



**Brighton & Hove
City Council**

COUNCIL ADDENDUM Notices of Motion

4.30PM, THURSDAY, 15 DECEMBER 2022

HOVE TOWN HALL - COUNCIL CHAMBER

ADDENDUM – Notices of Motions

ITEM		Page
60	PROTECTING THE CITY'S TREES	5 - 6
61	MENTAL HEALTH EMERGENCY	7 - 8
62	PROTECT RENTERS THIS WINTER: STOP REVENGE EVICTIONS!	9 - 10
63	UNACCOMPANIED ASYLUM-SEEKING CHILDREN ABANDONED IN LOCAL HOTELS	11 - 12
64	HOUSING REVENUE ACCOUNT OVERSPEND	13 - 14
65	CYCLE HANGARS	15 - 16
66	COST OF LIVING - BUSINESS AND COMMUNITIES	17 - 18
67	CLIMATE EMERGENCY FOUR YEARS ON	19 - 20

Brighton & Hove City Council

Council

Agenda Item 60

Subject: PROTECTING THE CITY'S TREES

Date of meeting: 15 December 2022

Proposer: Councillor Fishleigh

Seconder: Councillor Janio

Ward(s) affected: All

Notice of Motion

Independent Councillors

This Council notes that:

1. Tree Preservation Orders (TPOs) were introduced in 1947 as a tool for local authorities to use to protect individual trees and woodland in the interests of preserving the amenity those trees provide to the area.
2. If a tree is protected by a TPO then it is a criminal offence to cut down, top, lop, uproot, damage or destroy that tree without the written consent of the local planning authority, and this extends to the cutting of the tree's roots.
3. Anyone found guilty of wilfully destroying a protected tree, or wilfully damaging that tree in a way that is likely to destroy it, may be fined up to £20,000 in the Magistrates Court and, in serious cases, they may go to the Crown Court, where the potential fine is unlimited.

This Council agrees that:

4. We should use the full force of the law when trees with TPOs are removed without BHCC's permission.

This Council therefore resolves to request:

5. A report to ETS Committee which brings forward for approval:-
 - a. An enforcement policy in relation to trees with TPOs that are removed without BHCC's permission;
 - b. Guidance for residents and developers to support the Council's enforcement approach.
 - c. Rules about the size, variety and number of trees – as well as agreed watering and maintenance schedules - to replace any tree on private land removed without the required permissions.

Supporting information:

This year a property developer was fined £68k by Southampton Magistrates for breaching TPOs – and ordered to plant 65 new trees to replace the 37 destroyed.

Trees with TPOs at a number of sites in Ovingdean have recently been removed and damaged.

Mature trees within the Rottingdean conservation area have recently been removed.

Planning conditions for new student housing in Falmer required the developer to keep a mature sycamore and wych elm on the site. However, these trees were removed and there was no guidance in place about reparations.

The offence of breaching a TPO is one of strict liability. This means, a landowner may be guilty of an offence even if they had no idea that the TPO existed.

<https://www.brightonandhovenews.org/2022/01/13/developer-says-sorry-for-wrongly-felling-trees-and-agrees-to-plant-more/>

Brighton & Hove City Council

Council

Agenda Item 61

Subject: Mental Health Emergency

Date of meeting: 15 December 2022

Ward(s) affected: All

Proposer: Councillor Appich

Seconded: Councillor Shanks

Joint Notice of Motion

Labour and Green Group

This council:

1. Notes the demand on mental health services outlined in the Mental Health Joint Strategic Needs Assessment [1] which highlights that the demands on and levels of need for mental health services in Brighton & Hove is high compared to England, in the case of children and young people, as well as working age adults and older adults
2. declares its recognition of a local and national mental health emergency
3. recognises the Brighton & Hove Citizens campaign and commits to work in partnership to ensure the voices of young people and marginalised communities are included in every step of the work to address the mental health emergency

Therefore, resolves to:

4. Request the chief executive writes to the Education Secretary requesting resources to better equip education providers to deal with the challenges of poor mental health for students, teachers and staff;
5. Request a report be brought to Health and Wellbeing Board which:
 - a. explores the options for rolling out school and college-based counselling across the city
 - b. receives an update on funding committed at Budget Council in February on mental health first aid training
6. Request a report to Health Overview and Scrutiny Committee which:
 - a. calls for greater collaboration between NHS and other public services including council and police
 - b. sets out what training is and can be provided to frontline public services including education providers, police and the community and voluntary sector
 - c. sets out a plan for regular reports back to the committee
 - d. outlines local Mental Health Emergency Response Service provision and recommends improvements

Supporting Information:

[1] <https://democracy.brighton-hove.gov.uk/documents/s183889/HWBB%20paper%20Mental%20Health%20JSNA%20Nov%202022%20005.pdf>

Brighton & Hove City Council

Council

Agenda Item 62

Subject: Protect renters this Winter: Stop revenge evictions!

Date of meeting: 15 December 2022

Proposer: Councillor Williams

Seconded: Councillor Allcock

Ward(s) affected: All

Notice of Motion

Labour Group

Council notes:

1. This Winter's cost-of-living emergency and dangers to tenants in properties with health hazards i.e. damp, mould, excess cold;
2. The tragic death of two-year-old Awaab Ishak from prolonged exposure to mould;
3. Mould, damp and serious disrepair in the social and private housing sectors needs addressing;
4. Action the council can take to prevent revenge evictions, raise standards and deter landlords from breaking the law;
5. The council has legal powers¹ to intervene in cases of revenge evictions with 'improvement notices'² to invalidate s21 notices;
6. The 2019 High Court ruling in favour of Hull City Council³;

Council therefore resolves to request officers to bring a report to Housing Committee:

- a) Reviewing the council's private sector housing enforcement policy to reduce tenants' risk of 'revenge evictions' by serving 'improvement notices' and 'emergency remedial action notices' at the soonest opportunity.
- b) outlining plans to display on the council website steps private renters can take regarding repairs requests and revenge eviction notices

¹ Retaliatory Eviction & Deregulation Act 2015, Housing Act 2004

² Under 33 & 34 of The Deregulation Act 2015

³ Verdict held that a local authority was entitled to amend their private sector housing enforcement policy and take a tougher line against retaliatory eviction by making formal action under the Housing Act 2004 the default position where either a category 1 or 2 hazard existed.

Supporting Information:

- The tragic death of Awaab Isaak in his property in Rochdale – a coroner has said this should be a 'defining moment' for the UK's housing sector
- "No-fault" evictions have surged to higher than pre-pandemic levels in recent months, with alarming government figures showing close to 20,000 households were made homeless in England in 2021/22, up from almost 9,000 in the previous financial year;
- The Government has still not delivered on its promise to ban section 21 "no fault" evictions
- Retaliatory or revenge eviction is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair, the landlord serves them with a section 21 asking them to leave

If a tenant has an assured shorthold tenancy or a renewal agreement which started on or after 1 October 2015 and is given a section 21 notice it will be invalid where all these apply:

- before the section 21 notice was issued, the tenant made a complaint in writing either by email or letter to the landlord regarding the condition of the property. A tenant will be considered to have made a complaint if they did not know the landlord's postal or email address, or had made reasonable efforts to contact the landlord to complain but could not
- the landlord:
 - did not provide a response within 14 days of the complaint being made
 - did not describe the action they would take to fix the problem or give a reasonable timescale within which action would be taken, or
 - served a section 21 notice following the complaint being made by the tenant
- the tenant then complained to the council about the same or a very similar issue
- the council sent the landlord a housing improvement notice or emergency remedial action notice because the property was found, following a visit in response to the complaint, to have a serious health or safety hazard
- and if the section 21 notice was not given before the tenant's complaint to the council, it was given before the service of the relevant notice.

If the council serve a landlord with a relevant housing notice, a valid section 21 notice cannot be issued within six months of the council's notice. A section 21 will be valid if it is served after 6 months have passed.

There are restrictions on the service of a valid section 21 notice to end an assured shorthold tenancy (AST) when a landlord served the notice following a written complaint from the tenant about the condition of the property and the local authority has served a 'relevant notice'. A relevant notice is an improvement notice in relation to a category 1 or 2 hazard, or an emergency remedial action notice.

<https://www.gov.uk/government/publications/retaliatory-eviction-and-the-deregulation-act-2015-guidance-note/guidance-note-retaliatory-eviction-and-the-deregulation-act-2015>

<https://www.citizensadvice.org.uk/housing/renting-privately/during-your-tenancy/if-you-get-a-section-21-notice/>

<https://www.citizensadvice.org.uk/housing/renting-privately/ending-your-tenancy/if-youre-being-evicted-because-you-asked-for-repairs-renting-privately/>

<https://www.eastriding.gov.uk/housing/private-housing-residents/advice-for-tenants/harassment-eviction/>

<https://www.theguardian.com/society/2022/sep/22/surge-in-no-fault-evictions-prompts-calls-to-renew-uk-wide-ban>

<https://www.theguardian.com/uk-news/2022/nov/15/death-of-two-year-old-awaab-ishak-chronic-mould-in-flat-a-defining-moment-says-coroner>

https://england.shelter.org.uk/professional_resources/legal/housing_conditions/local_authority_duties_to_deal_with_poor_conditions/local_authority_hhrs_enforcement_action

Humber Landlords Association v Hull City Council (2019) EWHC 332 (Admin)

Brighton & Hove City Council

Council

Agenda Item 63

Subject: Unaccompanied asylum-seeking children abandoned in local hotels

Date of meeting: 15 December 2022

**Proposer: Councillor Grimshaw
Seconded: Councillor Wilkinson**

Ward(s) affected: All

Notice of Motion

Labour Group

Council notes:

1. In July 2021 the Home Office began contracting with hotel owners in Brighton & Hove and elsewhere to house asylum-seeking children;
2. Alarming reports that at least 222 unaccompanied children placed by the Home Office in hotels nationally – many in Brighton & Hove – have gone missing;
3. The Home Office has a mandatory statutory duty under section 55 of the Borders Act 2009 to safeguard and promote the welfare of children in the UK;
4. Local authorities have mandatory statutory duties under the Children Acts of 1989 and 2004 to safeguard and promote the welfare of children in need within their area;
5. The mandatory National Transfer Scheme is intended to promptly transfer unaccompanied children, on their arrival in the UK, to statutory local authority care;

Council requests:

6. The Chief Executive writes to the Home Secretary:
asking for explanation of the legal basis upon which they are moving unaccompanied asylum seeking children outside of the local authority area of their arrival in the UK into hotels in Brighton & Hove being used as “intake centers” , and provide legal clarity about whether the Home Office accepts responsibility of ‘corporate parent’ for the “children placed in those “intake centers”
7. requesting an urgent meeting with the Home Office to discuss the welfare needs of and adequate funding for unaccompanied children
8. A report or briefing to the next CYPS meeting to clarify:
 - a. At what point in the process Brighton and Hove City Council is informed by the Home Office that a child is being transferred out of area to a hotel or “extension of an intake center” located by the HO in Brighton and Hove

- b. What specific steps are being taken to safeguard children once officers are made aware of their arrival

Supporting Information:

- Nationally, 222 young people who have been accommodated in hotels have gone missing
- Clarity around legal responsibility, powers and statutory duties around the welfare of children would help the council to be pro-active in monitoring the safeguarding of them in terms of child safety, well-being and environmental & public health
- As a City of Sanctuary we have a responsibility to ensure that all refugees are welcomed to the city not just with words but with actions and that the Council exercise its statutory responsibilities in protecting all who come here, particularly women and children
- It's not just unaccompanied children who are suffering but accompanied children too – a single hotel room is not an appropriate place to keep a family of three or four people for more than a year
- Children cannot thrive in such an environment and their mental and physical health is being damaged by this
- The Home Office urgently needs to speed up both the interview process and the move-on/full dispersal process into more suitable accommodation
- There have also been worrying reports that the Home Office has provided new dates of birth to unaccompanied children in order to place them in adult accommodation

<https://www.local.gov.uk/about/news/government-must-take-action-end-crisis-unaccompanied-children-being-placed-hotels>

<https://www.theguardian.com/uk-news/2022/oct/22/uk-asylum-seekers-home-office-accused-of-catastrophic-child-protection-failure>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1111982/An_inspection_of_the_use_of_hotels_for_housing_unaccompanied_asylum-seeking_children_UASC_March_to_May_2022.pdf

An Inspection of the use of hotels for housing UASCs (October 2022) by the Independent Chief Inspector of Borders & Immigration

“The position the Home Office finds itself in, running unregistered children’s homes, is one that staff and stakeholders alike have found uncomfortable. This is clearly not a space the Home Office wants, or should be operating in.”

Brighton & Hove City Council

Council

Agenda Item 64

Subject: HOUSING REVENUE ACCOUNT OVERSPEND

Date of meeting: 15 December 2022

Proposer: Councillor Meadows

Seconder: Councillor Barnett

Ward(s) affected: All

Notice of Motion

Conservative Group

This Council:

1. Notes that the Housing Revenue Account (HRA) is made up from Council tenants' rents;
2. Raises concern over reports that the HRA is overspent by over £1 million; and

Therefore, resolves to:

3. Calls for a detailed Officer Report into how and why this unprecedented situation has arisen.

Supporting Information:

<https://www.brightonandhovenews.org/2022/11/25/council-faces-own-cost-of-living-crisis-with-11m-spending-deficit-forecast/>

Brighton & Hove City Council

Council

Agenda Item 65

Subject: CYCLE HANGARS
Date of meeting: 15 December 2022
Proposer: Councillor Nemeth
Seconder: Councillor Bagaeen
Ward(s) affected: All

Notice of Motion

Conservative Group

This Council:

1. Notes public frustration with and unfavourable national press coverage of the roll-out of the Council's cycle hangar scheme;
2. Expresses concern over the use of the Budget process, rather than a standard Officer Report at Environment, Transport & Sustainability Committee, to implement the scheme; thereby avoiding scrutiny of financial, legal and equality issues and numerous other related matters;
3. Notes the lack of consultation that has taken place with residents over hangar locations; and

Therefore, resolves to:

4. Calls for an Officer Report detailing all elements of the cycle hangar scheme.

Supporting Information:

<https://www.brightonandhove.com/news/2022/11/25/council-faces-own-cost-of-living-crisis-with-11m-spending-deficit-forecast/>

Council

Agenda Item 66

Subject: Cost of Living –
Business and
Communities

Date of meeting: 15 December 2022

Proposer: Councillor Osborne
Seconder: Councillor Hugh-Jones

Ward(s) affected: All

Notice of Motion

Green Group

This council notes:

1. Rising costs and inflation have negatively impacted businesses, third sector organisations, and the public sector in the city [1][2]
2. That after Brexit and the continuing covid-19 pandemic, the costs and challenges of running businesses and organisations in the city are even greater, particularly due to labour shortages [3]
3. Small businesses are more likely to be harder hit by these difficulties and need more support

And further recognises:

4. Recent lobbying letters agreed at the Policy & Resources Committee in October which outlines the need for support for SMEs in Brighton & Hove from Government including calling for the reduction of tourism VAT to 5% and dedicated businesses grant support
5. The local #GiveltBack campaign which marks an act of solidarity, for the first time in the city, demanding a reversal of cuts to local services and local government worker pay. [4]

Therefore, the Council resolves to:

6. Recognise and thank small businesses in Brighton & Hove for the positive impact they have despite challenging circumstances.
7. Reaffirm the Council commitment to work closely with businesses directly, alongside the Chamber of Commerce and other business networking organisations and Community Works, to identify any issues businesses and organisations are facing
8. Support the Local Government Association 'Save our Services' campaign to push the Government to secure adequate funding for local authorities in line with inflation.

Supporting Information:

[1] [Cost-of-living crisis: more than half of charities worried about survival - UK Fundraising](#)

[2] [Almost 500,000 UK small businesses 'at risk of going bust within weeks' | Small business | The Guardian](#)

[3] [Exclusive: Most UK businesses see no benefit in post-Brexit deregulation - New Statesman](#)

[4] [#GIVEITBACK Brighton & Hove Campaign — Brighton and Hove Unison](#)

Brighton & Hove City Council

Council

Agenda Item 67

Subject: Climate emergency
four years on

Date of meeting: 15 December 2022

Ward(s) affected: All

Proposer: Councillor Hills
Seconder: Councillor Littman

Green Group

Notice of Motion

This council notes:

1. The city council declared a climate and biodiversity emergency in December 2018 [1]
2. That following dramatic weather events over the autumn, it is clear that climate change isn't just coming – it is here and has already had an impact on the city such as with localised flooding.
3. The council's Carbon Neutral Programme's focus on Carbon Reduction, Climate Adaptation and Conserving & Enhancing Biodiversity and the annual report showing our performance [2]
4. Information made available on the council website on the action being taken on the climate and biodiversity emergency, including the recent annual report (Link: [Appendix 1 Annual Report 2021-22 FINAL covers.pdf \(brighton-hove.gov.uk\)](#))
5. The work of the Brighton Chamber to encouraging business to become net zero champions [3]

Therefore, resolves to request:

6. The Chief Executive to write to businesses and third sector organisations in the city, highlighting:-
 - (a) The Council's actions to address the climate and biodiversity emergency;
 - (b) That the council contributes less than 2% of the city's carbon emissions and advertising the support available to businesses to cut transport emissions, such as the e-cargo bike accelerator project.
7. The Chief Executive to write to the Secretary of State for environment, food and rural affairs asking them to provide further funding to councils, businesses and third sector organisations to tackle the climate and biodiversity emergency, calling upon the government to publish a full set of environmental performance indicators.

Supporting Information:

- [1] <https://democracy.brighton-hove.gov.uk/documents/s134540/Item%2055%2001%20GrnGrp%20Climate%20Change.pdf>
- [2] <https://democracy.brighton-hove.gov.uk/documents/s182043/Allocation%20of%20Carbon%20Neutral%20Fund%202022-2024.pdf>
- [3] [Net Zero in Brighton | Brighton Chamber](#)