

# **BRIGHTON & HOVE CITY COUNCIL**

## **COUNCIL**

**4.30pm 16 JULY 2015**

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

#### **MINUTES**

**Present:** Councillors Hyde (Chair), West (Deputy Chair), Allen, Atkinson, Barford, Barnett, Barradell, Bell, Bennett, Bewick, Brown, Cattell, Chapman, Cobb, Daniel, Deane, Druitt, Gilbey, Hamilton, Hill, Horan, Inkpin-Leissner, Janio, Knight, Lewry, Littman, Mac Cafferty, Marsh, Meadows, Mears, Miller, Mitchell, Moonan, Morgan, Morris, Nemeth, A Norman, K Norman, O'Quinn, Page, Peltzer Dunn, Penn, Phillips, Robins, Simson, Sykes, Taylor, C Theobald, G Theobald, Wares, Wealls and Yates.

#### **PART ONE**

#### **13 DECLARATIONS OF INTEREST**

13.1 There were no declarations of interest in matters appearing on the agenda.

#### **14 MINUTES**

14.1 The minutes of the last ordinary meeting held on the 26<sup>th</sup> March were approved and signed by the Mayor as a correct record of the proceedings;

14.2 The minutes of the Annual Council meeting held on the 21<sup>st</sup> May 2015 were approved and signed by the Mayor as a correct record of the proceedings.

#### **15 MAYOR'S COMMUNICATIONS.**

15.1 The Mayor informed the Council that the Brighton & Hove Youth Council had appointed its Youth Mayor and Deputy Youth Mayor at its recent elections and welcomed James as the Deputy Youth Mayor to the meeting.

15.2 The Mayor then invited the Monitoring Officer to address the meeting.

15.3 The Monitoring Officer stated that he had been informed that the Royal British Legion wished to recognise the Councillor Hyde's support over the last 30 years in collecting on its behalf. He therefore asked that Mr. Dudley Button from the Royal British Legion to come forward to present the Mayor with a badge of recognition for her service.

- 15.4 The Mayor was presented with a badge on behalf of the Royal British Legion and thanked Mr. Button for attending the meeting.

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

- 16.1 The Mayor invited the submission of petitions from councillors and members of the public. She reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 16.2 Ms. Robertson presented an e-petition with 189 signatures requesting a crossing at Brentwood Road.
- 16.3 Councillor K. Norman presented a combined e and paper petition on behalf of Ms. Finn, with 253 signatures concerning the introduction of any new parking restrictions in residential areas.
- 16.4 Councillor Lewry presented a petition with 150 signatures requesting a lollipop crossing for West Blatchington Primary School.
- 16.5 The Mayor thanked the petitioners and noted that each petition would be referred to the relevant committee for consideration.

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

- 17.1 The Mayor reported that three written questions had been received from members of the public and invited Ms. Gilbert to come forward and address the council.
- 17.2 Ms. Gilbert thanked the Mayor and asked the following question; “What is the City Council’s strategy for maintaining bio-diversity and wildlife corridors whilst striving to reach Brighton and Hove’s challenging housing targets. In the light of the adopted policy under the Community Sustainability Plan 2012-16 which advocates: ‘Protecting and expanding old habitats and creating new space for wildlife?’

We understand there is potential for the development of existing brownfield sites for housing (an area approximating 80 football pitches) and suggest it right and proper that all such potential sites be studied carefully prior to any consideration for development which would encroach on our precious wildlife corridors with habitats for thriving flora and fauna, not to mention irreversibly changing our historic villages.”

- 17.3 Councillor Morgan replied; “Thank you for your question, National Planning policy requires that we should try to meet as much of our housing need as is possible. However, the city can’t meet its housing needs in full as it’s constrained by the sea to the south and the South Downs national park to the north.

Most of the new housing (87%) to be developed in the city over the next 15 years will be on brownfield sites. But, as part of the City Plan examination process we have been told by the City Plan Planning Inspector to look again at the city’s urban fringe sites for more housing. In addition to this, Government policy no longer seeks that brownfield sites are developed before greenfield sites - we have to look at both.

In response to this a study was undertaken last year (2014 Urban Fringe Assessment) identified that:

- only 7 per cent of the urban fringe may be suitable for housing - as part of this it recommends measures to reduce impacts from development and where possible secure improvements.
- It confirms that significant areas of the urban fringe are not suitable for development and can remain protected for their open space, landscape and ecological value.
- It also identified that four open space areas within the urban fringe could be designated as 'Local Green Spaces' that would give them more protection.

We are undertaking more detailed work this year on the sites identified with potential for development. This will look at landscape and wildlife impacts in more detail to ensure that these matters are properly addressed.

If and when sites come forward, specific attention will be given to ensuring there are effective measures in place to mitigate impacts, secure improvements to habitats and, where possible, secure new public open space as a result of development.

You can be assured that the city council gives significant weight to biodiversity and landscape matters when:

- considering planning applications for new development: and
- allocating sites for development.”

- 17.4 Ms. Gilbert asked the following supplementary question; “Would Councillor Morgan reassure residents that the council will do everything in its power to make sure Brownfield sites are more attractive to potential developers when applying for government funding.”
- 17.5 Councillor Morgan replied; “As I have said the requirement for Brownfield sites has been dropped, but we will look at these in terms of seeking to meet the council’s housing targets and I’m sure there will be on-going discussions with developers and planning inspectors.”
- 17.6 The Mayor thanked Ms. Gilbert for her questions and called a short adjournment in order for the power to be reactivated to the microphone system. The meeting was then adjourned for five minutes from 4.50 to 4.55pm.
- 17.7 Following the reconvening of the meeting the Mayor invited Mr. Stanley to come forward and address the council. The Mayor noted that Mr. Stanley was not present and therefore asked that a written response be sent to him.
- 17.8 The Mayor then invited Mr. Kemble to come forward and address the council.
- 17.9 Mr. Kemble thanked the Mayor and asked the following question; “The Council closed the toilets at Hove Town Hall Car Park as facilities were available at Hove Town Hall. Following the closure of Hove Town Hall there are no toilet facilities available although

the Car Park toilets are open at the weekend. Would the Council kindly explain why the toilets at Hove Car Park cannot be open 7 days a week until the Town Hall refurbishment is completed?"

- 17.10 Councillor Mitchell replied; "It's good to see you again Ted and thank you very much for your question. The Norton Road Car Park toilets were closed during week days in 2013 as part of the council's budget setting process and at the time of the decision the toilets in Hove Town Hall were indeed available during the week when the Town Hall was open.

The Town Hall is now undergoing major building renovation works which is due to be completed mid-2016 and while the building works are on-going the toilets are unavailable. We have made a considerable effort with the building contractor to find a solution to keep the toilets open but unfortunately keeping the existing toilets in Hove Town Hall open during the works posed too greater safety risks for members of the public.

The Customer Service Centre staff have been advised to direct people to nearest public toilets which are on Goldstone Villas and Hove Library. This information is also available on our website and we are placing appropriate signage outside of Hove Town Hall and Norton Road Car Park so that people can be made aware of where the nearest toilets are located. We appreciate that for some travelling to one of these locations will present difficulties, we are therefore arranging for a staff toilet to be made available for the public to use on request but only where there is an urgent need. How people are supposed to evidence that has not yet been clarified. Unfortunately, this cannot be made freely available to all to use as it can only be accessed by going through a staff area. I further understand that consideration was made at the time as to whether the cost of opening the toilets in the Car Park for the duration of the works could be met. However, the cost of that would be in the order of £10,000 and was something that the council was able to do at the time due to budget constraints."

- 17.11 Mr. Kemble asked the following supplementary question; "Madam Mayor, the Leader of the Council has wasted £260,000 on the disposal of the former Chief Executive, would Councillor Mitchell give an undertaking to staff and officers to revisit the decision not to re-open the Hove Town Hall Car Park Toilets whilst Hove Town Hall is being refurbished and advise me of the result."

- 17.12 Councillor Mitchell replied; "There is currently a review of all public toilets provision in the city currently underway and I can assure you that there will be new public toilets provision in the refurbished Hove Town Hall for the public including and accessible toilet."

- 17.13 The Mayor thanked Mr. Kemble for his questions and noted that this concluded the item.

## **18 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

- 18.1 The Mayor noted that no deputations had been received from members of the public for the present meeting.

**19 PETITIONS FOR COUNCIL DEBATE**

- 19.1 The Mayor stated that the council's petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. She had been notified of one such petition which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.
- 19.2 The Mayor also stated that as the petition was likely to form part of any public representations that would be submitted alongside a planning application, the Monitoring Officer had advised that Members of the Planning Committee should not speak or vote on this matter.
- 19.3 Mr. Flanagan and Ms. Moss jointly presented the petition which called on the Council to reject any applications for planning permission to build on St Aubyns playing field in Rottingdean and to confirm its designation as a Local Green Space in its City Plan. They confirmed that the combined e and paper petition had over 1,800 signatures and noted that Rottingdean Parish Council had recently included it as a Green Space in its Neighbourhood Development Plan.
- 19.4 Councillor Morgan thanked Mr. Flanagan and Ms. Moss for attending the meeting and presenting the petition. He noted that the Conservative Group had also submitted an amendment to the covering report's recommendation and stated that he supported the amendment and felt that it would be better for the Economic Development & Culture Committee to consider the matter.
- 19.5 Councillor Mears formally moved the amendment on behalf of the Conservative Group, which sought to recommend to the Economic Development & Culture Committee that St Aubyns playing field be designated a Green Space at the earliest opportunity. Councillor Mears paid tribute to the residents who had brought the petition and hoped that councillors would support it.
- 19.6 Councillor Bell formally seconded the amendment.
- 19.7 Councillor Druitt commended the work of everyone involved in bringing the petition to the council and welcomed the amendment. He believed it was important to recognise the value of playing fields across the city and noted that the National Planning Framework enabled such sites to be protected in this way. However, he also expressed his concern over the National Planning Framework and the risk it generated to community assets such as playing fields given the assumption for sustainable development.
- 19.8 The Mayor congratulated Councillor Druitt on his maiden speech on behalf of the council.
- 19.9 The Mayor noted that the amendment had been accepted and that Councillor Morgan had no further comments and therefore put the amendment to the vote which was carried. She then put the recommendation as amended to the vote which was also carried.

- 19.10 **RESOLVED:** That the petition be referred to the Economic Development & Culture Committee for consideration at its next meeting, with a recommendation that St Aubyns Playing Field is designated a Local Green Space at the earliest opportunity.

## 20 WRITTEN QUESTIONS FROM COUNCILLORS.

- 20.1 The Mayor noted that no written questions had been submitted by Members for the present meeting.

## 21 ORAL QUESTIONS FROM COUNCILLORS

### (a) Prevent Agenda

- 21.1 The Mayor noted that notification of 10 oral questions had been received and that 30 minutes was set aside for the duration of the item. She then invited Councillor G. Theobald to put his question to Councillor Morgan.
- 21.2 Councillor G. Theobald asked, "On the 1<sup>st</sup> July Section 26 of the Counter Terrorism and Security Act 2015 came into force imposing a statutory duty on local authorities to have and I quote 'due regard to the need to prevent people from being drawn into terrorism' this so called prevent duty. Given the ever increasing threat from home grown terrorism will the Leader of the Council please tell residents how this council is working to comply with the new duty?"
- 21.3 Councillor Daniel replied; "Thank you for your question and it is completely relevant to everyone's lives at the moment. We have employed a Prevent Co-Ordinator in the last week and the Prevent Agenda and the duty is likely to be overseen by the Safe in the City Partnership but there is further guidance expected from Home Office on that. We have received some funding from central government to deliver this project which is around doing everything we can as a council to prevent people from being, for the want of a better word "groomed into terrorism". As you know we are a priority area with some sad incidents where children in the city have been pulled into terrorism so we have dedicated support staff and been given £63,000. We have three projects which have been identified by the Home Office as best practice and we were given £45,000 in late June 2015.

So as I say the Prevent Co-Ordinator is in place we have got a very strong relationship across the statutory sector partners in the city. It has been taken very seriously and I would say that probably if you want a more detailed report your colleagues on the Neighbourhoods, Communities & Equalities Committee can obviously ask me to put this on the agenda and I would be more than happy to do so."

- 21.4 Councillor G. Theobald asked the following supplementary question; "Thank you very much for that response. Looking at the Terms of Reference of your Committee it does not actually cover one particular aspect because my supplementary question is this. At a recent School Governors meeting, and I didn't think schools came within the Neighbourhood brief, that I attended the Head Teacher actually flagged this up as a particular issue for schools and colleges. Will Councillor Morgan ensure that local schools and colleges have all the support and assistance they need in order to help them meet the Prevent Duty?"

21.5 Councillor Daniel replied; "We have a programme with schools and Ofsted are also are going to oversee how schools manage the Prevent Agenda alongside a normal safeguarding programme. I would like to tell you that the school that I work in in the city they have already incorporated this into their safeguarding procedures and training has been undertaken and hope this will reassure you. Also a teacher in my Ward has also recently flagged issues where due to the good training they have received where they overheard a conversation; that is now being dealt with by the Prevent Workers. So thank you for that and I would like to reassure you that this is in hand."

**(b) Council Budget Development**

21.6 Councillor Mac Cafferty asked; "The Labour manifesto had little to say about how they would deal with expected major cuts and grant supporting our council beyond mention of a Fairness Commission. Can the Finance Lead tell this council what efforts this administration plans in terms of advocacy and political work such as approaches to Ministers and working with other council's in order to protect decent and adequately resourced public services in Brighton and Hove?"

21.7 Councillor Hamilton replied; "We have set up this Fairness Commission and we will be consulting with them. We are hoping to get some quite useful information from our Neighbourhoods, Communities & Equalities Cttee as well. We are actively at the moment consulting other councils throughout the country seeing what methods they are using to try to reduce the effect of the cuts we all have to face. Obviously it is very early days yet and you must appreciate that as we get through the budget review programme I am sure we will actually have more ideas and if Councillor Mac Cafferty has any more ideas he would like us to look at we would be most pleased to do so. We want this to be an open operation and obviously every time we have a budget review group we are looking to see what progress is being made with regard to facing the issues that have been raised. We are going to have problems and it is sensible, it seems to us to find out exactly what is happening in other areas of the country where people are managing in various ways to try and come in within budget. At Policy & Resources last week we viewed a document which showed various ways in which we are hoping to actually offer services at a better and cheaper rate. These are the avenues that we are considering at the moment to see how we can try to provide the best possible services for our residents within the confines of the money that is available to us. I think all I can say is we are at a very early stage of the process."

21.8 Councillor Mac Cafferty asked the following supplementary question; "I am glad that you referred to the Policy & Resources paper because it appeared to pave the way for major service cuts, privatisation, and increases in council tax for the working pair and also at the same time it seems just to reach budget consultation. Our Group is against cuts in public services, is against privatisation and in favour of robust comprehensive conversation with the residents of this city about financing quality public services. Can the Finance Lead from the Labour Administration tell us why our Group should support the Administration's budget approach please?"

21.9 Councillor Hamilton replied; "As it was said at the last budget approval, we are looking at every possibility. We have a blank sheet of paper and we are looking at every considerable way in which we could in fact provide services maybe more cheaply as

other local authorities and so on. We all know that in the future we will be asked to put up the council tax up by x y z maybe, but the only experiment that has been tried so far proved to be unsuccessful and so therefore, we don't think that is going to be the answer. So we have got to work within the limits that we know are available and at the moment there is a possibility of a maximum of 2% increase but who knows that might even go down we don't know. At the last Policy & Resources meeting it was quite interesting to see quite a few people supporting the way we hope to go about carrying out this work.

There are other organisations that we can work with; we talked about the possibility of working with East Sussex and Surrey with regard to some services. That's not privatisation, that's working with other local authorities and these are the sort of things that we intend to do. I think we need to wait until we are further down the round, although no doubt we will probably get a question at every council. If we have any further information that we can convey at Budget Review Group, we will do so and we will need to see what is the best way to undertake a consultation in order that we get the widest possible input from people in the city so that we can hopefully work as well as we can to try to meet their aspirations."

**(c) Legal Highs**

21.10 Councillor Simson asked; "The use of legal Highs in the UK are growing rapidly with campaign groups and Angelus estimating that 13.6 percent of 14 – 18 year olds school students and 19% of university fresher's had tried one. Whilst no specific research has been carried out in Brighton and Hove on their youth anecdotal evidence suggests that it is becoming increasing prevalent in our city. I attended a recent meeting of the Sussex Partnership NHS Trust where legal highs were up for discussion and it is clear that the NHS is really struggling to get to grips with mental health effects of these on users, not to mention the increased costs of treatment and it is especially prevalent in Brighton and Hove.

Do you agree with me Councillor Yates that this is an issue that the Health & Wellbeing Board should be looking into as a matter of priority?"

21.11 Councillor Yates replied; "Yes I do agree that this is an important issue. This is one of the broadest issues we can see. Coming back to Councillor Theobald's earlier issue that he had with who does the question go to this is a question that could go to a number of the Committee Chairs because it crosses boundaries within this council that is why it is important that committees and ourselves as leads actually work together.

I had Councillor Penn looking at this as our Lead on Mental Health, so yes, from that perspective I do agree. I think it is important that we understand that we have a number of issues around legal highs and how legal highs are dealt with across the city. This is a matter that has already been dealt with and addressed by the Safe in the City Partnership Board. They have had information going to them, they have been raising awareness, looking for soundings trying to pick up some of that anecdotal data because as you say we don't have a clear set of data, we don't know what is going on, but I can give perhaps some feedback about where we think we are.



We know there are there are specific vulnerable groups that are more likely to make use of legal highs and when I say legal highs we can talk legal highs or we can talk novel psychoactive substances which can include legal highs and some other novel drugs that can be covered under the 1971 Misuse of the Drugs Act. The issue really is actually identifying what groups are making use of these, students; children are large groups where there has been a significant amount of public concern. There is also concern about people who are making use of hostels, people who are in temporary housing may have higher levels of use of these drugs as well, but if we don't have the data we really can't do much else. What we can do is take action on these so the council is working in partnership with other organisations especially the police, but using trading standards because many of these substances aren't technically illegal and are not covered by the Misuse of Drugs Act. As the Misuse of Drugs Act cannot keep up with the creation and with their classification then frequently we are relying on other forms or legislation and actually trading standards can have a better influence over this matter. We need to be identifying how we address the health needs of this but we cannot do in this isolation, the Health and Wellbeing Board has to address treatment but we also have to make sure that we are addressing proper health education within schools, and that we have a proper substance misuse programme. We are putting funding into these areas and we are making sure that we are addressing the needs and the influence that this can have on people's pre-existing medical conditions as well. All of those things are absolutely crucial to everyone that lives in the city, whether you are intending making use of novel psychoactive substances today or in the future or whether you are not.

Whether you are worried about your families and your children making use of them or being influenced by them or being influenced by somebody who is under the influence of them. The fact is that we are limited in the way that we can address this issue as we don't have one single lead agency."

21.12 Councillor Simson asked the following supplementary question; "A recent Guardian article about the Government's new Psychoactive Substances Bill which seeks to ban the trade in legal highs featured a so-called high street head shop on Brighton's, Queens Road, openly selling these drugs. Will Councillor Yates join with me in welcoming the Government's new Bill and does he agree with me that such shops has no place in this city?"

21.13 Councillor Yates replied; "Yes."

**(d) Use of Social Media**

21.14 Councillor Sykes asked; "Can the Leader of the Council, Councillor Morgan, set out briefing what he considers to be acceptable for parameters of use of social media by councillors of any party?"

21.15 Councillor Morgan replied; "Thank you Councillor Sykes. We do have a protocol for all councillors regarding the use of social media and that has been shared as part of the induction process. If further training is needed then it will be undertaken."

21.16 Councillor Sykes asked the following supplementary question; "On social media I think lots of us here use it, we can be provocative, we can be opinionated, we can be fierce

we can banter and that is all fine, but we should always be truthful Madam Mayor, in fact as Councillor Morgan referred to it is one 7 principles of public life set out in the code of conduct that Members should be truthful. So my question is what advice does Councillor Morgan have for any Members of any group here whose tweets, Facebook posts have content that is without evidence and demonstrably false.”

21.17 Councillor Morgan replied; “Well without knowing the specific examples that Councillor Sykes is referring to it is very hard for me to comment.”

**(e) Housing Services Accessibility**

21.18 Councillor Mears asked; “I appreciate that Councillor Meadows is the new Chair of Housing and much was decided before her chairmanship and I recognise that but I was greatly concerned to hear that is now proposals to move housing officer from Bartholomew House to the Moulsecomb Housing Centre making access very difficult for residents, tenants and staff across the city. Barts House is more accessible and very local while Moulsecomb Housing Centre is actually not accessible unless you have a car and we are supposed to be a car free friendly city.

I fail to understand why through re-organisation proposals for backroom services like HR and Finance are to move into Barts House when in fact these services could be placed anywhere not in prime accessible office space. Will the Chair of Housing use her position to ensure that such moves are looked at again allowing proper access for those needing housing services?”

21.19 Councillor Meadows replied; “Thank you Councillor Mears for your question. Essentially I believe it is about how to access service in Housing and I would like to say that the Housing Customer Services Team deals with all general queries from council tenants and leaseholders and can be contacted in the following ways:

1. By phone.
2. By Email.
3. In person at 3 Housing Offices, Victoria Road, Portslade, Whitehawk Hub and Lavender Street in Kemp Town.
4. In person at Bartholomew House and I had forgotten the use of the free phones and computers in various offices around city and libraries so that it enables residents to contact council services.

I am a little disturbed and I do not really want to discuss staff in this medium so I would prefer to discuss how residents can actually contact the council to get their queries dealt with promptly.”

21.20 Councillor Mears asked the following supplementary question; “I would like to really see an impact assessment for these moves as tenants and staff with disabilities will be prevented from accessing the Housing Centre. When the Housing Management Contract was let to Mears financial arrangements were made by the Housing Revenue Account regarding set up costs. I would like to see a full report on the costs subsidies that are happening from the HRA to the General Fund.

Can the Chair of Housing confirm that all these changes have been presented to Area Panels for tenants' agreement as it will be tenants subsidising the cost from their rents and that there will be a report to the next Housing Committee."

- 21.21 Councillor Meadows replied; "Thank you for reminding me, you are quite right those who are disabled, those who are housebound and not able to get out can actually have home visits arranged for them, but the other matter that you require is more an HR matter and not under my remit."

**(f) Brighton University Free School**

- 21.22 Councillor Phillips asked; "When is there going to be an independent assessment of what is needed with regards to a new Secondary School in the city."
- 21.23 Councillor Bewick replied; "As this is my first intervention in this chamber can I just say that it is a privilege to represent the residents of Westbourne and it is an honour to lead on Children, Young People and Skills in the city.

Coming on to Councillor Phillips question she talks about the evidence for the newly proposed Free School. Can I just say that in taking up office Madam Mayor I was made aware of some local concerns about the way the authority has made the case of additional secondary school places in the city? Madam Mayor I would like to inform Members that I recently asked officers to commission and independent review of our school places for casting methodology and for the findings of the review to be reported to the Children, Young Peoples & Skills Cttee which I Chair on the 12 October when the report will be made public."

- 21.24 Councillor Phillips asked the following supplementary question; "Are there plans to consult with the city before a decision is made?"
- 21.25 Councillor Bewick replied; "I think it is important that we understand that some of the decisions about the Free School. This is not a decision for this council it is a decision for the Secretary of State for Education. It is no secret that my party has very deep concerns about the Free School policy, and the way it is being implemented by a Conservative Government, but let's also be clear that from these benches we will put children and their families first in this city. We have a secondary places issue which we need to address and we will therefore be engaging, positively and constructively with the Brighton University's Trust in how we look at providing those school places to our young people as we go forward."

**(g) Travellers – Response to Unauthorised Encampments**

- 21.26 Councillor Bell asked; "I am very happy that Councillor Gill Mitchell will be answering this question for me. We welcome the review of the traveller policy announced by the Leader of the Council and the Chair of the Environment Transport & Sustainability Committee in June. As you may know all encampments occur after 5pm in the evening, especially on Fridays or during the weekends when the travellers know that our response as a council and from the police will be much slower.

As part of their review would the Administration agree to look at the issue of out of hours officer cover to ensure and protect the residents so that we don't have to wait until Monday morning before we find any activity or action taken against these unauthorised encampments from the council?"

- 21.27 Councillor Mitchell replied; "Thank you very much Councillor Bell for your question. The council's policy for managing unauthorised encampments promotes a fair but firm approach within the national legal framework. The council does not tolerate unauthorised encampments in its parks and sensitive sites and will not tolerate the anti-social behaviour that is sometimes associated with such encampments.

The joint working operations between the council and the police are now much improved with new encampments being visited on the day of arrival or within 24 hours. That is a commitment from both the council and from the police. Out of working hours and at weekends the police are always able to contact relevant senior council officers if needed and so there is no delay in agreeing the approach to any particular encampment. At busy times when there have been several new encampments arriving it does make sense to wait to do a joint inspection of the encampments which then can speed up the decision making as to how that encampment is going to be tackled.

As an Administration since May we have wasted no time in reviewing the current policy as you say and we have now introduced through Policy & Resources proposals for the use of public space protection orders and we are very grateful for the support from your colleagues for that. Where possible and within financial constraints the council does seek to physically protect sites and in addition the council has and does use injunctions where appropriate, pursues cases by the civil route and the police continue to use the special powers which will be able to be increased when the new sites are fully open."

- 21.28 Councillor Bell asked the following supplementary question; "Thank you very much for your answer Councillor Mitchell and I appreciate that you are trying to make some changes. However, I do not feel that it is acceptable that we have to wait for a council officer to come back on a Monday morning. We have had three recent encampments in Woodingdean where the police were in attendance when it was only two or three travellers. The same in Rottingdean as well when they came down and also in a Ward which you are familiar with, by the Racecourse, where there were only a few travellers on the site. The police were in attendance at all three sites but would not do anything or failed to do anything at all because there was no council officer representation nor was there one available. So I cannot accept your answer on that and I would respectfully request that you do seek to look at this, because I think city and the settled community deserve 24 / 7 council officer assistance with police to make sure that the travelling community are dealt with swiftly."

- 21.29 Councillor Mitchell replied; "Councillor Bell was asking for an extension to the Traveller Liaison Team. This is only something that can be done as part of the Budget setting process and it is certainly something that we will look at."

**(h) Trees**

21.30 Councillor Druitt asked; “My wife sometimes complains that she is the third favourite in our relationship, after buses and trees. Trees as we all appreciate have many benefits, they improve air quality, they improve bio-diversity, they reduce crime, they improve peoples’ wellbeing and I am aware Councillor Mitchell did a lot of work in 2006 on the Supplementary Planning Document, Number 6 which provides policy for trees in relation to Planning Policy. I would like to thank her for that work.

That was eight years ago though and I would like to ask whether this SPD Number 6 is still fit for purpose with the adoption of the National Planning Policy Framework in the meantime and its presumption in favour of so-called sustainable development and also whether there is a case for broadening our policy on trees to guide all aspects of council decision making not just planning decisions?”

21.31 Councillor Mitchell replied; “Thank you very much Councillor Druitt. I had actually forgotten about the SPD, but thank you for refreshing my memory. As you know SPD’s are things that are readily reviewed by our Planning Department in conjunction with all of the other work that they do carry out. I will raise this with the Senior Planning Policy Officers to see as part and parcel of the work that is being done as we take the City Plan forward this can be refreshed.”

21.32 Councillor Druitt asked the following supplementary question; “Thank you. That was a very promising answer, so thank you for that. We do also have a Tree Trust in the city which enables members of the public to purchase trees for planting in the city and does Councillor Mitchell know how well used this is and how it can be further promoted.”

21.33 Councillor Mitchell replied; “In these days of constrained budgets we are still hopeful of being able to plant new trees in the city the benefits of which you have outlined and which I agree with. I think that over the last year we have had 33 new trees donated. This is something we would seek to increase through any means possible and so I will be very happy to talk to you further about the Trust that you have mentioned.”

21.34 The Mayor noted that the 30 minutes set aside for the item had been reached and therefore stated that she would conclude the item. She noted that any remaining questions could be carried over to the next meeting.

Note: The remaining questions from Councillor Littman regarding the Chief Executive and Councillor Page regarding Primary Care Services were not taken at the meeting.

## **22 CALL OVER FOR REPORTS OF COMMITTEES.**

### **(a) Callover**

22.1 The Head of Democratic Services confirmed that Items had been reserved for discussion;

- Item 23 - Appointment of Acting Chief Executive;
- Item 25 - Audit & Standards Committee Annual Report 2014/15
- Item 28 - New Homes for Neighbourhoods – Final Scheme Approval.

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

22.2 The Head of Democratic Services confirmed that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 24 - Treasury Management Policy Statement 2014/14 – End of Year Review;
- Item 26 - Whistleblowing Policy;
- Item 27 - Code of Corporate Governance.

**(c) Oral Questions from Members**

22.3 The Mayor noted that there were no oral questions in relation to items that had not been reserved for discussion.

**23 APPOINTMENT OF THE ACTING CHIEF EXECUTIVE**

23.1 Councillor Morgan introduced the report and noted that the appointment of an Acting Chief Executive was reserved to full Council. He fully supported the proposed appointment of Geoff Raw who had shown clear leadership and guidance over a number of challenging aspects within the council and hoped that the appointment would be supported by all councillors.

23.2 The Mayor noted that the recommendation to appoint Geoff Raw as Acting Chief Executive had been moved and put it to the vote which was carried.

**23.3 RESOLVED:**

- (1) That the proposed appointment of the Executive Director for Environment, Development & Housing as Acting Chief Executive, effective from the 16<sup>th</sup> July 2015, pending the substantive recruitment process for a permanent Chief Executive be agreed;
- (2) That the proposed salary for the duration of the Acting role be agreed as 100% of the difference between the Executive Director's substantive salary and that of the Chief Executive pay; and
- (3) That the time table for the recruitment of the permanent role be noted.

**24 TREASURY MANAGEMENT POLICY STATEMENT 2014/15 - END OF YEAR REVIEW**

24.1 **RESOLVED:** That the amendments to the Annual Investment Strategy as set out in paragraphs 3.16 to 3.19 of the report be approved.

**25 AUDIT & STANDARDS COMMITTEE ANNUAL REPORT 2014/15**

25.1 Councillor A. Norman introduced the report which provided a summary of the Audit & Standard Committee's work, performance and achievements during 2014/15. She recommended the report to the council and noted that the committee acted as the council's conscience and sought to challenge the organisation constructively. She also

wished to pay tribute to Councillor Hamilton's previous chairing of the committee and hoped that his good work would be continued by the committee.

25.2 Councillor Hamilton thanked Councillor A. Norman for her comments and stated that he wished to thank all the officers who had supported him during his time on the committee and as Chair. He noted that Councillor A. Norman had been a long standing member of the committee and was confident that its good work would continue under her as Chair.

25.3 The Mayor stated that the report had been referred for information and moved that it be noted.

25.4 **RESOLVED:** That the report be noted.

## **26 WHISTLEBLOWING POLICY**

26.1 **RESOLVED:** That the report be noted.

## **27 CODE OF CORPORATE GOVERNANCE**

27.1 **RESOLVED:** That the report be noted.

## **28 NEW HOMES FOR NEIGHBOURHOODS - FINAL SCHEME APPROVAL**

28.1 Councillor Meadows introduced the report which had been referred to the council for information and detailed proposals for housing developments at Findon Road, Whitehawk as part of the Council's programme to meet its housing targets.

28.2 Councillor Mears stated that she wished to express her concerns about the cost of the development and its impact on the Housing Revenue Account and other potential schemes. It appeared that the costs were rising and housing tenants were unlikely to benefit from the scheme even though they were subsidising it. She believed that there should be a Tenant Scrutiny on this issue and an independent audit of the scheme.

28.3 Councillor Miller stated that he was concerned about the excessive cost of the units which appeared to put them beyond the reach of tenants. He believed that the council was getting a bad deal because of the lack of competition in the process of awarding the contract and hoped that this was something that the new Procurement Board would review.

28.4 The Mayor congratulated Councillor Miller on his maiden speech on behalf of the council.

28.5 Councillor Bell stated that he was also concerned about the proposed development and associated costs which he felt should have been placed on the developer. He felt that funds for other projects and services were being restricted because of the approach taken and that this should be reviewed so that the risks associated with future developments were borne by the developer and not the council. This would then free up additional resources for tenants.

- 28.6 The Mayor congratulated Councillor Bell on his maiden speech on behalf of the council.
- 28.7 Councillor Phillips noted that the Green Group had put forward an amendment at the Housing Committee meeting which was not accepted. She felt that it would be helpful to have a Working Group that could look at proposed developments and associated issues so as to take matters forward and report back to the committee.
- 28.8 Councillor Meadows noted the comments and stated that she understood and shared some of the concerns about the various projects. However, these had been identified and agreed under a previous Administration and a number of those previous councillors were no longer on the council. The proposed development at Findon Road was to a very high standard and met the new Homes Standard which should be welcomed. She had also asked officers to establish a cross-party Project Board to look at how new homes could be provided across the city.
- 28.9 The Mayor stated that the report had been referred for information and therefore moved that it be noted.
- 28.10 **RESOLVED:** That the report be noted.
- 28.11 The Mayor then adjourned the meeting for a refreshment break at 6.10pm.
- 28.12 The Mayor reconvened the meeting at 6.45pm.
- 29 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION:**
- (a) St Mungo's Charter for Homeless Health**
- 29.1 The Notice of Motion as listed in the agenda was proposed by Councillor Yates and seconded by Councillor Moonan.
- 29.2 Councillor Page moved an amendment on behalf of the Green Group which was seconded by Councillor Phillips.
- 29.3 Councillor Yates welcomed the amendment and stated that health inequality was a matter for the council and the Health & Wellbeing Board. He believed that working in partnership with the Board and other agencies was crucial and that it would lead to more opportunities to address health inequality in the city.
- 29.4 The Mayor congratulated Councillor Yates on his maiden speech on behalf of the council.
- 29.5 Councillor Moonan stated that in signing up to the Charter it provided an opportunity to recognise the vulnerability of rough sleepers in the city. She noted that the new Neighbourhoods, Communities & Equalities Committee had made a commitment to review the needs of the rough sleepers and to develop a new strategy with partners to address the issues. She therefore hoped that the motion would be supported.



- 29.6 The Mayor congratulated Councillor Moonan on her maiden speech on behalf of the council.
- 29.7 Councillor Page stated that in bringing the amendment he had hoped to be helpful and to show the Green Group's support for the Charter and the intentions to address health inequality. He hoped that the Health & Wellbeing Board would give full consideration to the Charter and get behind it.
- 29.8 The Mayor congratulated Councillor Page on his maiden speech on behalf of the council.
- 29.9 Councillor K. Norman stated that a great deal of work had already been undertaken to tackle health inequality and drew councillors' attention to the JSNA and previous Homeless reports. He agreed that there was a need to remain vigilant and to continue to look at how matters could be dealt with. However, he also noted that the Health & Wellbeing Board was already referred to on St Mungo's website as a signatory to the Charter and queried how this had been achieved, as he had no recollection of the matter at meetings of the Health & Wellbeing Board.
- 29.10 Councillor Mears stated that there was a need to recognise a lot of the good work that had already taken place to help those faced with being made homeless and those who were. She also noted that the Housing & New Homes Committee had responsibilities for this area and therefore hoped that it would continue to have a role and receive reports. She was happy to support the motion but felt that the important point was to look at and achieve real outcomes for those in need.
- 29.11 Councillor Yates noted the comments and stated that he felt a broader approach was needed and that all agencies involved could do more. He hoped that by raising the matter with the Health & Wellbeing Board it could make its position clear, as it was not certain how it had been associated with the Charter previously.
- 29.12 The Mayor noted that the Green Group's amendment had been accepted and therefore put the following motion as amended to the vote:

"This Council resolves to:

- Support the Health & Wellbeing Board's work to tackle health inequality and inclusion in relation to homelessness as exemplified in the recent report on health inequalities by the Director of Public Health.
- Request that the Health & Wellbeing Board fully appraise itself of The St Mungo's Charter for homeless health, and considers signing up to the charter as confirmation of the council's commitment."

- 29.13 The Mayor confirmed that the motion had been **carried** unanimously.

**(b) Reinstate the Independent Living Fund**

- 29.14 The Notice of Motion as listed in the agenda was proposed by Councillor Mac Cafferty and seconded by Councillor Page. Councillor Mac Cafferty also moved an amendment to the motion having found that since the publication of the agenda, that the

Government had altered part of the financial aspects associated with the Independent Living Fund.

- 29.15 Councillor Hamilton moved an amendment on behalf of the Labour & Co-operative Group which was seconded by Councillor Barford.
- 29.16 Councillor Mac Cafferty stated that he hoped Members had been able to read the email from the FED on this issue. He believed that there was a need to express the council's concern over the Government's decision to cut the Independent Living Fund and to consider how this would affect people after 2015. He believed that funding should be ring-fenced so that residents felt that there was some support and noted that other authorities had chosen to take this action.
- 29.17 Councillor Hamilton stated that care packages had been re-assessed and checks made with the providers and the majority of packages remained at their current levels. He accepted that there were some people who would benefit and some who would be worse off, however they could ask for a review.
- 29.18 Councillor K. Norman stated that the grant funding was received directly by clients and the previously referred to 5% cut was not being implemented. He did not believe there was a need to ring fence the funding as it would be used to meet people's needs. There was an excellent team of officers who supported this service and worked to ensure everyone who needed support was able to access it.
- 29.19 Councillor G. Theobald stated that he believed the motion and the amendments were not worth considering given that they did not reflect the actual situation and suggested that because the original motion had been incorrect it would have been better to withdraw it. He also drew attention to the apparent difference of views amongst the Labour Party and whether the ILF should be retained as a stand-alone fund or an opportunity taken to develop a sustainable model of provision.
- 29.20 The Mayor noted that Councillor Theobald had exceeded his time allowed to speak and that having had a request for an extension moved it had been lost. She therefore called on Councillor Horan to speak.
- 29.21 Councillor Horan expressed her concern over how she felt this important issue was being trivialised by various comments and that there was a need to give proper consideration to an issue that directly affected people's lives.
- 29.22 The Mayor congratulated Councillor Horan on her maiden speech on behalf of the council.
- 29.23 Councillor Barford stated that 40 people in the city were affected and had different assessment criteria to others. The council had been aware of the proposed closure of the ILF and had put in place a robust approach to review those needs which would change over time and therefore she did not agree that it would be beneficial to ring-fence the funding.
- 29.24 The Mayor congratulated Councillor Barford on her maiden speech on behalf of the council.

- 29.25 Councillor Page stated that the issue was about people's lives and the motion had been put forward because of the Government's intention to reduce funding levels. Whilst this reduction had not materialised as of yet, he knew of one case where the re-assessment had led to a reduction in provision which had directly reduced their quality of life. It meant that they would become more dependent and as such a greater cost to the authority.
- 29.26 Councillor Mac Cafferty stated that he did not accept the Labour & Co-operative Group's amendment and suggested that councillors should speak to those in the community who were directly affected.
- 29.27 The Mayor noted that the Labour & Co-operative amendment had not been accepted by Councillor Mac Cafferty and put the amendment to the vote which was **lost** by 23 votes to 27.
- 29.28 The Mayor then put the following motion with Councillor Mac Cafferty's amendment to the vote:

Council notes:

- With grave concern the cutting of the Independent Living Fund (ILF) from central government on 30th June. Disability charity, Scope, described the closure of the fund as "likely to lead to fewer disabled people being able to live independently"
- Funding has been devolved to councils to fund care for people with the most complex – and expensive– needs. However Councils throughout the country can't meet demand as it is.

Council deplures:

- On top of £4.6 bn cuts to social care funding nationwide in the last 4 years, there are at least £1.1bn "savings" expected in 15/16, as well as further cuts from the Chancellor's Welfare Budget;
- The net effect of these decisions given how cuts are already affecting councils will be to strike at the autonomy of disabled people who should be entitled to live independently.

Council resolves to:

- If government fails to reinstate ILF, to ask Policy and Resources Committee to ring-fence funding to individual ILF users in Brighton and Hove up until the end of financial year 2019;
- To ask the Chief Executive to write to the Secretary of State for Work and Pensions appealing for the reinstatement of ILF at its full value, funded by central government which will give back genuine independence for disabled people in our city.

29.29 The Mayor confirmed that the motion had been **lost** by 9 votes to 24 with 17 abstentions.

**(c) Personal, Social, Health & Economic Education**

29.30 The Notice of Motion as listed in the agenda was proposed by Councillor Knight on behalf of the Green Group and seconded by Councillor Phillips.

29.31 Councillor Moonan moved an amendment on behalf of the Labour & Co-operative Group which was seconded by Councillor Bewick.

29.32 Councillor Knight stated that personal, social, health and economic education (PSHE) was an important element to the education of young children and one that she felt should be on an equal footing with maths and English. It should be part of the general curriculum and not an add on as it was in some schools. It provided a key part of learning and an opportunity to develop social and environmental skills. She therefore hoped that the motion would be supported and the Secretary of State persuaded to consider meeting the request.

29.33 The Mayor congratulated Councillor Knight on her maiden speech on behalf of the council.

29.34 Councillor Moonan welcomed the motion and stated that the amendment from the Labour & Co-operative Group sought to strengthen the aims of the motion. She was fully aware of how important PSHE was in schools but also that not everyone practitioner was trained to deliver it effectively. The schools and staff needed training and support to work in partnership with other providers to ensure their experiences and expertise could be utilised as part of the delivery of PSHE.

29.35 Councillor A. Norman stated that she had attended meetings on this matter in her capacity as a school governor and recognised the important role it had in school. At Westdene Primary they had a named Governor who had responsibility for PSHE.

29.36 Councillor Brown stated that she could not support the Labour & Co-operative amendment and believed that PSHE was already being successfully delivered in schools in the city.

29.37 Councillor Taylor stated that PSHE was recognised by the schools as having an important part to play in the development of the children. He noted that the Government had provided funding to establish a PSHE Association to support work in schools and to share best practice. However, he felt that careful consideration needed to be given to seeking to establish another compulsory subject within the curriculum, as there was a need to take into consideration cultural and religious factors. He was therefore happy to support the original motion.

29.38 The Mayor congratulated Councillor Taylor on his maiden speech on behalf of the council.

- 29.39 Councillor Littman stated that he could not support the amendment and suggested that schools and teachers would utilise experts from other fields as part of their PSHE lessons.
- 29.40 Councillor Barradell noted that in finalising their amendment, the Labour & Co-operative Group had had to be mindful of the limitation on the number of words that could be used to form a motion, which was the reason why it may not appear to be as clear as it could have been.
- 29.41 The Mayor thanked Councillor Barradell for her clarification and noted that in addressing the council it would be regarded as her maiden speech. She therefore congratulated Councillor Barradell on her maiden speech on behalf of the council.
- 29.42 Councillor Bewick stated that the Labour & Co-operative Group would support the motion regardless of whether or not their amendment was accepted. The issue went to the heart of educational provision and one that had to compete with other issues in the education system. He agreed that schools should draw on good practice elsewhere but there was a need to provide the means to deliver it effectively.
- 29.43 The Mayor congratulated Councillor Bewick on his maiden speech on behalf of the council.
- 29.44 Councillor Phillips thanked everyone for their contributions during the debate and hoped that PSHE would not remain as an optional bolt-on in the education system. She noted that parents were fully supportive of PSHE and recognised the crucial role it had in supporting and developing children and she hoped that this would be taken forward at a national level.
- 29.45 Councillor Knight noted the comments and confirmed that she would not accept the Labour & Co-operative amendment.
- 29.46 The Mayor noted that the Labour & Co-operative Group's amendment had not been accepted by Councillor Knight and put the amendment to the vote which was **lost** by 23 votes to 27.
- 29.47 The Mayor then put the following motion to the vote:

This Council congratulates educators, young people and children, parents, governors and council officers for their ongoing hard work on Personal, Social, Health & Economic (PSHE) education across Brighton & Hove.

The Council notes the important role of PSHE education in helping our children and young people to develop the skills and knowledge needed to navigate the world they are growing into, including around relationships, respect and responsibilities along with sex, nutrition and drugs & alcohol use. PSHE offers whole person education - tools which can be used throughout life.

The Council expresses its concern that currently PSHE is an optional subject, without statutory status, and consequently some children and young people miss out on it and training for teachers is not prioritised. Allowing PSHE Statutory status is key to

unlocking the training that teachers need to support them in this complex and essential task.

The Council therefore requests that:

- (1) The Chief Executive writes to the Secretary of State for Education, expressing the view that PSHE education should be made statutory and funded in all primary and secondary schools in Brighton and Hove and across the country;
- (2) That a copy of the letter is sent to local MPs and local trade unions in education seeking their support and asking that they also write to the Secretary of State for Education.

29.48 The Mayor confirmed that the motion had been **carried** unanimously.

**30 CLOSE OF MEETING**

30.1 The Mayor thanked everyone for attending and closed the meeting.

The meeting concluded at 8.15pm

Signed

Chair

Dated this

day of

2015