

BRIGHTON & HOVE CITY COUNCIL

15 JULY 2004

4.30PM

HOVE TOWN HALL

MINUTES

Present: Councillor Mrs Drake (Mayor); Councillors Allen, Battle, Bennett, Bodfish, Mrs Brown, Burgess, Carden, Mrs Cobb, Davidson, Edmond-Smith, Elgood, Fitch, Forester, Framroze, Giebeler, Hamilton, Hawkes, Hazelgrove, Hyde, John, Kemble, Kielty, Lepper, Mallender, McCaffery, Meadows, Mears, Meegan, Mitchell, Morgan, Mrs A Norman, K Norman, Older, Paskins, Peltzer Dunn, Pennington, Pidgeon, Randall, Mrs Simson, Smith, Taylor, Mrs C Theobald, G Theobald, Tonks, Turner, Watkins, Wells, Williams, Willows, Wighton and Young.

10. DECLARATIONS OF INTEREST

10.1 The Mayor reported as this is the first ordinary meeting during her mayoralty, she thought that it might be helpful to Members if she explained how she intended to deal with declarations of interest.

10.2 The Mayor reminded Members that the Council's Code of Conduct required Members with a personal interest in a matter who attended a meeting of the authority at which the matter was to be considered to disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10.3 The Mayor also said that a Member also had a prejudicial interest in that matter if the interest was one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it was likely to prejudice the Member's judgement of the public interest.

10.4 The Mayor reported that any breaches of the Code may result in a written complaint to the Standards Board of England. Therefore she reminded Members of the above and the Code of Conduct that Members had all signed. Members may seek advice from officers but it was a matter for the individual Member to decide.

10.5 In the circumstances The Mayor asked Members if they would first of all indicate by hand if they had any interests to declare, and when called,

explain which item they had such an interest in and the nature of the interest.

10.6 The Mayor declared a personal interest in item 10 (b), as the position of Mayor was an ex officio member of the Credit Union.

10.7 The following Councillors declared a personal and prejudicial interest in item 10 (b), being contributing members of the Credit Union:

Councillors Tonks, Mitchell, Edmond-Smith, Turner, Fitch, Pennington, Hazelgrove, Paskins, Randall, Burgess, Morgan, and Lepper

10.8 Councillors Simson and Allen declared a personal interest in item 8.1 (a) concerning the Brighton & Hove City Council Youth Service being Members of the Management Committee.

10.9 Councillor Meadows declared a personal interest in item 10 (g) concerning a tetra mast at Theobald House as a relative owned a lease at Theobald House.

10.10 Councillor Edmond-Smith declared a personal interest in item 10 (e) concerning the London to Brighton bike ride.

11. MINUTES

11.1 **RESOLVED** - That the minutes of the meeting of the Council held on 22 April 2004 and the Annual meeting held on 13 May 2004 be approved and signed as a correct record of the proceedings.

12. MAYOR'S COMMUNICATIONS

12.1 The Mayor reported with regret the death of James McGinley. James was elected to the Council in 1996 for the Brunswick and Adelaide Ward but did not seek re-election in 1999. The Mayor asked the Council to stand for a minutes silence as a mark of respect.

12.2 The Mayor advised Members of two events that are being held shortly. The first was the "It's a knockout" competition being held at Preston Park from 12 noon to 6pm on 17 July 2004. The event comprised of teams of 10 people and a team from the Council would be taking part involving senior members of staff. The proceeds would go towards the Mayor's charities.

12.3 On 14 August there would be a garden party at Preston Manor.

12.4 The Mayor then called on Councillor Hazelgrove to present an award to Mr David Roberts on behalf of the Council that had been awarded at the Tomorrow's People South East Awards for Achievement.

12.5 The Mayor stated that in relation to item 10 (a) and 10 (c) she had decided to take both of these items together as they covered predominantly the same subject. After the debate she intended to take the Labour/Liberal Democrat Notice of Motion first. The Mayor also indicated that she had also been notified of an amendment to the Motion. The amendment would be put first. If the amendment was passed it will then become the substantive Motion. The original Motion as drafted, or as amended if the amendment is accepted, would then be put to the vote.

12.6 The Mayor then called on the Leader of the Council to make a statement.

12.7 Councillor Bodfish reported as follows:

"Madam Mayor, I would like to make a short statement to recognise the extraordinary achievement of Adam Trimmingham, who is due to retire very shortly. I am sure that Members on all sides of the chamber would like to join me in congratulating Adam on a remarkable career in journalism, stretching over more than thirty years on the Argus, and previously, the Herald. Our relationship with the gentlemen of the press is occasionally awkward, I will grant you, but all of us recognise that Adam's work has shown a deep and lasting commitment to this city, and to its residents. When one considers the sometimes interminable hours Adam has spent in this chamber over many years, listening to the fine words of my colleagues and our forebears, it is perhaps understandable that Adam will be relishing this, his last Council meeting.

However, I would beg Adam's patience on just one more occasion. Madam Mayor, I would like to propose a motion to Council that, immediately prior to the next meeting of Council to be held on 30 September, a special meeting of Council will be held to confer upon Adam Trimmingham the title of 'Honorary Freeman of the City of Brighton & Hove'. The freedom of the city is conferred upon "persons who have, in the opinion of the Council, rendered eminent services to the city". This will be the very first time that the freedom of the city will have been granted under the Royal Charter, since we were granted city status, and I can think of no better recipient of this honour than Adam, who shares the esteem and respect of both this chamber and the people of this city, recognising Adam's dedication to quality journalism, and to the City of Brighton & Hove.

Madam Mayor, I would like to wish Adam my very best wishes for his retirement, and would like to invite Councillor Peltzer Dunn to second this motion."

12.8 The motion was seconded by Councillor Peltzer Dunn. Councillor Taylor and Councillor Elgood spoke in favour of the motion.

12.9 The motion was carried unanimously.

13. PETITIONS

13.1 The Mayor invited the submission of petitions from Councillors. She reminded the Council that petitions would be referred to the appropriate Committee or Sub-Committee without debate and the Councillor presenting the petition would be invited to attend the meeting to which the petition was referred.

13.2 Councillor Mrs Norman presented a petition signed by 62 residents concerning residents parking in Reigate Road.

13.3 Councillor K Norman presented a petition signed by 64 residents concerning the future of the Larchwood Resource Centre.

13.4 Councillor Giebeler presented a petition signed by 1345 residents concerning the Hove Station Train Cleaning Facility.

13.5 Councillor Wrighton presented a petition signed by 49 residents concerning a home zone in Cobden Road.

13.6 Councillor Hamilton presented a petition signed by 28 residents concerning parking in Links Road.

13.7 Councillor Paskins presented a petition signed by 111 residents concerning the removal of the tetra mast at Theobald House.

13.8 Councillor Hyde presented a petition signed by 189 residents concerning traffic restrictions outside St. Margaret's School, Rottingdean.

14. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

14.1 The Mayor reported that six written questions had been received from members of the public.

Questioner	Subject	Reply by
Ms Valerie Paynter (and supplementary question)	Karis Developers - two sculptures in Connaught Road	Councillor Mitchell

Questioner	Subject	Reply by
Ms Rosemary Lovatt	Parking Problems in Reigate Road	Councillor Mitchell
Mr Sandy Kirk	Council tenant garages and parking spaces	Councillor Hazelgrove
Mr Nigel Furness	Councillor Fitch – extra allowance	Councillor Burgess
Ms Alison Walters (and supplementary question)	Illegal export of electrical equipment	Councillor Mitchell
Mr Richard Scott (and supplementary question)	'Pirates Playground'	Councillor Mitchell

15. DEPUTATIONS

15.1 The Council heard a Deputation concerning Hove Rugby Club. Mr Christopher Duncan was the spokesperson on behalf of residents. Councillor Mitchell replied.

15.2 The Mayor thanked Mr Duncan for attending the meeting and speaking on behalf of the Deputation. She explained that the points made had been noted and would now be referred to the appropriate Committee. The persons forming the Deputation would be invited to attend the Committee meeting and would be informed subsequently of any action taken or proposed in relation to the matters set out by the Deputation.

15.3 The Council heard a Deputation concerning the proposed redevelopment of Larchwood Resource Centre, Coldean, Brighton. Mrs Carol Fowler was the spokesperson on behalf of residents. Councillor Kielty replied.

15.4 The Mayor thanked Mrs Fowler for attending the meeting and speaking on behalf of the Deputation. She explained that the points made had been noted and would now be referred to the appropriate Committee. The persons forming the Deputation would be invited to attend the Committee meeting and would be informed subsequently of any action taken or proposed in relation to the matters set out by the Deputation.

16. WRITTEN QUESTIONS FROM COUNCILLORS

16.1 The Mayor reminded the Council that Councillors' questions were now taken as read by reference to the list, which had been circulated.

16.2 Questions on the following subjects were replied to by the appropriate Councillor as follows:-

Questioner	Subject	Reply by
Councillor Elgood (and supplementary question from Councillor Elgood)	Barbecues on Hove Lawns and historic seafront Squares	Councillor Mitchell
Councillor Randall (and supplementary question from Councillor Randall)	Joint Council Tenancies for same-sex couples	Councillor Hazelgrove
Councillor Kemble (and supplementary questions from Councillors Kemble and Mrs Brown)	Penalty Charge Notices	Councillor Mitchell
Councillor Giebeler (and supplementary question from Councillor Giebeler)	Hove Station Cleaning Depot	Councillor Mitchell
Councillor Kemble (and supplementary question from Councillor Kemble)	Cityclean	Councillor Mitchell
Councillor Pidgeon (and supplementary question from Councillor Pidgeon)	Cityclean	Councillor Mitchell
Councillor Williams (and supplementary question from Councillor Williams)	Graffiti	Councillor Mitchell
Councillor Randall (and supplementary question from Councillor Randall)	World Peace City Conference	Councillor Bodfish

17. REPORTS OF COMMITTEES: CALLOVER

17.1 The following items were reserved for discussion:

Committee	Item
Children, Families and Schools Sub-Committee: 14 June 2004	8.1(a) Notice of Motion: Brighton & Hove City Council Youth Service
Standards Committee: 15 June 2004	8.2(b) Revised Whistleblowing Policy and Action Plan
Policy and Resources Committee: 23 June 2004	8.3(b) Notices of Motion from Council 22 April 2004
Licensing Committee: 24 June 2004	8.4(a) Adoption of Byelaws for the regulation of acupuncture, electrolysis, tattooing, cosmetic piercing and semi-permanent skin colouring businesses

17.2 The Chief Executive moved "That, with the exception of the items reserved for discussion the reports of the Committees appearing under item 8(a) on the agenda with the recommendations or resolutions contained therein be approved and adopted."

17.3 The motion was carried.

18. ORAL QUESTIONS FROM MEMBERS

18.1 There were no oral questions from Councillors on the items, which had not been reserved for discussion.

19. NOTICE OF MOTION: BRIGHTON & HOVE CITY COUNCIL YOUTH SERVICE

19.1 It was moved by Councillor Hawkes that the report of the Children, Families and Schools Sub-Committee in relation to the Brighton & Hove City Council Youth Service be received.

19.2 The motion was carried.

19.3 Councillors Allen and Simson declared a personal interest in this item, as they were both members of the management board of the youth service.

20. REVISED WHISTLEBLOWING POLICY AND ACTION PLAN

20.1 It was moved by Councillor Framroze that the report of the Standards Committee in relation to the revised whistleblowing policy and action plan be approved.

20.2 The motion was carried.

21. NOTICES OF MOTION FROM COUNCIL 22 APRIL 2004

21.1 It was moved by Councillor Bodfish that the report of the Policy and Resources Committee in relation to Notices of Motion from the Council meeting held on 22 April be received.

21.2 The motion was carried.

22. ADOPTION OF BYELAWS FOR THE REGULATION OF ACUPUNCTURE, ELECTROLYSIS, TATTOOING, COSMETIC PIERCING AND SEMI-PERMANENT SKIN COLOURING BUSINESSES

22.1 It was moved by Councillor Lepper that the report on the adoption of byelaws for the regulation of acupuncture, electrolysis, tattooing, cosmetic piercing and semi-permanent colouring businesses be approved.

22.2 The motion was carried.

23. BRIGHTON & HOVE LOCAL PLAN: RESPONSE TO THE INSPECTOR'S REPORT AND PROPOSED MODIFICATIONS

23.1 It was moved by Councillor Mitchell that the report on the Brighton & Hove Local Plan: Response to the Inspector's report and proposed modifications be approved.

23.2 The following amendment was proposed by Councillor Elgood and seconded by Councillor Davidson:

Policy HO15 – Housing for people with special needs

Delete Council's response to accept Inspector's recommendation and replace with:

- **We disagree** with the Inspector's assertion that 'no-one would object to the provision of such housing in principle'. Unfortunately, some sections of the community may well object 'in principle' to proposals for the provision of supported/special needs housing.
- It is important that the need for this element of housing provision is **positively identified in the Plan**. This accords with the council's

policies regarding inclusivity and equal opportunities and links strongly with the council's Housing Strategy.

- The policy has been used to support proposals for supported housing and to encourage developers to consider the provision of supported housing where appropriate.
- **We do agree** that a cross-reference in HO9 (Residential Conversions) would be useful and an improvement to the Plan regarding circumstances where shared accommodation is considered acceptable in residential conversions. Shared facilities can be beneficial in supported housing for young people and/or those with special needs eg. mental health problems.

Recommendation:

- **Reject Inspector's recommendation regarding the lack of need for Policy HO15**

Accept Inspector's recommendation regarding cross reference in Policy HO9

23.3 Councillor Mitchell accepted the amendment.

23.4 The motion as amended was approved.

24. NOTICES OF MOTION

(a) Establishing a Culture & Tourism Sub-Committee

24.1 The following Notice of Motion was proposed by Councillor John and seconded by Councillor Elgood:

"This Council calls on the Chief Executive to put together a report, with appropriate terms of reference and the necessary constitutional changes, to create a Culture & Tourism Sub-Committee of Policy & Resources. The report should make clear areas of responsibility as regards council policies and services, and the external relationship with the Arts Commission."

24.2 The following amendment was proposed by Councillor Smith and seconded by Councillor Taylor:

"Establishing a Culture, & ~~tourism~~ Recreation & Sport Sub-Committee

This Council recognises the vital importance of Culture, in its broadest sense, to Brighton & Hove's current identity and future prosperity. This is reflected in the fact that Brighton & Hove currently receives 8 million visitors

a year, bringing in some £380 million to the local economy and supporting 10% of the local workforce.

This Council notes that under present constitutional arrangements, it is the Policy & Resources Committee which holds delegated decision-making powers in the areas of Culture, Arts, Heritage, Tourism, Marketing, Libraries and Museums and the Environment Committee that holds responsibility over Recreation, Sport and Leisure. There is no specific Committee or Sub-Committee which deals solely with matters of Culture and Recreation.

Furthermore, this Council notes:

- ◆ *From 2005, the Government's revised Comprehensive Performance Assessment regime will expect a strategic approach to the delivery of cultural and other council services as part of the local authority's community leadership role.*
- ◆ *The recently established Arts Commission holds no formal decision-making powers.*
- ◆ *A Cultural Services Department has recently been reinstated into the Council structure.*
- ◆ *Policy & Resources Committee already has responsibility for policy and strategy, finance and other resources, partnerships, economic development, adult learning and employment, community development, grants, Shoreham Airport, management of establishments, catering services in Council establishments, Best Value, human resources, property management, appointment to outside bodies and general powers. Similarly, the Environment Committee already holds wide-ranging decision-making powers in the areas of Sustainability, Planning, Community Safety, Parks, Travellers, Highways, Traffic Management, Parking, Waste Disposal, Conservation & Design, Coastal Protection, Seafront, Environmental Health, Building Control and Trading Standards.*

Therefore, this Council calls on the Chief Executive to put together a report, with appropriate terms of reference and the necessary constitutional changes, to create a Culture, &—~~Tourism~~ Recreation & Sport Sub-Committee of Policy & Resources. The report should make clear areas of responsibility as regards council policies and services, and the external relationship with the Arts Commission."

24.3 On being put to the vote the amendment was lost.

24.4 The substantive Notice of Motion was approved.

(b) Brighton & Hove Credit Union

24.5 The following Notice of Motion was proposed by Councillor John and seconded by Councillor Hawkes:

"This Council applauds the achievements to date of Brighton & Hove Credit Union which now boasts over 1000 members. We welcome the extension of the scheme to form the city of Brighton and Hove Credit Union and in particular, commend the scheme to Members and employees of Brighton & Hove City Council who are able to save through payroll deduction.

The Credit Union is a savings and loan co-operative, run by and for its members on a not-for-profit basis. It presents a credible, reliable and ethical alternative to other savings and loan schemes, which can involve high or even extortionate costs to the borrower.

Consumer debt and its consequences cause problems for many Brighton and Hove residents. It is a subject that is hardly out of the news and places a heavy burden on the advice sector. There is increased concern in local and national government and among consumer representative groups about the level of consumer indebtedness in the UK and about the number of "extortionate" credit agreements entered into by those least able to afford the repayments. We welcome the fact that new legislation in the form of a new Consumer Credit Bill, and secondary legislation to radically overhaul current credit laws to protect people in today's dynamic credit market, is expected this autumn.

This Council is committed to working to protect vulnerable people and the Brighton and Hove Credit Union will help to support this aim."

24.6 The Notice of Motion was approved.

24.7 NB Councillors Tonks, Mitchell, Edmond-Smith, Turner, Fitch, Pennington, Hazelgrove, Paskins, Randall, Burgess, Morgan and Lepper declared a personal and prejudicial interest in this item and left the meeting whilst it was being discussed. The Mayor declared a personal interest in this item.

(c) Culture, Recreation & Sport Sub-Committee

24.8 The following Notice of Motion proposed by Councillor Smith and seconded by Councillor Taylor was withdrawn:

"This Council recognises the vital importance of Culture, in its broadest sense, to Brighton & Hove's current identity and future prosperity. This is reflected in the fact that Brighton & Hove currently receives 8 million visitors a year, bringing in some £380 million to the local economy and supporting 10% of the local workforce.

This Council notes that under present constitutional arrangements, it is the Policy & Resources Committee which holds delegated decision-making powers in the areas of Culture, Arts, Heritage, Tourism, Marketing, Libraries and Museums and the Environment Committee that holds responsibility over Recreation, Sport and Leisure. There is no specific Committee or Sub-Committee which deals solely with matters of Culture and Recreation.

Furthermore, this Council notes:

- ◆ From 2005, the Government's revised Comprehensive Performance Assessment regime will expect a strategic approach to the delivery of cultural and other council services as part of the local authority's community leadership role.
- ◆ The recently established Arts Commission holds no formal decision-making powers.
- ◆ A Cultural Services Department has recently been reinstated into the Council structure.
- ◆ Policy & Resources Committee already has responsibility for policy and strategy, finance and other resources, partnerships, economic development, adult learning and employment, community development, grants, Shoreham Airport, management of establishments, catering services in Council establishments, Best Value, human resources, property management, appointment to outside bodies and general powers. Similarly, the Environment Committee already holds wide-ranging decision-making powers in the areas of Sustainability, Planning, Community Safety, Parks, Travellers, Highways, Traffic Management, Parking, Waste Disposal, Conservation & Design, Coastal Protection, Seafront, Environmental Health, Building Control and Trading Standards.

Therefore, this Council:

- ◆ Calls on the Chief Executive to put together a report for consideration by the Policy & Resources Committee to establish a 'Culture, Recreation & Sport' Sub-Committee under Procedure Rule 14.4 of the City Council's Constitution and to draw up Terms of Reference for said Sub-Committee, detailing its specific areas of responsibility.
- ◆ Resolves to liaise closely with the Chair of the Arts Commission to establish how these two new bodies can best work in partnership to the benefit of Brighton & Hove residents and visitors alike."

(d) Hove Station Train Cleaning Facility

24.9 The following Notice of Motion was proposed by Councillor Giebeler and seconded by Councillor Older:

"This Council deplores the high-handed and insensitive manner in which Network Rail and Southern have ridden roughshod over human rights and environmental concerns by constructing train cleaning, rubbish compacting and sewage disposal facilities immediately adjacent to a residential area in the vicinity of Hove Station.

Therefore, this Council resolves to urge the Member of Parliament for Hove to use his endeavours to ensure that Network Rail and Southern adopt a good neighbour policy rather than taking advantage of the existing system of permitted development rights."

24.10 The Motion was approved.

(e) London to Brighton Cycle Ride

24.11 The following Notice of Motion was proposed by Councillor Bodfish and seconded by Councillor Burgess:

"This Council regrets that the rail companies did not make arrangements for cyclists on the London to Brighton Cycle Ride to use the train to transport participants and their bicycles to and from London for the ride."

24.12 The Motion was approved.

24.13 Councillor Edmond-Smith declared a personal interest in this item.

(f) Developing Written Policy on Telecommunication Masts

24.14 The following Notice of Motion was proposed by Councillor Taylor and seconded by Councillor Mallender:

"This Council welcomes the formation of the cross-party Members' Group to consider the issue of Tetra Masts, as announced at the Policy & Resources meeting of June 23rd.

This Council further welcomes the agreement of the Chair of that Group to also consider the wider issues of telecommunication equipment in Brighton & Hove, particularly when such equipment is installed on council-owned property.

This Council notes that although there has been an informal policy that no new telecommunication equipment be installed on any council-owned property, no formal written Council policy exists.

Accordingly this Council resolves to request the Working Group to consider this issue and make policy recommendations to the appropriate Committee for decision."

24.15 The Motion was approved.

(g) Tetra Mast at Theobald House

24.16 Consideration of this item was referred to the Policy and Resources Committee and the Planning Applications Sub-Committee.

24.17 NB Councillor Meadows declared a personal and prejudicial interest in this item as a relative owns a leasehold interest in a flat at Theobald House.

(h) Storage of Commercial Refuse

24.18 Consideration of this item was referred to the Environment Committee.

(i) 'Nottingham Declaration' on Climate Change

24.19 Consideration of this item was referred to the Environment Committee.

The meeting concluded at 9.10 pm.

Signed

Mayor

Dated this

day of

2004