

BRIGHTON & HOVE CITY COUNCIL
POLICY & RESOURCES COMMITTEE

4.00pm 11 JUNE 2015

AUDITORIUM - THE BRIGHTELM CENTRE

MINUTES

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

PART ONE

1 PROCEDURAL BUSINESS

(A) Declarations of Substitutes

1.1 Councillor Daniel was present in substitution for Councillor Hamilton.

(A) Declarations of Interest

1.2 There were no declarations of interests in matters listed on the agenda.

(B) Exclusion of Press and Public

1.3 The Chair noted there were no Part Two items listed on the agenda.

2 CONSTITUTIONAL MATTERS - POLICY & RESOURCES COMMITTEE

2.1 The Committee considered a report of the Head of Legal & Democratic Services in relation to Constitutional Matters. The report sought to provide the Committee with information on the terms of reference of the Committee, and asked the Committee to establish an Urgency Sub-Committee and the Personnel Appeals Panel.

2.2 Councillor G. Theobald noted that the Conservative Group had a working practice to abstain from serving on Personnel Appeals Panels involving grievances; they would however sit on dismissal panels. The Head of Law clarified that any change to the Terms of Reference of the Panel, to remove the function to hear grievances, would require a resolution of the Committee.

2.3 In response to Councillor Wealls the Head of Law confirmed that where powers of Committees overlapped, particularly in the case of the new Neighbourhood, Communities & Equalities Committee, each Committee would have concurrent delegations. Officers would ensure there was consistency in terms of the information

that went to each Committee, and it was highlighted there was no legal requirement that required powers to Committees to be exclusive.

2.4 The Chair then put the recommendations to the vote.

2.5 RESOLVED:

- 1) That the Committee's terms of reference, as set out in Appendix A to this report, be noted.
- 2) That the Committee establish an Urgency Sub-Committee (the membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups) to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.
- 3) That the Committee establish the Personnel Appeals Panel (the membership of such Personnel Appeals Panel shall consist of a minimum of three and maximum of four Members from the pool of trained Members, any Member will be able to sit on an appeals panel and substitute for any designated member of the Panel) to deal with appeals in accordance with agreed personnel procedures, the Terms of Reference are set out at Appendix B to this report.
- 4) That the Committee note Full Council agreed to disapply the proportionality rules so far as the Personnel Appeals Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

3 MINUTES

3.1 The Committee agreed the minutes of the meeting held on 19 March 2015.

4 CHAIR'S COMMUNICATIONS

4.1 The Chair gave the following communications:

"Just to remind you, that despite the unfamiliar venue today's meeting will be webcast live and will be capable of repeated viewing.

I would like to welcome you all to the first Policy and Resources Committee of the new administration; my first as Chair, and begin by congratulating members from all sides, new and returning, on their election.

I'm clear that this council needs to unite around a vision and a plan to achieve the best possible outcomes for the city and its residents, to seek solutions for the significant challenges that lie ahead.

As far as possible I want us to bring certainty to the future provision of public services under a situation where resources and funding are diminishing and pressures on the most disadvantaged continue to increase. We will need to change the way we work

together as members and officers, the way we work with our residents and partner organisations, and look at how and where we deliver our services to the best effect.

We are open to new ideas and innovative solutions from anyone in the city as to how we can work towards our common goals. Change will be guided by our principles of fairness and co-operation, and our ambition is to take what makes this city great and build on that success for the future.

I hope that the first principle around which we can unite is that every resident should share in the city's economic success, which is why we have brought forward the creation of a Fairness Commission on today's agenda, the first of our administration, stating very clearly our intent to make a real difference to the lives of those of our neighbours who are working hard to get on but who are finding it increasingly difficult to make ends meet.

Ours is a prosperous and successful city of which we should all be proud, yet whilst there are sixteen foodbanks in operation, dozens if not hundreds of people sleeping on our streets, and one in six children living in poverty, then that pride is built on weak foundations.

In thinking about the challenges we face and the exemplary work we are still able to carry out, I would like to bring the work of our Policy & Scrutiny team to your attention, who were last week highly commended for their work around economic resilience and involvement by the Centre for Public Scrutiny. Congratulations to them on a very well-deserved honour.

And lastly, a reminder that this week is National Carers Week and a time for us to raise awareness, to highlight the challenges carers face and the contribution they make to families and communities throughout the city. Most of us at some point in our lives will be carers. Their commitment is something we should all recognise, celebrate and learn from and I would like to thank all the carers in the city for what they do, quietly, day in and day out, to make people's lives a little better. We should aspire to their example."

5 CALL OVER

- 5.1 The Chair called all three reports for determination on agenda.

6 PUBLIC INVOLVEMENT

- 6.1 The petition listed in the agenda in relation to 'Save St. Aubyns Playing Field in Rottingdean' had been withdrawn, and it was the intention of the petitioner to present this to Council on 16 July 2015.

7 MEMBER INVOLVEMENT

Members' Letters

- 7.1 The Chair noted there was a letter from Councillor G. Theobald in relation to 'Unauthorised Encampments', he invited Councillor G. Theobald to speaking to his letter.

7.2 Councillor G. Theobald stated that his Group had put forward two Notices of Motion which had not received support from other Groups. There was a need to agree a firmer and better policy when locally sensitive sites were used by travellers, and he made reference to sites that had been broken into recently. Councillor G. Theobald referenced Section 71 of the Criminal Justice Act 1974, as outlined to him in a letter from a local resident, and stated that the act was not being adhered to. Councillor G. Theobald asked that a roundtable discussed be held to help progress this matter.

7.3 The Chair stated that he was happy to receive copies of the letters that Councillor G. Theobald had referred to in his submission, and he went on to add that the new administration had already asked for an urgent review of the Council's powers to enforce issues with travellers – an update would be brought back to the appropriate Committee.

7.4 The Committee noted the letter.

Notices of Motion

7.5 The Notice of Motion as listed in the agenda, in relation to a 'Temporary Travellers Site' was proposed by Councillor Mac Cafferty, and seconded by Councillor Sykes.

7.6 **RESOLVED:** That the Committee note the following Notice of Motion pending the review to consider new legislation to better protect locally sensitive site:

"Following the announcement by the Labour administration of a speedy review of policy with respect to management of unauthorised encampments in the city, this Committee resolves as part of this review to urgently revisit its decision of October 2014 (agenda item 67) concerning the use of a site at Hangleton Bottom as a temporary Travellers transit site whilst the permanent site at Horsdean is closed due to construction."

7.7 The Notice of Motion as listed in the agenda, in relation to the 'Development of the 2016-17 Council Budget' was proposed by Councillor Sykes, and seconded by Councillor Mac Cafferty.

7.8 **RESOLVED:** That the Committee note the following Notice of Motion in the understanding that further information on the 2016/17 budget setting process would come to the July meeting of the Committee.

"In the expectation that the 2016-17 BHCC budget will need to plan for further cuts and savings of at least £20m after £95m of cuts since 2011, this Committee and this Council resolve to make all efforts to engage city residents, businesses and the third sector in budget development this year. Specifically this Committee and Council resolve not to reduce in extent or duration the public consultation on detailed budget proposals in comparison with that undertaken for the 2012-13 to 2015-16 financial years under the previous administration and furthermore resolve to publish detailed budget proposals including Equality Impact Assessments by mid-December 2015."

7.9 There were no further matters relating to Member Involvement.

8 TARGETTED BUDGET MANAGEMENT (TBM) PROVISIONAL OUTTURN 2014/15

- 8.1 The Committee considered a report of the Interim Executive Director for Finance & Resources in relation to Targetted Budget Management (TBM) Provisional Outturn 2014/15. The report set out the provisional outturn position on the Council's revenue and capital budgets for the financial year 2014/15. The final outturn position was subject to annual external audit review. The final position would be shown in the Council's financial statements which had to be signed by the Chief Finance Officer by 30 June 2015 and the audited set approved by the Audit & Standards Committee by 30 September 2015.
- 8.2 Councillor Mitchell welcomed the report and made particular note of the additional funds for new homes through sales in the 'Right to Buy' scheme; the release of money through the insurance fund and the favourable position of the Council Tax collection fund. In response to a question the Executive Director for Children's Services explained that the dedicated schools grant was ring-fenced; the bulk of the underspend had related to nursery provision as the authority had been allocated funding for a 100% take up.
- 8.3 In response to a further query from Councillor Mitchell the Executive Director for Adults' Services explained that a great deal of preparatory work had taken place; in terms of implementation there was the national eligibility criteria, and this needed to be carefully monitored for any impact on the Council's own criteria. This year the Council still had to make a decision on whether it was going forward with the second phase of the Care Bill, and an assessment of 25% of the self-funders would begin in spring 2016.
- 8.4 Councillor Sykes made remarks in relation to the position of TBM Month 2 in the previous financial year; he cautioned that there should not be an assumption any overspend would rectify itself by the end of the financial year, and added that the increasingly challenging VFM position; the pressure on Adults' Services and welfare reform would all have an increasing impact.
- 8.5 Councillor Wealls commented that it could be difficult for a department to stay in budget, but noted that in some areas, such as residential care placements, this could be unavoidable. He welcomed the work of the new Neighbourhood, Communities & Equalities Committee and hoped the proposed working model would soon become clearer. He reiterated the size of the finance challenge facing the authority.
- 8.6 Councillor G. Theobald commented that the final outturn position would have allowed for a Council Tax freeze as the budget had produced a surplus as in previous years. He went on to welcome the comments from Councillor Mitchel in relation to 'Right to Buy' and hoped the new administration would look to tackle the overspend in the City Clean budget. He also raised the issue of the allocation of community and voluntary grant funding and the overspend in trade union staff time. In response a query about the funds through 'Right to Buy' the Executive Director for Environment, Development & Housing explained that the New Homes for Neighbourhoods programme continued to deliver new schemes and look for ways to invest this money. It was also noted that

there would be a report on the future of the City Clean service to the July meeting of the Committee.

- 8.7 Councillor Janio stated that further work needed to be undertaken to look at how to reduce the demand for services, and allow the Council to target spending more effectively. There should be policy review to look at achieving this in the medium and long-term, and he hoped the Fairness Commission could be part of delivering this.
- 8.8 Councillor Daniel discussed the new Neighbourhood, Communities & Equalities Committee in her role as Chair and stated that it would be fundamental to the new administration's approach to bridging the funding gap at the Council. There would be a community focus to ensure fairness and that the provision of services met the requirement. The city was already very fortunate as it had a strong community and voluntary sector; she also recognised that a prevention approach was vital and there would work this year to focus on rough sleepers.
- 8.9 Councillor G. Theobald commended the approach outlined by Councillor Daniel, and he went onto ask how the surplus in Leaseholder charges were managed; Officers agreed to provide a written response to the Committee.
- 8.10 The Chair then put the recommendations to the vote:

8.11 **RESOLVED:**

- 1) That the Committee note the total provisional outturn position for the General Fund, which is an underspend of £0.003m. This consists of an underspend of £2.362m on council controlled budgets, an overspend of £0.259m on the council's share of the NHS managed Section 75 services and net one-off contributions to provisions of £2.100m.
- 2) That the Committee note the provisional outturn for the Housing Revenue Account (HRA), which is an underspend of £0.243m.
- 3) That the Committee note the provisional outturn position for the Dedicated Schools Grant which is an underspend of £1.453m.
- 4) That the Committee approve carry forward requests totalling £4.211m as detailed in Appendix 2.
- 5) That the Committee approve the creation of the earmarked reserves as set out in paragraph 6.6.
- 6) That the Committee note the provisional outturn position on the capital programme.
- 7) That the Committee approve the following changes to the capital programme.
 - i) The variations and reprofiles in Appendix 4 and the new schemes as set out in Appendix 5.

9 ADDITION TO EDUCATION CAPITAL RESOURCES AND CAPITAL INVESTMENT PROGRAMME 2015/2016

9.1 The Committee considered a report of the Executive Director for Children's Services in relation to Addition to Education Capital Resources and Capital Investment Programme 2015/16. The purpose of the report was to recommend the allocation of the additional £1.903 million for 2015/16 within the Structural Maintenance programme and the £686,412 allocated for UIFSM. The proposals in the report were considered by the Children, Young People & Skills Committee at its meeting on 1 June 2015, and recommended to the Committee for approval.

9.2 In response to Councillor Sykes the Executive Director confirmed that free-schools and academies undertook their own maintenance work.

9.3 The Chair put the recommendation to the vote:

9.10 RESOLVED:

- 1) That the level of available capital resources totalling £18.383 million for investment relating to education buildings financed from capital grant, revenue contributions and reserves set aside for primary places be noted.
- 2) That Committee approve the allocation of this additional £1.903 million as shown in Appendices 2 and 3 for inclusion within the council's Capital Investment Programme 2015/16.
- 3) That Committee approve the allocation of £686,410 in respect of Universal infant Free School Meals funding as shown in Appendix 4 for inclusion within the council's Capital Investment Programme 2015/16.
- 4) That Committee grant delegated authority to the Assistant Director of Property & Design to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme.

10 BRIGHTON & HOVE FAIRNESS COMMISSION

10.1 The Committee considered a report of the Assistant Chief Executive in relation to Brighton & Hove Fairness Commission. The report recommended the establishment of a fairness commission for Brighton & Hove that would help inform solutions to the challenges facing the city in relation to equality and fairness. The Commission would also provide a means of testing the implications of future policy and budgetary decisions proposed by the Council. It was noted there was an amendment to the recommendations from the Head of Legal & Democratic Services.

10.2 Councillor Daniel explained that the Commission would be independently chaired, and it would be for the first meeting of the Neighbourhood, Communities & Equalities Committee would seek to approve a robust framework for the Commission to operate. The intention was for the Commission to report within 12 months and look towards a

three year budget. The Commission would also look towards practical recommendations for residents.

- 10.3 In response to Councillor A. Norman the Assistant Chief Executive explained that the costs for the Commission would be met from existing budgets, and it was not expected these would be large as the Commission would be made up of 12 individuals. There would be basic remuneration offered to those on the Commission similar to the Members' Allowances Scheme.
- 10.4 Councillor Mac Cafferty welcomed the Commission, and he hoped that some of the work undertaken by the previous administration had set the basis for this work, and he also hoped the Commission would build on this work going forward.
- 10.5 In response to Councillors Wealls and Janio the Chair explained that the proposed appointees would be announced in the next few weeks, but the process would ensure all sectors were involved; there would also be one Member appointed to ensure the Commission achieved the goals it was set. There could also be a delay in appointing the full membership to allow the Commission to appoint some of its own members. Councillor Daniel added that she welcomed the comments by other Members and acknowledged the work of partners in the city as well as the previous administration's work in relation to the living wage.
- 10.6 Councillor Wealls noted his support for the Commission, but he had reservations that this could become political; however, he was more than willing to support the report in view of waiting to see what who was appointed to the Commission. The Chair noted that the appointments would need the support of all political parties.
- 10.7 The Chair then put the amended recommendation to the vote.
- 10.8 **RESOLVED:**

- 1) That the Committee agrees in principle to the establishment of a fairness commission.
- 2) That the Committee notes that the detailed Terms of Reference and ways of working for the Fairness Commission will be considered by the Neighbourhoods, Communities and Equalities Committee at its meeting on 20 July and,
- 3) That the Committee delegates the power to the Chief Executive, having regard to the recommendations of the Neighbourhoods, Communities and Equalities Committee, to establish the Fairness Commission and take all steps necessary or incidental to the establishment of the Commission.

11 ITEMS REFERRED FOR COUNCIL

- 11.1 There were no matters referred to the Council meeting on 16 July 2015.

The meeting concluded at 5.19pm

Signed

Chair

Dated this

day of

2014