

Council

Date: **19 October 2023**

Time: **4.30pm**

Venue: **Council Chamber, Hove Town Hall**

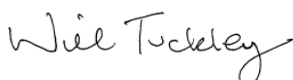
Members: **Councillors:** O'Quinn (Chair), Atkinson, Bagaeen, Davis, Evans, Fishleigh, Fowler, Grimshaw, Hamilton, Meadows, McNair, Robins, Sankey, Shanks, C Theobald, West, Wilkinson, Williams, Alexander, Allen, Asaduzzaman, Baghoth, Burden, Cattell, Czolak, Daniel, Earthey, Gajjar, Galvin, Goddard, Goldsmith, Helliwell, Hewitt, Hill, Hogan, Loughran, Lyons, McGregor, McLeay, Miller, Mistry, Muten, Nann, Oliveira, Pickett, Pumm, Robinson, Rowkins, Sheard, Simon, Stevens, Taylor, Thomson and Winder.

Contact: **Anthony Soyinka**
Head of Democratic Services
01273 291006
anthony.soyinka@brighton-hove.gov.uk

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Chief Executive
Hove Town Hall
Norton Road
Hove BN3 3BQ

Date of Publication - Wednesday, 11 October 2023

AGENDA

Part One

Page

34 DECLARATIONS OF INTEREST

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the Monitoring Officer or Democratic Services Officer preferably before the meeting.

35 MINUTES

To approve as a correct record the minutes of the previous Council meeting(s), which will be circulated separately as part of an addendum for the meeting.

Contact Officer: Anthony Soyinka

Tel: 01273 291006

36 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

37 TO RECEIVE PETITIONS AND E-PETITIONS.

To receive any petitions to be presented to the Mayor by members of the public and/or Members as notified by the due date of 5 October 2023.

38 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on 13 October 2023 will be circulated separately as part of an addendum for the meeting.

39 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on 13 October 2023 will be circulated separately as part of an addendum for the meeting.

PETITIONS FOR DEBATE

Petitions to be debated at Council. Reports of the Executive Director for Governance, People & Resources.

40 NO TO ULEZ OR OTHER DISCRIMINATORY TRAFFIC SCHEMES IN BRIGHTON AND HOVE 9 - 10

41 MAKE SCHOOL BUS TRAVEL FOR KIDS FREE IN BRIGHTON 11 - 12

42 CALL OVER FOR REPORTS OF COMMITTEES.

(a) Call over (items 45) will be read out at the meeting and Members invited to reserve the items for consideration.

(b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.

(c) Oral questions from Councillors on the Committee reports, which have not been reserved for discussion.

43 WRITTEN QUESTIONS FROM COUNCILLORS. 13 - 18

A list of the written questions submitted by Members has been included in the agenda papers. This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

Contact Officer: Anthony Soyinka

Tel: 01273 291006

6.30 - 7.00PM REFRESHMENT BREAK

Note: A refreshment break is scheduled for 6.30pm although this may alter slightly depending on how the meeting is proceeding and the view of the Mayor.

44 ORAL QUESTIONS FROM COUNCILLORS 19 - 20

A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matters has been listed in the agenda papers.

Contact Officer: Anthony Soyinka

Tel: 01273 291006

REPORTS FOR DECISION

45 REVIEW OF THE COUNCIL'S CONSTITUTION 21 - 42

Report of the Executive Director Governance People & Resources

REPORTS REFERRED FOR INFORMATION

NOTICES OF MOTION

The following Notices of Motion have been submitted by Members for consideration:

46 PRINTED PARKING VOUCHERS 43 - 44

Proposed by Councillor Earthey on behalf of the Brighton & Hove

Independent Group.

47 NET ZERO 45 - 46

Proposed by Councillor Bagaeen on behalf of the Conservative Group.

48 BETTER CUSTOMER SERVICE 47 - 48

Proposed by Councillor Theobald on behalf of the Conservative Group.

49 OPPOSE ACADEMISATION OF OUR SCHOOLS 49 - 50

Proposed by Councillor Shanks on behalf of the Green Group.

50 WOMEN'S FOOTBALL IN THE CITY 51 - 52

Proposed by Councillor Hewitt on behalf of the Labour Group.

51 OPPOSING ACADEMISATION OF BENFIELD AND HANGLETON SCHOOLS 53 - 54

Proposed by Councillor Taylor on behalf of the Labour Group.

52 SOLIDARITY WITH UCU STRIKERS 55 - 56

Proposed by Councillor Goldsmith on behalf of the Green Group.

53 CLOSE OF MEETING

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

Note:

1. *The Mayor will put the motion to the vote and if it is carried will then:-*

(a) Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;

(b) Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.

The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.

(c) Following completion of the outstanding items, the Mayor will then close the meeting.

2. *If the motion moved by the Mayor is **not carried** the meeting will*

continue in the normal way, with each item being moved and debated and voted on.

3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

Once all the remaining items have been dealt with the Mayor will close the meeting.

FOR INFORMATION

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

Webcasting notice

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

Access notice

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.**Fire & emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so

Further information

For further details and general enquiries about this meeting contact Anthony Soyinka, (01273 291006, email anthony.soyinka@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Brighton & Hove City Council

Council

Agenda Item 40

Subject: Petition for Debate

Date of meeting: 19 October 2023

Report of: Executive Director for Governance, People & Resources

Contact Officer: Name: Anthony Soyinka
Tel: 01273 291006
Email: anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 The e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 2054 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Transport & Sustainability Committee for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 **The Petition:** No to ULEZ or other discriminatory traffic schemes in Brighton and Hove

Lead petitioner: Laura King

We the undersigned petition Brighton & Hove Council to scrap proposals to charge drivers for driving in Brighton and Hove in legally-owned vehicles which have passed their emissions tests or be discriminated against via LTN traffic obstruction schemes in the course of our daily lives and businesses. The proposed ULEZ and LTN schemes are both unnecessary - as Brighton and Hove is not a high-emissions industrial city but a breezy seaside city - and discriminatory to those who can least afford it - i.e. sole traders and single mothers.

Moreover vehicles are already moving over to EV, rendering all such schemes unjustifiable. Please scrap them.

4. PROCEDURE:

- 4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:
- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the petition and confirm the number of signatures;
 - (ii) The Mayor will then open the matter up for debate by councillors for period of 15 minutes and will first call on the relevant Committee Chair to respond to the petition and move a proposed response. The Mayor will then call on those councillors who have indicated a desire to speak in the matter, before calling on the relevant Committee Chair to respond to the debate;
 - (iii) An amendment to the recommendation in paragraph 2.1 of the report or to add additional recommendations should be submitted by 10.00am on the day of the meeting; otherwise it will be subject to the Mayor's discretion as to being appropriate. Any such amendment will need to be formally moved and seconded at the meeting;
 - (iv) After the 15 minutes set aside for the debate, the Mayor will then formally put:
 - (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

Brighton & Hove City Council

Council

Agenda Item 41

Subject: Petition for Debate

Date of meeting: 19 October 2023

Report of: Executive Director for Governance, People & Resources

Contact Officer: Name: Anthony Soyinka
Tel: 01273 291006
Email: anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 The e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1289 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Transport & Sustainability Committee for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 **The Petition:** Make school bus travel for kids free in Brighton

Lead petitioner: Tina Phillips

Due to locations of high schools in the city and the fact that not everyone gets the closest school assigned to them, a lot of (secondary age) children travel to school by bus.

The Council claims that "most children in Brighton & Hove live within walking distance of the school" and hence won't be able to get free transport. But the truth is that the schools locations make it hard for kids to walk to (in a lot of cases the walk takes up to an hour, sometimes more), the cycle lanes on roads leading to the schools are almost non-existent (and the city is hilly) and the British weather often leaves children with no choice but to cram on the bus for which they are forced to pay. Some families will drive instead - this of course is a poor solution for environmental reasons and clogs up already busy roads.

So, public transport is a sensible solution, if one can afford it. But at £40+ / month per child the cost is anything but affordable for many. And ultimately, it is wrong that anyone has to pay for the travel so their child can receive the education they are entitled to.

There's an existent provision for free travel but only for those more than 3 miles away from the "appropriate school, which is the closest primary or junior school to the main home address that had an available place or the catchment area secondary school". In a lot of cases, the school assigned isn't the closest or preferred school, meaning that the child has indeed been forced to travel, yet has to pay for it.

The cost of travel is unsustainable for many families, and we ask Brighton and Hove City Council to reconsider the existing provision, looking at ways to make the school travel free for ALL children, following example of London where all bus travel for under 16s is free of charge (or, if fully free travel isn't financially feasible, this could be limited to weekday travel and term time / peak times only, ensuring school bound kids travel free of charge).

Either way, charging families for kids forced to travel to school is unacceptable and needs to change.

4. PROCEDURE:

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the petition and confirm the number of signatures;
- (ii) The Mayor will then open the matter up for debate by councillors for period of 15 minutes and will first call on the relevant Committee Chair to respond to the petition and move a proposed response. The Mayor will then call on those councillors who have indicated a desire to speak in the matter, before calling on the relevant Committee Chair to respond to the debate;
- (iii) An amendment to the recommendation in paragraph 2.1 of the report or to add additional recommendations should be submitted by 10.00am on the day of the meeting; otherwise it will be subject to the Mayor's discretion as to being appropriate. Any such amendment will need to be formally moved and seconded at the meeting;
- (iv) After the 15 minutes set aside for the debate, the Mayor will then formally put:
- (v) (a) Any amendments in the order in which they are moved, and
(b) The substantive recommendation(s) as amended (if amended).

Brighton & Hove City Council

Council

Agenda Item 43

Subject: Written questions from Councillors

Date of meeting: 19 October 2023

Report of: Executive Director for Governance, People & Resources

Contact Officer: Name: Anthony Soyinka
Tel: 01273 291006
Email: anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: All

For general release

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

1. Councillor McNair

Tennis Courts

It has been good to see some tennis courts renovated by Lawn Tennis Association and the UK Government. We understand the importance of a centralised booking system to help with collecting fees to maintain the courts. But with the new pricing structure, it could cost £15.40 for a parent and their child to play tennis for an hour. If it's before 5 on a weekday it would cost £12.70. This is very expensive, and unlikely to help enable children to become future tennis players. Will the council consider providing free slots for juniors across the city, for example Monday to Friday 3-4.30pm and Saturday-Sunday 9-10.30 and 1-2.30, and during school holidays: 9am to 11am and 1-3pm?

Reply from Councillor – Robins, Chair of Culture, Heritage, Sport, Tourism and Economic Development Committee

2. Councillor McNair

Flooding Scape project

The Scape project in Carden Avenue has been working for a number of months. Some residents report less flooding; others report problems with the dangerous height of the grass on exiting their drives onto Carden Avenue. The amount of grass in the basins appears to stop water falling into the basins. Has there been a review of the Scape Project, and what improvements will be made?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

3. Councillor Meadows

Peace Gardens

The Peace Gardens have had benches damaged recently, graffiti and a fallen column. The crazy paving is broken in many places. The paving around the edge of the sunken garden has been broken for years and is a trip hazard. Benches have not been replaced. This is a war memorial. When will improvements be made to the gardens to ensure they look well-kept.

Reply from Councillor Robins, Chair of Culture, Heritage, Sport, Tourism and Economic Development Committee

4. Councillor Bagaeen

Housing

The council gave on 4 October the developer of the Dairy site on the Drove way in Westdene & Hove Park a get out clause from delivering what was then the only affordable homes being delivered in the ward. No Registered Provider could be found for these and the council did not want to take them on. What is the council doing to facilitate the delivery of affordable and social housing in our ward? And what is the council doing to support Registered Providers to enable them to take over the small number of properties coming through s106 obligations? After all, an obligation is not an obligation if this council will always allow developers to take the easy way out. This council should be on the side of residents, not developers.

Reply from Councillor Williams, Chair of Housing & New Homes Committee

5. Councillor McNair

Carden Hill

Carden Hill is a major artery, and bus route. When will it be resurfaced?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

6. Councillor Meadows

Brangwyn Estate

The Brangwyn Estate has not been cleared of weeds. The lanterns at the entrance to Brangwyn Way are in a poor state. And the newly planted trees planted to camouflage the 5G mast are all dead. When will the area be de-weeded? And when will the trees be replaced?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

7. Councillor Lyons

Beach huts

On what basis does the council claim to be able to require beach hut owners to enter into a new licence? The licence on which they hold hut 96 dates from the 1980's and does not, it is believed, contain any right of the council to simply require a new form of licence to be entered into, nor a right to terminate the licence save in the event of a breach of its terms. If this is correct the council cannot demand that beach hut owners enter a new Licence. If this is considered incorrect, could we receive a copy of the Licence that governs the hut and refer to the relevant clauses?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

8. Councillor Theobald

Affordable housing units

Can the Council please advise me on the number and location of affordable housing units that the Council has provided since 2018 with section 106 commuted financial sums from developers who have been unable to provide on site affordable housing.

Reply from Councillor Williams, Chair of Housing & New Homes Committee

9. Councillor Theobald

Buildings with flammable cladding

Councils have a duty to investigate suspected category 1 hazards under the Housing Act that may include all buildings with flammable cladding. The LGA is continuing to encourage its members to consider whether any private buildings might benefit from a Joint inspection Team inspection. Has Brighton & Hove City Council inspected all such buildings in the City and if not, how many remain to be inspected and where are they located?

Reply from Councillor Williams, Chair of Housing & New Homes Committee

10. Councillor Goldsmith

With falling Pupil Admission Numbers across the city, is it likely that the council will have to close schools, and what is the council doing to try and avoid this?

Reply from Councillor Taylor / Helliwell, Joint Chairs of Children, Families & Schools

11. Councillor Goldsmith

What work is the council doing to assess the potential impact of the Department for Education's miscalculation on school funding?

Reply from Councillor Taylor / Helliwell, Joint Chairs of Children, Families & Schools

12. Councillor McLeay

Theobald House is in serious need of repair and residents were assured that major capital investment works were to be undertaken within the 2022/23 financial year. Residents have since been updated that the planned works are being pushed into the next financial year. Could the Chair of the Housing and New Homes Committee share an update as to the reason for this delay and when these residents can expect the works to begin?

Reply from Councillor Williams, Chair of Housing & New Homes Committee

13. Councillor Hill

Has there been any change to the schedule of major works on Sylvan Hall? Hollybank and Rowan House blocks were scheduled for autumn repairs.

Reply from Councillor Williams, Chair of Housing & New Homes Committee

14. Councillor Hill

Labour's 2024-2025 budget process has promised to take a 'more fundamental look at the council's cost base and the affordability of services and capital investments'. What does this more fundamental look mean in practice? For example, how does this affect our procurement processes?

Reply from Councillor Sankey, Leader of the Council

15. Councillor Hill

How does the council's recruitment freeze affect jobs that are necessary for the provision of statutory services?

Reply from Councillor Sankey, Leader of the Council

16. Councillor Hill

What is the amount of gas oil that has been used per annum to maintain the temperature in the Newhaven incinerator boiler plant and mobile plant for the past 5 years?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

17. Councillor Hill

British Glass have written to Brighton and Hove Council asking them to support the UK circular economy and decarbonisation efforts and sell the glass they collect for recycling to a company which processes the glass for remelt in the UK. Currently the glass is sold to the Days Group who export it and use it for aggregate. British Glass provided Brighton and Hove City Council with a list of UK companies who process glass in the UK. Do the council intend to continue selling to Days Group OR will they support the UK circular economy and keep the glass in the UK by selling to a different company, e.g. Beatson Clark, Enva, Glass Recycling UK, Recresco, Sibelco, URM Group.

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

18. Councillor Pickett

The critical environmental concerns around the dumping of raw sewage in our rivers and seas by water companies continues. Despite being continually fined for illegally discharging sewage into our waters, Southern Water continues to do so. Brighton & Hove residents pay to ensure water is effectively managed and considers Southern Water is not fulfilling its duty to update drainage systems to cope with rainfall that occurs more often, due to global warming. What is the council's plan to ensure that Southern Water fulfils the obligations of a water company to provide clean and safe water, and to remove sewage and road run off in a way that does not cause environmental damage?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

19. Councillor Pickett

With regard to Enterprise Point, Melbourne Street, the current property guardians have been told that despite the owners being refused planning permission, they intend to demolish the building and evict the huge number of guardians within 30 days. What actions is the council taking to support residents and can we be advised what steps can be taken to ask the property owners to delay the timeframe for this eviction? Has the council made any direct representations to Kosy Homes?

Reply from Councillor Williams, Chair of Housing & New Homes Committee

20. Councillor Earthey

Some Labour councillors have claimed that BHCC has disengaged from ESCC's A259 Corridor Study to the extent that major congestion points to the east of the city have been under-represented and poorly evidenced in the analysis conducted to date, including the Rottingdean traffic lights. What

steps is BHCC taking to re-engage with the Study to ensure that there is a fully co-ordinated approach with ESCC to identify A259 improvements, and to ensure that important funding opportunities to improve our critical pinch-points are not missed?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

21. Councillor Earthey

What new locations have been identified for a park and ride?

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

22. Councillor Earthey

Based on the engagement promises made by BHCC Labour Leadership at the recent launch of the Brighton Climate:Change Think Tank, what specific, practical steps is the Leadership taking to engage with local resident expertise to create novel designs for local carbon sinks, and insetting and offsetting schemes, which are so vital to the city's Carbon Neutral 2030 strategy?

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

Brighton & Hove City Council

Council

Agenda Item 44

Subject: Oral questions from Councillors.

A period of not more than 30 minutes is set aside for oral questions from Members, at the expiry of which, the mayor will call a halt and proceed to the next item of business of the agenda. Any Member whose question then remains outstanding will be contacted to determine whether they wish to have a written answer provided or for their question to be carried over to the next meeting.

The following Members have indicated that they wish to put questions to the Leader, Chairs of Committees or Members of the Council that have been appointed to an outside body. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion:

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

Date of meeting: 19 October 2023

1. Councillor Davis

Subject Matter: Bin Collection Service

Reply from Councillor Sankey, Leader of the Council

2. Councillor McNair

Subject Matter: Birch Grove Crescent

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

3. Councillor Fishleigh

Subject Matter: Verges and drains

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

4. Councillor Hill

Subject Matter: Standards in Public Life

Reply from Councillor Cllr Sankey, Leader of the Council

5. Councillor Bagaen

Subject Matter: Buses

Reply from Councillor Muten, Chair of Transport & Sustainability Committee

6. Councillor Earthey

Subject Matter: Welfare of vulnerable residents / provision of public warm spaces

Brighton & Hove City Council

Reply from Councillor Sankey, Leader of the Council

7. **Councillor Goldsmith**
Subject Matter: Councillor Training

Reply from Councillor Sankey, Leader of the Council

8. **Councillor Hogan**
Subject Matter: Pupil Numbers

Reply from Councillor Taylor / Helliwell, Joint Chairs of Children, Families & Schools Committee

9. **Councillor West**
Subject Matter: Major Projects

Reply from Councillor Sankey, Leader of the Council

10. **Councillor Meadows**
Subject Matter: Dog poo bins

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

11. **Councillor McLeay**
Subject Matter: Housing allocation for survivors of domestic abuse

Reply from Councillor Sankey, Leader of the Council

12. **Councillor Theobald**
Subject Matter: S106 money

Reply from Councillor Sankey, Chair of Finance, Strategy & City Regeneration Committee

13. **Councillor Pickett**
Subject Matter: Elm Collection

Reply from Councillor Rowkins, Chair of City Environment, South Downs & The Sea Committee

14. **Councillor Shanks**
Subject Matter: Climate Assembly

Reply from Councillor Sankey, Leader of the Council

Brighton & Hove City Council

Council

Agenda Item 45

Subject: Review of the Council's constitution

Date of meeting: 19 October 2023

Report of: Executive Director Governance People & Resources

**Contact Officer: Anthony Soyinka
Email: anthony.soyinka@brighton-hove.gov.uk**

Ward(s) affected: All

1. Action required of Council:

To receive the report and extract from the Strategy Finance and City Regeneration Committee on 5 October 2023 and agree the recommendations.

2. Recommendations

That Council:

- 2.1 Approves the proposed changes set out in paragraphs 3 and 4 of the report and reflected in Appendices 1, 1A & 2 to come into effect immediately following their approval by Council, and
- 2.2 Authorises the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes and authorises the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.

BRIGHTON & HOVE CITY COUNCIL
STRATEGY, FINANCE & CITY REGENERATION COMMITTEE

4.00pm 5 OCTOBER 2023

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES EXTRACT

Present: Councillor Sankey (Chair) Taylor (Deputy Chair), Shanks (Opposition Spokesperson), Cattell, McNair, Muten, Pumm, Robins, Rowkins and Williams

Other Members present: Councillors

PART ONE

63 CONSTITUTION REVIEW

- 63.1 The Committee considered the report of the Executive Director Governance People & Resources regarding the review of the council's constitution.
- 63.2 Councillors Sankey, Robins, Williams, Taylor, McNair and Shanks asked questions and contributed to the debate of the report.
- 63.3 The Committee welcomed the proposed changes and expressed that the extension from 15 to 30 minutes for public questions at Council, its Committees and Sub Committees, with priority within the 30 minute period for public questions given to members of the public wishing to ask a question of full Council who have not asked a question at a full Council meeting in the previous six months was a positive step for public engagement in the city.
- 63.4 A member proposed that the reduction of Notice of Motions (NoMs) from 2 to 1 per group restricted debate and reduced residents say. They emphasised the importance of debate in a majority led authority and felt that consideration should be given to discontinuing or limiting amendments to NoMs. Further that, the timeframe for written responses should be specified.
- 63.5 The Executive Director Governance People & Resources advised that the current proposal of 1 NoM per Group would still be higher than a number of authorities across the country. He stated that, as it was expected that responses would be issued as soon as reasonably practicable after the meeting it was not felt necessary to specify a timeframe for written responses.

RESOLVED:

That the Committee -

- (i) Recommends to full Council that it approves the proposed changes set out in paragraphs 3 and 4 below and reflected in Appendices 1, 1A & 2 and authorises the Chief Executive and Monitoring Officer to take all steps necessary or incidental to implement the changes and re-publish the Council's updated constitutional documents.
- (ii) Approved the setting up of a Task & Finish Sub-Committee to make decisions in relation to the charity known as the Penny Gobby House School as set out in paragraph 5 in the report.

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Strategy, Finance & City Regeneration Committee

Agenda Item 63

Subject: Review of the Council's Constitution

Date of meeting: 5th October 2023
19th October 2023

Report of: Executive Director, Governance, People & Resources

Contact Officer: Name: Elizabeth Culbert, Assistant Director Legal & Democratic Services
Tel: 01273 291515
Email: Elizabeth.culbert@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1 Purpose of the report and policy context

- 1.1 The Council is under a statutory duty to keep its Constitution under regular review. This Report proposes changes to the Council's Constitution for consideration by the Strategy, Finance & City Regeneration Committee and for formal approval by Full Council.
- 1.2 The proposals seek to update the arrangements for public and member engagement at Council and Committee meetings and to update a provision in the Council's Contract Standing Orders.

2 Recommendations

That Strategy, Finance & City Regeneration Committee:

- 2.1 Recommends to full Council that it approves the proposed changes set out in paragraphs 3 and 4 below and reflected in Appendices 1, 1A & 2 and authorises the Chief Executive and Monitoring Officer to take all steps necessary or incidental to implement the changes and re-publish the Council's updated constitutional documents.
- 2.2 Approves the setting up of a Task & Finish Sub-Committee to make decisions in relation to the charity known as the Penny Gobby House School as set out in paragraph 5 below.

That Council:

- 2.3 Approves the proposed changes set out in paragraphs 3 and 4 below and reflected in Appendices 1, 1A & 2 to come into effect immediately following their approval by Council, and

- 2.4 Authorises the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes and authorises the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.

3 Proposed changes to the Council Procedure Rules (Part 3.2)

A series of amendments are proposed to refine the rules which regulate Council and Committee meetings, which are published at Part 3.2 of the Council's Constitution. Those amendments are reflected in Appendix 1 and 1A, indicated by tracked changes/shown in red for clarity.

Proposals relating to public questions

- 3.1 It is proposed that the time for public questions at meetings of the Council and its Committees and Sub Committees be extended to 30 minutes. As the current time allowed is 15 minutes, this will double the time allocated for this type of public engagement. Any questions not dealt with in the 30 mins will receive a written response.
- 3.2 The current rules prohibit members of the public from asking the same or substantially the same question within a 6 month period. To further widen participation at meetings of the Council and its Committees and Sub Committees, it is proposed that priority within the 30 minute period for public questions be given to members of the public wishing to ask a question of full Council who have not asked a question at a full Council meeting in the previous six months. The same rule would apply to questioners wishing to ask a question at a Committee ie: priority within the 30 minute period for public questions would be given to members of the public who have not posed a question at a meeting of that Committee in the previous six months. This proposal aims to encourage and support people who do not normally engage in this way to do so.
- 3.3 As well as the above, it is suggested that a minor rule change be made to provide that public questions will be read out by the questioner, without any additional comments or observations. This will ensure as many questions as possible within the timeframe can be responded to. It is also expected that the current rules regarding supplementary questions will be strictly enforced.

Member Oral Questions at Council

- 3.3A It is proposed that the wording of the rules referring to oral member questions at full Council which require that they 'relate to matters of general policy only' be strengthened by providing that questions not meeting the definition will normally be disallowed by the Mayor. It is proposed that a maximum of one minute is allowed for asking each oral question by a member. The response will be required to be limited to no more than 3 minutes.

Proposals relating to amendments

- 3.4 Currently the rules provide that amendments must be submitted by 4pm the day before a meeting. It is proposed that the deadline be brought forward to 10am on the day before the meeting to enable sufficient time for consideration of the proposed amendments.

Proposals relating to Notices of Motion

- 3.5 It is further proposed that the number of notices of motion that may be submitted by each Group to full Council and Committees be limited to one per Group plus a second one jointly with another Group. At the discretion of the Mayor, provided the overall number of Notices of Motion does not exceed 6, an Independent Member (with a seconder) may submit a Notice of Motion. It is proposed that the deadline for submission of Notices of Motion be brought forward by one day, to 10am on the tenth working day before the relevant meeting, to enable sufficient time for their consideration prior to the meeting.

Reports for Information

- 3.6 In order to permit full Council to focus on its decision making agenda, it is proposed that the Rules are amended to state that where Reports are referred to full Council by Committees for information, they are not subject to call over and are not moved for discussion but are included in the agenda for information only.

Proposal relating to the calling of Urgency Sub Committees at the Committee Chair's request

- 3.7 Currently Council Procedure Rule 22.2 provides that a meeting of a Committee's Urgency Sub Committee 'may be called if the Committee Chair takes the view that it is not reasonably practicable to convene a full Committee meeting, having had regard to the importance of the business to be considered, the urgency of the decision and the need to avoid disproportionate inconvenience. [..]'
- 3.8 To update the Rules in line with current practice and provide greater clarity, it is proposed that the Rules be revised to provide that an Urgency Sub Committee may be called by the Committee Chair 'if the Committee Chair takes the view that it would not be appropriate to convene a full Committee meeting, having had regard to the importance of the business to be considered, the urgency of the decision and the need to avoid disproportionate inconvenience. [..]'

4 Proposed changes to the Contract Standing Orders (Part 7.5)

- 4.1 The Council is required to comply with either the Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 if a contract is valued at more than the relevant financial threshold for that type of contract. The regulations require the Council to publish contract award notices setting out

details about the contract (including who the supplier is and the value of the contract) in relation to all above threshold contracts on a central UK site called Find a Tender Service ('FTS') within 30 days of the award date, and on Contracts Finder (another publication site) within 90 days of the award date.

- 4.2 In relation to below threshold contracts above £30,000, the contract award notice should be published on Contracts Finder within 90 days of the contract award date. The threshold was previously £25,000 but is now £30,000.
- 4.3 The Council's Contract Standing Orders at CSO 17.1 require the Procurement Strategy Manager to maintain a Contracts Register in addition to the above legal requirements: a provision which pre-dates the introduction of e-tendering, and duplicates the information which may be found on FTS and Contracts Finder. As a result, maintaining this Register is not considered to be a good use of Procurement's limited resources.
- 4.4 It is therefore proposed that the requirement to maintain a central register be removed. It is proposed that the responsibility for publishing the contract award notice in accordance with the legal obligations sit with the officers who have carried out the procurement. This will normally be the Contract Officer (unless a member of the Procurement Team is running the tendering process). This requirement will be made clear to all Contract Officers via training and Communications: a process which was started in March 2023, with all affected officers having received initial training.
- 4.5 In addition to the changes above, which are reflected in Appendix 2 CSO 17.1 and 17.2 , it is proposed that the definition of the UK Regulations be amended to include the Concession Contracts Regulations 2016.
- 4.6 It is expected that the Procurement Bill proceeding through Parliament will become law in 2024. This will necessitate a complete review of Contract Standing Orders that will be brought to Committee in due course.

5 Proposal to establish a Task & Finish Sub-Committee for Strategy, Finance & City Regeneration Committee to act as

- 5.1 On 13 September 1979 Ivan Makels and Minni Gobby, the then trustees of the charity known as the Penny Gobby House School (the Charity), transferred 31 Palmeira Avenue to East Sussex County Council (ESCC). The property formed part of the endowment of the charity and its transfer was authorised by an order of the Charity Commissioners. Following the local government reorganisation in 1997, the property was transferred from ESCC to Brighton & Hove City Council and the property now vests in the Council in its capacity as sole trustee.
- 5.2 On 18th September 2023 an Urgency Sub-Committee of this Committee agreed on behalf of the Charity the disposal of 31 Palmeira Avenue, Hove (currently occupied by the Penny Gobby House School) and the purchase of a property that is more suitable for the Charity. 31 Palmeira Avenue is a converted residential building over four floors with no lift. Over the years this has created challenges, with many children having to be carried around the

building by staff. It has proved difficult to create disabled access to all parts of the building.

5.3 Further decisions will be required on behalf of the Charity, to be taken by the Council as sole Trustee. In particular, as Trustee the Council will need to oversee the application of surplus funds which need to be protected and spent in accordance with the Charity's objectives.

5.4 It is important that the Council establishes a suitable process for dealing with and managing the potential conflict of interest between the Council in its capacity as trustee of the Charity, and its capacity as landowner of the property to be purchased by the Charity. All decision-making processes need to be fully documented to show that the Council acted in an appropriate and informed way to manage this conflict of interest. The proposal is therefore to establish a Task & Finish Sub-Committee of S,F&CR Committee that will act on behalf of the Council, in its capacity as sole trustee of the Charity, and shall only have regard to the interests of the Charity. Members of this Sub-Committee will not be involved in the decision of the Council as landowner. This will avoid a situation whereby the same members are involved in making decisions on both sides of the proposed transaction. The membership of the Sub-Committee is proposed to be Cllrs Grimshaw (Chair), Hill and Robinson.

6 Analysis and consideration of alternative options

6.1 While a decision could be made not to approve the proposals set out in this Report, these recommendations are designed to update the current arrangements and make the Council's processes more effective and/or compliant.

7. Community engagement and consultation

7.1 The proposals in this report do not involve substantial changes to the Council's decision-making structure or framework and do not require public consultation. The aim of the changes to the rules around public questions at Council and Committees is to increase the time allowed and to ensure as wide a representation as possible.

8 Conclusion

8.1 The proposals reflect the Council's ongoing efforts to review its Constitution to ensure that it is reflective of current practice and priorities and to achieve clarity, increased efficiency and an increased level of public engagement. As a result, it is recommended that they be approved.

9 Financial implications

9.1 There are no financial implications arising from the recommendations of this report.

Name of finance officer consulted: James Hengeveld Date consulted 25/09/23

10 Legal implications

- 10.1 Full Council has the authority to make the changes to the Council's Constitution which are set out in the report. It is proposed that the proposals to be implemented with immediate effect once approved unless there is an express indication to the contrary.

Name of lawyer consulted: Victoria Simpson Date: 260923

11 Equalities implications

- 11.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions, the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. The Council's public sector equality duty has been considered by officers and the proposals of this report have been assessed for their equalities impact. The majority of the proposals in the report relate to internal procedures which are not considered to have an impact on those with protected characteristics. The proposals to extend the time allowed for public questions and to prioritise those within that time period who have not previously asked a question in that forum aim to ensure wide public engagement in meetings. Questions that are not able to be answered within the time allowed will receive a written response.

12 Sustainability implications

- 12.1 None

13 Supporting Documentation

Appendices

Appendix 1 – Tracked changes excerpts from Part 3.2 of the Constitution: the Council Procedure Rules

Appendix 1A – Tracked changes excerpts from Part 8.9 of the Constitution: Protocol for Public Questions at Committees

Appendix 2 – Tracked changes excerpts from Part 7.5 of the Constitution: the Council's Contract Procedure Rules.

**Appendix 1: PROPOSED AMENDMENTS TO PART 3.2 - PROCEDURE RULES
FOR MEETINGS OF FULL COUNCIL, COMMITTEES AND SUB-
COMMITTEES**

Proposed insertions shown in red and deletions shown with tracked changes

Rule 8: Notices of Motion

Procedural Requirements

8.1 Notice of every motion, other than a motion which under Procedure Rule 13 may be moved without notice, shall be given in writing. It shall be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rule 1.6) by not later than 10.00 am on the tenth working day before the relevant Council meeting.

Number of Notices of Motion

8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:

The three largest Political Groups:

- 1 per Group plus also 1 additional notice of motion per Group jointly with another Group
- any other Group: 1

8.3 Any Member not belonging to a Political Group may present not more than 1 notice of motion, at the discretion of the Mayor.

8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Political Group shall be taken in the order in which they are received, up to the permitted maximum number.

[..]

Rule 9: Questions

[..]

Oral Questions from Members

- 9.7 A period of not more than thirty minutes shall be allowed for oral questions from Members, at the expiry of which the meeting shall proceed to the next business.
- 9.8 If a Member of the Council wishes to ask an oral question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, they shall give notice in writing to the Chief Executive of the subject matter of question (see Procedure Rule 1.6) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.
- 9.9 Oral questions ~~shall relate to~~ **only be allowed where they focus on** matters of general policy only. Questions **not focused on general policy, for instance questions** of a technical or purely operational nature, will normally be disallowed by the Mayor. The Member to whom such a question is directed may decline to answer or state that a written answer will be provided.
- 9.10 In deciding whether a question is technical or operational in nature, as opposed to a matter of general policy, the Mayor and Members shall have regard to any guidance provided by the Monitoring Officer.
- 9.11 **No more than one minute shall be allowed for the asking of each oral question and no more than three minutes shall be allowed for the response.** Oral questions shall be taken in the following order:
- Leader of the Official Opposition
 - Leader(s) of any other opposition Political Group(s) in order of diminishing numbers of Political Group members
 - Members of the Groups in order of diminishing size of the Political Group they belong to
- 9.12 Each Political Group shall submit to the Mayor in advance of the meeting the order in which they wish their questions to be taken. The Mayor shall have regard to, but not be bound by, these submissions.
- 9.13 The Mayor shall allow an Independent Member to ask an oral question.
- 9.14 A Member may ask no more than one oral question at the same Council meeting.
- 9.15 A Member asking an oral question (but no others) may ask one relevant supplementary question which shall be put and answered without discussion.

[..]

Public Questions

Public Question Time

- 9.20 A period of not more than thirty minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the Authority at each ordinary meeting of the Council and its Committees/Sub Committees. **Any questions not dealt with within the 30 min period will receive a written response.**

List of Questions

- 9.21 A list of the questions of which notice has been given shall be circulated to Members of the Council/Committee at, or before, the meeting at which they are to be asked, **with priority being given to questions submitted by members of the public who have not asked such a question at any Council meeting in the previous six months.**

Procedural Requirements

- 9.22 A public question shall be put at a Council/Committee meeting provided that: -
- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.6) by not later than 12 noon on the second working day after publication of the agenda of the meeting at which it is to be put;
 - (b) the name and address of the questioner is indicated on the question;
 - (c) the questioner is present at the time when the question is put;
 - (d) the questioner is not presenting a petition or deputation on the same, or substantially the same, issue at the same meeting.

Length of Questions

- 9.23 A question shall not exceed 100 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.

Formal Referral of Questions from full Council

- 9.24 If the Mayor considers that it would be more appropriate to do so, a question received for submission to Council may instead be referred to the relevant Committee or Sub-Committee (but not Joint-Committee) for answer and shall be dealt with in accordance with the Council's Protocol for Public Questions at Committee and Sub-Committee meetings which forms Part 8.9 of the Constitution.

Waiver of Notice Requirement

- 9.25 If the Mayor/Chair considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council/Committee although due notice of the question has not been given, and if the Mayor/Chair is satisfied that as much notice as is possible has been

given to the person of whom it is to be asked, they may permit the question to be asked.

Putting Questions

- 9.26 **Subject to CPR 9.21 above**, questions will be asked in the order notice of them was received, except that the Mayor/Chair may group together similar questions. Any question shall be notified to the relevant Member of the Council/Committee and shall be put to such Member at the Council/Committee meeting by the questioner, **who shall read the question out loud without additional comment.**

Answers

- 9.27 Questions shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which must relate to the response received, which shall be put and answered without discussion.

Form of Answers

- 9.28 An answer may take the form of:-
- (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Council.
- 9.29 No questioner may submit more than one question for answer at the same meeting.
- 9.30 **Any question properly submitted but not dealt with at the Council meeting for reasons of insufficient time shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.**

[..]

Rule 15: Rules of Debate (All Meetings)

General

- 15.1 The rules of debate in this Procedure Rule shall apply to all meetings of the Council, Committees and Sub-Committees. In the case of Committees and Sub-Committees, however, the Council recognises that a greater informality may be exercised by the Chair in order to efficiently transact the business before the meeting. Such informality shall be at the discretion of the Chair.

Seconding Motions and Amendments

- 15.2 A motion or amendment shall not be discussed unless it has been proposed and seconded.

Reserving Speech

- 15.3 When seconding a motion or amendment, a Member may reserve their speech until a later period of the debate by declaring their intention to do so.

Notice of Amendments

- 15.4 Copies of amendments will be prepared and circulated prior to the start of a meeting only if such amendments are presented to the Chief Executive by 10am on the working day which precedes the meeting. Amendments for which notice has not been given may be permitted at any time at the discretion of the Mayor or Chair if they consider it appropriate with regard to the complexity of the matter, the question of whether notice has been given as soon as is reasonably practicable and any other circumstances that appear to be relevant. Such amendments shall be put in writing unless the Mayor or Chair exercises their discretion to allow an amendment to be put orally.

[..]

Rule 22: Urgency Sub Committees

- 22.1 Each Committee of the Council shall appoint an Urgency SubCommittee to exercise its powers. The membership of such Urgency Sub-Committee shall normally consist of the Chair of the Committee, as well as two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between Political Groups.
- 22.2 A meeting of the Urgency Sub Committee may be called if the Committee Chair takes the view that it is not appropriate to convene a full Committee meeting, having had regard to the importance of the business to be considered, the urgency of the decision and the need to avoid disproportionate inconvenience. A meeting of the Urgency Sub Committee may also be called where a majority of members decide to do so at an Ordinary or Special Committee meeting.

[..]

Rule 24: Proceedings of Committees and Sub Committees

[..]

24.3 Inclusion of Items on Council Agenda

a) Items for information shall relate to decisions made by the Committee under delegated powers. The Committee may determine that any agenda item is to be included in the report to Council. In addition, each minority Political Group represented on the Committee may specify one further item which shall be so included, by notifying the Chief Executive of the item not later than 10.00 am on the eighth working day before the Council meeting to which the report is to be made or, if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting. **Items referred for information under this provision are referred to Council for information only – not for further discussion. As such, they are not subject to call over and are not moved for discussion but are included in the agenda for information only.**

b) Items for decision by Council shall be all those where a recommendation is made on matters falling outside the delegated powers of the Committee or where the Committee decides that the decision is to be made by the Council.

APPENDIX 1A PROPOSED CHANGED TO PART 8.9

Insertions shown in red and deletions tracked.

PART 8.9 PROTOCOL FOR PUBLIC QUESTIONS AT COMMITTEES AND SUB-COMMITTEES OF BRIGHTON AND HOVE CITY COUNCIL

1. A period of not more than **thirty** minutes shall be allowed at each ordinary meeting of any Committee or Sub-Committee (see note 1 below), but not any Joint Committee, for questions submitted by any member of the public who either lives or works in the area of the authority. **Any questions not dealt with in the 30 mins will receive a written response.**
2. References below to “Committee” include “Sub-Committee”
3. A list of the questions of which notice has been given shall be circulated to Members of the relevant Committee at, or before, the meeting at which they are to be asked, **with priority being given to questions submitted by members of the public who have not asked a question at the same Committee meeting in the previous six months.**
4. A public question shall be put at a meeting of the relevant Committee provided that: -
 - (a) a copy of the question has been delivered to the office of the Chief Executive by not later than 12 noon on the second working day after publication of the agenda of the meeting at which it is to be asked;
 - (b) the name and address of the questioner is indicated on the question;
 - (c) the questioner is present at the time when the question is put;
 - (d) the questioner is not presenting a petition or deputation on the same, or substantially the same, issue at the same meeting.
5. A question shall not exceed 100 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.
6. The Chief Executive or Chair may reject a public question if, following consultation with the Monitoring Officer, it is in their opinion:
 - not about a matter for which the Authority has a responsibility or which affects Brighton & Hove;
 - It is determined by the Chief Executive or Chair, following consultation with the Monitoring Officer, that the meeting to which the question has been addressed is not the appropriate forum;
 - defamatory, frivolous or vexatious;

APPENDIX 1A PROPOSED CHANGED TO PART 8.9

Insertions shown in red and deletions tracked.

- the same, or substantially the same, as a petition, deputation or public question which has been put at a meeting of a Committee or a Sub-Committee or at full Council in the past six months;
- requires the disclosure of confidential or exempt information;
- from a member of staff on matters affecting them as employees; or
- otherwise inappropriate.

The Chief Executive may also reject a public question where they determine, following consultation with the Monitoring Officer, that the meeting to which the question has been addressed is not the appropriate forum.

If the Chief Executive or Chair rejects a public question, petition or deputation, then their decision is final.

7. If the Chair considers that it would be more appropriate to do so, a question received for submission to a Committee may instead be referred to a different Committee (but not Joint Committee) for answer.
8. If the Chair considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of a Committee although due notice of the question has not been given, and if the Chair is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, they may permit the question to be asked.
9. Subject to paragraph 3 above, questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
10. Any question shall be notified to the relevant Member of the Committee as determined by the Chair and shall be put to such Member (see note 4 below) at the Committee meeting by the questioner, **who shall read the question out loud without additional comment.**
11. The question will be answered without discussion. The questioner may ask one relevant supplementary question, which must relate to the response received, which shall be put and answered without discussion. The Member to whom a question, or supplementary question, has been put may decline to answer it. (See notes 2 & 3 below.)
12. An answer may take the form of: -
 - (a) a direct oral answer; or

APPENDIX 1A PROPOSED CHANGED TO PART 8.9

Insertions shown in red and deletions tracked.

- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Committee.
13. No questioner may submit more than one question for answer at the same meeting.
14. Any question properly submitted but not dealt with at the relevant Committee meeting for reasons of insufficient time shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.
-

Notes:

1. Public questions are not permitted under this Protocol at meetings of the Licensing Panel or the Standards Panel.
2. The Council's Procedure Rules in Part 3.2 of the Constitution govern public questions to meetings of the full Council.
3. It will not normally be appropriate for a Chair to answer questions under this Protocol about: -
 - (a) matters which are subject to quasi-judicial processes such as particular applications for planning permission, licences, registration, consents or other permissions, or
 - (b) matters for which there are other processes under the Council's Constitution, such as individual complaints or cases, personnel or disciplinary matters, ethical matters or allegations of fraud.
4. There is a separate Protocol under which it may be possible to make representations about particular applications for planning permission. This is the "Protocol for Public Representations at Planning Committee" in Part 8 of the Council's Constitution.
5. Questions will usually be answered by the Chair or Deputy Chair or person presiding at the meeting.

Any queries regarding this Protocol may be directed to the Head of Democratic Services on 01273 291006

Appendix 2: Tracked changes excerpts from Part 7.5 of the Constitution: the Council's Contract Procedure Rules.

[..]

Contract Standing Order 17: Contracts Register and Records

- 17.1 All contract awards in excess of £30,000 shall be published, via the Council's e-tendering platform, on Contracts Finder. For procurements above the Procurement Thresholds, the contract award details must be published on Find a Tender Service, as well as Contracts Finder.
- 17.2 Each Contract Officer, responsible for the procurement process, shall be responsible for publishing the information set out in CSO 17.3 below, onto Contracts Finder and Find a Tender Service, through the Council's e-tendering platform, within 30 days of award.

[..]

Brighton & Hove City Council

Council

Agenda Item 46

Subject: Printed Parking Vouchers

Date of meeting: 19 October 2023

Proposer: Councillor Mark Earthey

Seconder: Councillor Bridget Fishleigh

Ward(s) affected: All

Notice of Motion

Brighton & Hove Independents

This Council:

1. Notes its commitment to equalities and eliminating discrimination
2. Notes that not all residents are able or willing to use an app or pay by credit card over the phone to pay for parking in the city
3. Notes the paucity of PayPoint outlets in the city – and that many are more than 5 minutes walk from parking areas
4. Remembers previous requests from residents for a paper-based system

Therefore, Council resolves to:

5. Request an officer report setting out how a paper parking voucher scheme can be rolled out across the city with vouchers available to purchase online and from shops and BHCC's offices.

Brighton & Hove City Council

Council

Agenda Item 47

Subject: Net Zero

Date of meeting: 19 October 2023

Proposer: Councillor Bagaeen
Seconder: Councillor Meadows

Ward(s) affected: All

Notice of Motion

Conservative Group

This Council:

- 1) Notes the UK is a global leader in progress towards reaching Net Zero having already cut 1990 level emissions by 48%, compared to 41% in Germany and 23% in France; that the UK has even surpassed the targets most countries have set for 2030, such as Australia, Canada, Japan and the US, and overdelivered on all its previous targets to date.
- 2) Notes the UK has set the most ambitious target to reduce carbon emissions by 68% by 2030 compared to 1990 levels – and is the only major economy to have set a target of 77% for 2035.
- 3) Notes the UK accounts for less than 1% of global emissions and it is not necessary to rush into Net Zero policies that put financial strain on to residents, particularly the poorest in society.
- 4) Recognises that Net Zero policies have the potential to hit the poorest in society hardest, for example by forcing the purchase of expensive electric cars and heat pumps, or limiting travel by petrol or diesel cars in ULEZ style schemes;
- 5) Recognises that Brighton & Hove City Council have missed opportunities to alleviate residents' energy costs by not securing energy from the Rampion Windfarm direct to homes in the City;

This Council therefore resolves to:

- 6) Request that costs to residents should always be addressed by officers in reports to both committees and full council when proposing Net Zero policies or actions for the City;
- 7) Request that officers do not bring forward reports on Net Zero policies which have a negative financial cost implications for residents.

Brighton & Hove City Council

Council

Agenda Item 48

Subject: Better Customer Service

Date of meeting: 19 October 2023

Proposer: Councillor Theobald

Seconded: Councillor Hogan

Ward(s) affected: All

Notice of Motion

Conservative Group

This Council:

- 1) Notes the ongoing public dissatisfaction and high volume of complaints Councillors receive from residents about basic council services from missed refuse and recycling to overgrown weeds; to graffiti and litter on our streets, beaches and in our parks; to the general maintenance, upkeep and cleanliness of our city;
- 2) Notes that according to the Annual Customer Insights Report, the overall customer service satisfaction rate is 59%; that only 51% of customers find the service easy to access; that stage 1 complaints have increased by 25% since 2021/22; that face-to-face service accounts for less than 5% of all contact; that contact with customers is down 22% overall since 2018;
- 3) Notes that a 28% increase in the Brighton & Hove 65+ population is expected in 2030 – from 38,300 to 50,100.

This council therefore resolves to:

- Complete a review of face-to-face Customer Service & Housing Support provided to Brighton and Hove residents from Hove Town Hall and Brighton Town Hall to determine the best options for the future of the service, including locating customer service points in libraries throughout the city.
- Consider all council-owned buildings should relocation be determined as the appropriate action;
- Publicise and promote any future changes to the provision widely;
- Return to previous levels of face-to-face service in recognition of the challenges many residents face in accessing email and telephones;
- Increase weekday telephone operating hours until 5.30pm;
- Open face-to-face customer service points at weekends;
- Reach a satisfaction rate of 70% by July 2024.

Supporting Information:

[Annual Customer Insight Report 202223 APX. n 1.pdf \(brighton-hove.gov.uk\)](#)

Brighton & Hove City Council

Council

Agenda Item 49

Subject: Oppose academisation of our schools

Date of meeting: 19 October 2023

Proposer: Councillor Shanks

Seconder: Councillor Hill

Ward(s) affected: All

Notice of Motion

Green Group

This council notes:

- 1) The proposals put forward by the Board of Governors at Benfield and Hangleton Primary Schools respectively that seek to convert these schools into an academy managed by an external Trust.
- 2) Concerns raised by local Trade Unions that staff opinion has not been sufficiently considered; and additional concerns around the length of time provided for consultation on the matter.
- 3) That this council and city has previously stood in steadfast opposition to academisation, including via a successful ballot of parents at Hove Park school that returned 91% opposition, and notes the achievements of our family of schools and the benefits of staying within the local authority.

Therefore, resolves to:

- 4) Request the Chair of the Children Families & Skills Committee to ask the schools to pause the consultation and conduct an urgent ballot of parents and carers of children at Hangleton and Benfield Primaries on whether they are in favour or oppose the conversion of the school to an academy trust selected by Govenors.
- 5) Affirm this council's opposition to the policy of academisation, that allows for back-door privatisation of local schools and the erosion of accountability in education; continue to support community campaigners challenging the policy of academization.
- 6) Request officers to consider the support that can be offered to the schools to address concerns that led to this proposal.

Brighton & Hove City Council

Council

Agenda Item 50

Subject: Women's Football in the City

Date of meeting: 19 October 2023

Proposer: Councillor John Hewitt

Seconder: Councillor Birgit Miller

Ward(s) affected: All

Notice of Motion

Labour Group

This council notes:

1. That the City's top-flight women's football team- Brighton & Hove Albion- currently play their home matches in Crawley, some 22 miles from the City.
2. That this has a detrimental impact on attendances and hinders development and participation.
3. That the team having a purpose-built stadium in Brighton & Hove will benefit both the club and the City.

Therefore, resolves to:

4. To support in principle the return of the Brighton & Hove Albion women's team to the City.
5. Request a report to Culture, Heritage, Sport, Tourism and Economic Development Committee on how the Council can support the club in establishing a women's stadium in the city, including through identification of possible sites.

Brighton & Hove City Council

Council

Agenda Item 51

Subject: Opposing academisation of Benfield and Hangleton schools

Date of meeting: 19 October 2023

Proposer: Councillor Jacob Taylor
Seconder: Councillor Faiza Baghoth

Ward(s) affected: All

Notice of Motion

Labour Group

This council notes:

- 1) We oppose the academisation of Benfield and Hangleton schools
- 2) That the proposal for Benfield and Hangleton schools to join the Eko Academy Trust is not in the best interests of staff, parents or children
- 3) That schools leaving the Local Authority system to become Academies will not solve the issues of falling pupil numbers or budgetary pressures

Therefore, resolves to:

- 4) Request officers to ask the Governing Body for Benfield and Hangleton schools to pause the academisation proposal to enable more time to engage with the local authority and the community, including parents and carers
- 5) Request officers to work with the Hangleton and Benfield school communities and Governing Board to encourage them to remain in the Local Authority school's family
- 6) Request a report to a future Children, Families and Schools Committee addressing SEND and SEMH provision in the city
- 7) Request a report to a future Children, Families and Schools Committee which considers options for strengthening the partnerships that make up our family of schools, and boosts the support given to local authority school leadership.

Brighton & Hove City Council

Council

Agenda Item 52

Subject: Solidarity with UCU strikers

Date of meeting: 19 October 2023

Proposer: Councillor Goldsmith

Seconder: Councillor Pickett

Ward(s) affected: All

Notice of Motion

Green Group

This council notes:

- 1) The indefinite strike by the University and College Union against 22 compulsory redundancies being made at the University of Brighton, that began on the 4th of July, following redundancies announced in May;
- 2) Concerns that plans to sack staff risk a reduction in lecturers teaching students in education, engineering, humanities, art, media and sports science; threatening the quality of education at the university, and that 82 staff have already been made redundant to date

Therefore, resolves to:

- 3) Express its support and solidarity with the strike action, demonstrating this council's concern with the plans and urging the university to maintain a quality education offer in our city through any means possible prior to considering cutting lecturer jobs,
- 4) Request the Chief Executive to make representations to Universities UK [3] and Government, urging improved funding for local universities, particularly post-Brexit, given the Higher education sector contributes £95 billion to the economy and supports 815,000 jobs.

Supporting Information:

The Humanities programme at the UoB has been in operation since 1998.

Universities UK: Join the conversation on funding:

<https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/opening-national-conversation-university>

