

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE

5.00PM 13 AUGUST 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors ; Janio (Deputy Chairman), Davey, Drake, Rufus, Smart, Mitchell, Lepper and Older

PART ONE

15. PROCEDURAL BUSINESS

The Deputy Chairman explained that he would be Chairing the meeting as the Chairman was away. He welcomed the members of the public and officers to the call-in meeting which had been convened to determine whether to ask the Cabinet to reconsider its decision on accommodation needs of gypsies and travellers following a call-in request from Councillor Craig Turton. He emphasised that this committee could not change the decision but it could make recommendations.

15a Declarations of Substitutes

Councillor Gill Mitchell was substituting for Councillor Warren Morgan; Councillor Jeane Lepper for Councillor Melanie Davis; and Councillor Averil Older for Councillor Geoff Wells.

15b Declarations of Interests

Councillor Geoffrey Theobald declared a prejudicial interest in item 16, as Cabinet Member for the Environment.

15c Declarations of Party Whip

There were none.

15d Exclusion of Press and Public

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

RESOLVED: That the press and public be not excluded from the meeting.

**16. REQUEST FOR CALL-IN OF THE 31 JULY CABINET DECISION ON
ACCOMMODATION NEEDS OF GYPSIES AND TRAVELLERS**

16.1 The Interim Head of Scrutiny introduced the report of the Director of Strategy and Governance concerning a request for call-in of the 31 July 2008 Cabinet decision on a Partial Review of the South East Plan; Meeting the Accommodation Needs of Gypsies and Travellers (for copy see minute book).

16.2 He explained the purpose of the call-in process and referred the meeting to the substantive recommendation at paragraph 2.2.

16.3 At the invitation of the Chairman, Councillor Turton spoke about his letter requesting call-in. He described his main concerns which focussed on the lack of prior consultation and insufficient information and said he felt that the decision-making process on the matter had been mishandled.

16.4 He stated that, having checked the Cabinet procedure rules, he could not find any reference to “special meetings” or the suspension of public rights to speak. Therefore any decision it made could be invalid.

16.5 Councillor Turton questioned what evidence had been available to the Special Cabinet meeting, including; the merits of other sites, decontamination information, site map, site visit, evaluation of community cohesion and consultation with Ward Councillors, residents and travellers. He also queried the timing of the Special Cabinet meeting.

16.6 Cllr Turton asked for his call-in request to be accepted. He asked that Cabinet reconsider the decision more openly, look at alternative sites, and allow for consultation with local residents and travellers to be taken into account.

16.7 The Head of Law confirmed that there is no express provision in the Cabinet procedure rules which refers to Special Meetings of the Cabinet. However the Constitution is always applied such that it is supplemented by custom and practice. Special meetings for single items have been used as accepted practice in the past as well as since the introduction of the new constitution.

16.8 He confirmed that the Chairmen of Cabinet or Committee meetings have a discretion to allow deputations, petitions and questions from the public, but the normal practice would be not to have them. In the case of the 31 July Special Cabinet meeting, the Chairman did allow a Member to present a petition and Members who asked to speak were allowed to speak.

16.9 The Head of Law was satisfied that the decision taken at the Special Cabinet meeting was consistent with the Council’s Constitution and custom and practice.

16.10 The Chairman invited Councillor Theobald to address the meeting.

16.11 Councillor Theobald detailed the legal and historical background to the issue, including the Travellers Strategy, refurbishment of the Horsdean site and the need for a permanent site.

16.12 At the invitation of the Chairman Councillor Gill Mitchell asked Councillor Theobald questions on

- Public engagement and consultation prior to the decision
- The Decision-making Process and Planning aspects of the decision
- Post-decision-making activities

16.13 In her view, there had been the barest of Information available for ward councillors with the shortest of deadlines.

16.14 She asked how the decision related to the Local Development Framework, especially significantly contaminated sites, why there had been no public report/synopsis on contamination at the site, why had no site plan been reported and asked if a site visit had taken place.

16.15 Councillor Mitchell asked Councillor Theobald if he was aware that after the decision, residents received consultation letters with only 2 questions and only 1 day to reply. She said the letter included no map and no information on the proposals.

16.16 Other Members of the Committee queried aspects such as the site search, contingency sites, national policy and best practice, approach taken by neighbouring local authorities, government funding and deadlines.

16.17 Officers provided information on planning and contamination considerations and the effect of the call-in request on the local consultations.

16.18 As he had a prejudicial interest as Cabinet Member Councillor Theobald left the Council Chamber while the call-in request was being determined.

16.19 Councillor Lepper said the Cabinet had to listen to local people in making difficult decisions and she wished to refer this decision back for reconsideration.

16.20 Councillor Drake said some decisions were very difficult to make. She was satisfied that the proper process took place and that the Cabinet had all the necessary information to take the decision.

16.21 After further discussion and a vote, it was agreed not to refer the matter back to Cabinet for re-consideration. However, the Committee wished to make recommendations, based on the information noted at this meeting.

16.22 RESOLVED – (a) That the decision taken by the Cabinet on July 31 2008 in relation to the Partial Review of the South East Plan: Meeting the Accommodation Needs of Gypsies and Travellers be noted.

(b) that the subsequent call-in request be noted.

(c) that the additional information supplied by the Director of Environment be noted.

(d) that the decision be not referred back to Cabinet for re-consideration

(e) that recommendations be made to the Executive as follows:

- A) That the rest of the process regarding the proposed permanent travellers site is progressed having regard to the need to keep Ward Councillors and residents informed and properly consulted.
- B) That issues of custom and practice relating to Special Meetings be reviewed and clarified with regard to the Constitution.

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of