-LFF.pdf

Page 11: Nitrogen dioxide level at Heathrow Airport: **46µg/m3**

Councillor Morgan, Leader of the Council will reply.

(e) Mr. N. Smith

“Where a planning application is “Minded to Approve” but where the Council’s Educational Officer states that schools within the area are full, will the Full Council rule that planning applications are held up until the required school places have been properly found and identified and will the Full Council please acknowledge that sums of money acting as mitigation do not directly address this issue until such school places are properly found and identified. (Comment in this regard made by the Council’s Educational Officer as supplied as a reference with this question).”

Reference:

B&HCC Planning Application, Land Adj to 6 Falmer Ave, Brighton:

[http://present.brighton-hove.gov.uk/Published/C00000118/M00005778/AI00050033/\\$ABH201403394Landadjto6FalmerAveBrighton.pdfA.ps.pdf](http://present.brighton-hove.gov.uk/Published/C00000118/M00005778/AI00050033/$ABH201403394Landadjto6FalmerAveBrighton.pdfA.ps.pdf)

Page 68-69: Comment by Educational Officer that there is are no surplus school places in this part of the city; that any school places will be over 6.5km away.

Councillor Morgan, Leader of the Council will reply.

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions listed on pages 49 - 51 of the agenda have been received from Councillors and will be taken as read along with the written answers listed below:

(a) Councillor Mac Cafferty

“Across the entire Council workforce, how many staff in which departments are currently engaged in a redundancy consultation process?”

Reply from Councillor Hamilton, Deputy Chair (Finance) of the Policy & Resources Committee.

“Currently there are approximately 360 staff (240 FTE) involved in consultations related to changes or reductions to services, and within these proposals it is likely that approximately 100 staff will require redeployment or will leave the organisation on redundancy.

The services covered by these consultations are:-

- Adults Provider Services
- Adults Assessment Services
- Children’s Education and Inclusion
- Children’s Stronger Families, Youth and Communities
- Planning and Building Control
- City Infrastructure
- Housing

The largest groups of staff at risk currently are in Home Care, Children’s Centres, Learning Support Services and the Youth Service and extensive work is ongoing to ensure that redeployment and voluntary severance are used effectively to avoid compulsory redundancy wherever possible.

There are a number of other consultations processes that have not yet started in relation to the 16/17 budget process which mainly relate to services in Adults Provider and Assessment Services where formal consultation processes are due to start over the coming months once public consultation is complete and final decisions have been made about future service provision.”

(b) Councillor Sykes

“Can the leader of the Council provide a detailed breakdown (using equivalent budget lines used in the 2015/16 budget papers) of in-year cuts that have been made or are planned for 2015/16 that were not part of the 2015/16 budget agreed by Budget Council?”

Reply from Councillor Morgan, Leader of the Council.

“Changes to budgets can only be made in accordance with the rules for transferring budgets under Financial Regulations or by a decision of Policy & Resources Committee or Full Council. Finance Officers have confirmed to me that there have been no cuts to the budgets approved by council for 2015/16. However, the Special Policy & Resources Committee on 4 November 2015 *did* approve early consultation on the redesign of the Independence at Home Adult Social Care service in order to address unachieved savings this year and enable achievement of further savings over the next 4 years. Although not cuts in budgets, in managing the financial position this year, including substantial social care budget pressures, it is the case that a number of measures have had to be put in place including:

- Deferring some Planned Maintenance works;
- Deferring replacement of some ICT equipment, particularly desktop computers;
- Holding vacancies wherever this can be managed without impacting adversely on service delivery;
- Restricting the use of agency staffing but, again, only where this does not impact on service delivery;
- Restricting expenditure on supplies and services where it is not essential or critical to service delivery;
- Encouraging early service redesign wherever there is an opportunity to do so as set out in the Special Policy & Resources Committee in November 2015.

None of these measures or controls have resulted in cuts to budgets and recruitment and expenditure controls have not been applied to services requiring statutory minimum staffing such as social care provision or assessment. Some things will undoubtedly have been delayed and some non-statutory services may have struggled to meet demands but no budget cuts have been authorised. However, following the Special Policy & Resources Committee, there are cases where services have undertaken service redesign that has resulted in changes to staffing through either vacancies or applications for voluntary severance coming forward. This is normal business and where voluntary severance requests come forward there is an expectation that management will take such opportunities to review how services can be delivered differently given the financial challenges we face.”

Council	Agenda Item 80
28 January 2016	Brighton & Hove City Council

Subject:	Extract from the proceedings of the Policy & Resources Committee meeting held on the 21 January 2016 – Orbis Public Law – Proposals for the Establishment of a Shared Legal Service		
Date of Meeting:	28 January 2016		
Report of:	Head of Legal & Democratic Services & Monitoring Officer		
Contact Officer:	Name:	Ross Keatley	Tel: 29-1064
	E-mail:	ross.keatley@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

<i>Action Required of Council:</i>
To receive the report referred from the Policy & Resources for decision.
Recommendations: That Council agree:
<ol style="list-style-type: none"> 1) To the establishment of a Joint Committee as the governing body for Orbis Public Law to oversee the discharge of the Council’s Legal Services function; 2) To agree the Terms of Reference (appendix 2 to the report and detailed below) for the Joint Committee and to appoint Councillor Les Hamilton, Deputy Chair of the Policy & Resources Committee and Lead Member for Finance & Resources, to be a Member of the Joint Committee.

Orbis Public Law Joint Committee Terms of Reference

Membership:

1. The Committee shall comprise of Members appointed by the constituent authorities, currently Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council (“the Councils”). Each authority shall appoint one Member to the Committee in accordance with its constitution.
2. Each Council’s Leader (or in the case of Brighton & Hove City Council, the Council) may appoint one substitute Member to attend meetings of the Joint Committee,

should an appointed member of the Committee be unavailable or unable to attend a meeting of the Joint Committee. A substitute Member attending in the absence of an appointed member will have full voting rights.

Terms of Reference:

The Orbis Public Law Joint Committee will:

1. Oversee the delivery of the services delivered jointly through the Orbis Public Law partnership of the Councils ('OPL').
2. Recommend proposals to meet the annual budget for OPL, set by each of the Councils.
3. Approve the OPL Business Plan and performance measures.
4. Monitor the OPL Business Plan and performance of OPL.
5. Make recommendations to the constituent authorities regarding revisions to the Terms of Reference of the Orbis Public Law Joint Committee.

Meetings of the Committee:

The Orbis Public Law Joint Committee will meet on four occasions a year, unless a different number of meetings is determined by the Committee

BRIGHTON & HOVE CITY COUNCIL
POLICY & RESOURCES COMMITTEE

4.00pm 21 JANUARY 2016

AUDITORIUM - THE BRIGHTELM CENTRE

MINUTES

Present: Councillors Morgan (Chair), G Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Daniel, Janio, Meadows, Mitchell, A Norman, Sykes and Wealls

PART ONE

107 ORBIS PUBLIC LAW- PROPOSALS FOR THE ESTABLISHMENT OF A SHARED LEGAL SERVICE

- 107.1 The Committee considered a report of the Head of Legal & Democratic Services in relation to Orbis Public Law – Proposals for the Establishment of a Shared Legal Service. The report set out the proposals for the development of a shared legal service between Brighton & Hove City Council, East Sussex County Council, West Sussex County Council and Surrey County Council called ‘Orbis Public Law’. The report also sought authority for the implementation of the proposals including the establishment of a company, subject to proper due diligence.
- 107.2 Councillor Janio stated that the authority had an excellent legal department and he was of the view that the better position would be to retain and strengthen the dedicated in-city service. The Chair noted that the proposals in the report would strengthen the service through increased resilience.
- 107.3 In response to concerns raised by Councillor Sykes the Head of Law explained that the Orbis model would increase the recruitment power of the body, as practising public sector law had become less attractive in recent years, by providing ‘branded recognition’ and economies of scale. Orbis Public Law would also create increased capacity as it would be able to call on the resources of other authorities and provide the potential to further grow the service. The Head of Law also added that, whilst the details of Orbis needed to be worked through in full, the option to progress this course of action had been the unanimous view of the management team within the department when all the options in the report had been explored.
- 107.4 The Chief Executive provided further assurance, explaining that, as with all modernisation programmes taking place, there was an expectation that investment would be needed to ensure these ventures were meaningful. In relation to the governance arrangements it was also clarified that Brighton & Hove would be joining

as an equal partner, the authority would also retain the right to withdraw if due diligence was not met.

107.5 The Chair added that the authority was looking at many ways to delivery services differently, and it was hoped that the assurance provided by the Chief Executive and the Head of Law would be sufficient for the Committee to give its support to the proposals.

107.6 The Chair then put the recommendation to the vote.

107.7 **RESOLVED** - That the Committee agrees:

- 1) To the creation of a new Legal Services partnership arrangement between Brighton & Hove City Council, East Sussex County Council, Surrey County Council and West Sussex County Council to be known as Orbis Public Law with effect from 1 April 2016, subject to due diligence.
- 2) That a Business Case be developed for an Alternative Business Structure, in the form of a Limited Company approved by the Solicitor Regulation Authority, and to delegate authority to the Chief Executive, after consultation with the Monitoring Officer, the Section 151 Officer and the Head of HR, to establish such an ABS if he considers it appropriate.
- 3) To delegate authority to the Chief Executive to take any action necessary or incidental to the implementation of the above including (but not limited to) agreeing and entering into the Articles of Association, shareholder agreement and an Inter Authority Agreement between the partner authorities

107.8 **RESOLVED TO RECOMMEND** - That Council agrees:

- 4) To the establishment of a Joint Committee as the governing body for Orbis Public Law to oversee the discharge of the Council's Legal Services function;
- 5) To agree the attached Terms of Reference (appendix 2) for the Joint Committee and to appoint Councillor Les Hamilton, Deputy Chair of the Policy & Resources Committee and Lead Member for Finance & Resources, to be a Member of the Joint Committee.

Council	Agenda Item 82 (b)
28 January 2016	Brighton & Hove City Council

**NOTICE OF MOTION
GREEN GROUP - AMENDMENT**

IMMIGRATION BILL

To delete the words “a deferral or” in paragraph 5 as struck through:

This council:

- Notes the Immigration Bill before Parliament, and notes that this bill:
 - lacks a credible evidence base with measures in the Immigration Act 2014, which will be extended, yet to be fully evaluated.
 - threatens the rights and welfare of immigrants and British Citizens, increasing discrimination, racism and undermining community cohesion.
 - could cost Local Authorities £32 million over 10 years in supporting families, and substantial unspecified sums in undertaking statutory assessments, and could lead to breaches of the 1989 Children Act.
- Requests the Chief Executive write to the Home Secretary urging a ~~deferral or~~ a redrafting of the Bill in order to:
 - Ensure that the costs to Local Authorities are fully covered and the legal risks to Local Authorities are entirely removed
 - Remove the provisions in the Bill that prevent local authorities providing support to specific groups of young people
 - Ensure that those whose leave is curtailed or revoked will have an effective right of appeal or administrative review
 - Remove the provisions that prevent destitute refused asylum seeking families from accessing support
 - Remove the right to rent policy
 - Allow asylum seekers to work if an initial decision has not been taken on their application within six months
 - End the policy of indefinite detention for immigrants and asylum seekers

Proposed by: Councillor Littman Seconded by: Councillor Phillips

Revised Motion:

This council:

- Notes the Immigration Bill before Parliament, and notes that this bill:
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 - End the policy of indefinite detention for immigrants and asylum seekers

**NOTICE OF MOTION
LABOUR & CO-OPERATIVE GROUP - AMENDMENT**

BEING PREPARED FOR FLOODS

To delete the final bullet as struck through below:

This Council notes:

- The latest UK Climate Change Risk Assessment estimates that changes in rainfall patterns caused by climate change may result in more flooding nationally, with the number of properties with a significant likelihood of flooding projected to increase from 560,000 in 2012 to 1.3 million by the 2050s.
- Brighton & Hove is in the top ten Flood Risk Areas in England with more than 30,000 people at risk of flooding and is experiencing more frequent flood events
- Cuts in funding for flood risk management by national government over the past five years have exacerbated damage caused by floods in 2012, 2013/4, 2015, which cost the economy an estimated total £7.5bn as well as causing dislocation and severe distress for people affected.
- Residential and commercial development plans over the next few years in our city provide potential opportunities but also potential threats in terms of surface water flooding.

This Council resolves to:

- Request the Chief Executive to write to the Chancellor of the Exchequer requesting increases in planned Flood Defence Grant in Aid capital funding and in flood risk management revenue funding, in line with analysis by the Environment Agency, National Audit Office and the Association of British Insurers' Flood Free Homes Campaign;
- ~~• Request the Environment, Transport and Sustainability Committee to review land use of the city's downland estate from the perspective of reducing flood risk in the city.~~

Proposed by: Councillor Barradell

Seconded by: Councillor Inkpin-Leissner

Revised Motion:

This Council notes:

- The latest UK Climate Change Risk Assessment estimates that changes in rainfall patterns caused by climate change may result in more flooding nationally, with the number of properties with a significant likelihood of flooding projected to increase from 560,000 in 2012 to 1.3 million by the 2050s.
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- Cuts in funding for flood risk management by national government over the past five years have exacerbated damage caused by floods in 2012, 2013/4, 2015, which cost the economy an estimated total £7.5bn as well as causing dislocation and severe distress for people affected.
- Residential and commercial development plans over the next few years in our city provide potential opportunities but also potential threats in terms of surface water flooding.

This Council resolves to:

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