

Brighton & Hove City Council

Council

Agenda Item 88(a)

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

6.30pm 3 FEBRUARY 2022

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present: Councillors Robins (Chair), Mears (Deputy Chair), Allcock, Appich, Atkinson, Bagaeen, Barnett, Brown, Childs, Clare, Davis, Deane, Druitt, Evans, Fishleigh, Gibson, Grimshaw, Henry, Hills, Hugh-Jones, Lloyd, Meadows, Mac Cafferty, McNair, Miller, Nemeth, Peltzer Dunn, Powell, Shanks, Simson, C Theobald, West, Wilkinson and Williams.

PART ONE

60 DECLARATIONS OF INTEREST

60.1 The following councillors declared a personal interest in Item 75, a notice of motion concerning pension investments in fossil fuels as they held local government pensions and confirmed that they had been granted dispensation to speak and vote on the matter by the monitoring officer:

Councillors Allcock, Barnett, Brown, Deane, Gibson, Grimshaw, Mears, Peltzer Dunn, Powell, Simson, Shanks, Theobald, West and Williams.

60.2 No other declarations of interests in matters appearing on the agenda were made.

61 MINUTES

61.1 The minutes of the last ordinary meeting held on the 21 October were approved as a correct record of the proceedings.

62 MAYOR'S COMMUNICATIONS.

62.1 The mayor gave the following communications:

I wanted to let Members know that I will be leading a Q & A session with the best-selling author Peter James to raise money for my charities. The event will take place

on the 5 April in the Council Chamber at Brighton Town Hall. For further information contact the Mayor's Office.

Secondly, I am very pleased to announce that following a full day's review by South-East Employers in conjunction with the LGA on the 18 January, the Council has been awarded Charter Plus status for Member Development. The council has held the Member Development Charter since 2004, and this is reviewed every 3 years, so to achieve Charter Plus is a significant achievement and means the council joins only a few other authorities with this standard.

Congratulations should go to the officers involved in Democratic Services and the Members of the Supporting Members Development Working Group.

Finally, I will be taking regular short breaks during the meeting in order to give everyone in the chamber an opportunity to get some fresh air and remove their masks.

63 TO RECEIVE NOMINATIONS FOR THE DEPUTY MAYOR-ELECT FOR THE 2022/23 MUNICIPAL YEAR

- 63.1 The mayor sought nominations for the Deputy Mayor-elect for the municipal year 2022/23; and called on Councillor Mac Cafferty.
- 63.2 Councillor Mac Cafferty nominated Councillor Lizzie Deane to be the Deputy Mayor-elect for 2022/23.
- 63.3 Councillor Shanks formally seconded the nomination; which was supported by Councillors Appich and Simson.
- 63.4 The mayor noted that there were no other nominations and therefore put the motion that Councillor Deane be the Deputy Mayor-elect for 2022/23 to the vote which was carried unanimously.
- 63.5 **RESOLVED:** That Councillor Deane be designated Deputy Mayor-Elect for the 2022/23 municipal year.

64 CALL OVER FOR REPORTS OF COMMITTEES.

(a) Callover

- 64.1 The following items on the agenda were reserved for discussion:

Item 69 - White Ribbon Accreditation
Item 70 - Review of the Council's Constitution
Item 71 - Arrangements for Council and Committee meetings

(b) Receipt and/or Approval of Reports

- 64.2 The Head of Democratic Services confirmed that Items 69, 70 and 71 had been reserved for discussion; and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 66 - Council Tax Reduction Review 2022-23
- Item 67 - Gambling Policy 2022-24 (As revised)
- Item 68 - Libraires Strategy 2022-25
- Item 72 - Budget Protocol
- Item 73 - Re-procurement and Appointment of External Auditors
- Item 74 - Annual Review of Standards Related Matters, Including Member Complaints

(c) Oral Questions from Members

64.3 The mayor noted that there were no oral questions relating the items not called.

65 WRITTEN QUESTIONS FROM COUNCILLORS.

65.1 The mayor noted that the written questions and responses from councillors as detailed in the addendum papers were taken as read and noted without discussion.

66 COUNCIL TAX REDUCTION REVIEW 2022-23

66.1 RESOLVED:

- (1) That the introduction of a revised Council Tax Reduction Scheme based on earnings brackets for working age Universal Credit claimants be agreed;
- (2) That Council Tax Reduction claimants who are not recipients of Universal Credit should remain on the existing Council Tax Reduction scheme; and
- (3) That the fund for Discretionary Council Tax Reduction be set to £200,000 in 2022/23.

67 GAMBLING POLICY 2022-24 (AS REVISED)

67.1 **RESOLVED:** That the final version of the Statement of Gambling Policy 2022-24 as detailed in appendix 1 to the report be agreed for adoption.

68 LIBRARIES STRATEGY 2022-25

68.1 RESOLVED:

- (1) That the Libraries Strategy 2022-25 as set out at Appendix 1 be approved;
- (2) That the importance of public libraries to our city and the contribution they make to education, tackling loneliness and isolation and community cohesion be noted; and
- (3) That a commitment to lifting barriers to access wherever possible, especially to those of low or no income be agreed.

69 WHITE RIBBON UK ACCREDITATION

- 69.1 Councillor Powell introduced the report which provided an update on White Ribbon UK and the actions required for the council to achieve White Ribbon Accreditation. She noted that there had been cross-party support at the Tourism, Equalities, Communities & Culture Committee meeting and hoped that full council support would be given to this justifiable campaign.
- 69.2 Councillors Grimshaw and Simson spoke in support of the report and the recommendations.
- 69.3 **RESOLVED:** That an application by officers for White Ribbon Accreditation be agreed.

70 REVIEW OF THE COUNCIL'S CONSTITUTION

- 70.1 Councillor Clare introduced the report and wished to thank the Members of the Constitution Review Working Group and officers that supported it for their continued work in developing the constitution so that it was fit for purpose.
- 70.2 Councillors Meadows, O'Quinn, Fishleigh, Allcock, Appich, Atkinson and Bagaeen spoke on the matter.
- 70.3 The mayor then put the recommendations to the vote which were carried by 23 votes to 12.
- 70.4 **RESOLVED:**
- (1) That the proposal to make changes to the Council's Procedure Rules in Part 3.2 of the Council's Constitution indicated in paragraphs 4.1, 4.2, 4.4, 4.5 and Appendix 1 to the report, but not the changes indicated in paragraph 4.3 which Policy & Resources Committee recommends are not adopted be approved;
 - (2) That the proposal outlined in para 4.8 to transfer responsibility to manage authorised and unauthorised encampments (including all activities incidental to the Council's functions of Gypsies, Roma and Travellers and Van dwellers) to the Housing Committee from the Environment, Transport & Sustainability Committee be agreed;
 - (3) That it be noted that the disability representative agreed by the Policy & Resources Committee at its meeting on 2 May 2021, would attend Environment, Transport & Sustainability Committee and has the status of a standing invitee, the appointment of which is a matter for Policy & Resources Committee;
 - (4) That both the proposal to make changes to Part 8.5 and the amendments to the rules on future changes to that Part outlined in para 4.21 of the report be approved;
 - (5) That the proposed changes referred to in paras 2.1 (Appendix 1) of the report be approved;

- (6) That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental for the implementation of the changes agreed by the Policy & Resources Committee and by Full Council and authorises the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.
- (7) That the proposed changes come into force immediately following their approval by Policy & Resources Committee or adoption by Full Council, as appropriate.

71 ARRANGEMENTS FOR COUNCIL AND MEETINGS

- 71.1 Prior to speaking to the report, Councillor Shanks noted that there was an amendment from the Conservative Group and asked for clarification as to whether it could be accepted, as she felt it was a negating amendment.
- 71.2 The mayor called on the Monitoring Officer to respond to the query.
- 71.3 The Monitoring Officer stated that the original amendment proposed had been ruled out as a negating amendment but that at the Whips meeting it had been agreed a revised amendment could be submitted. He believed the revised amendment as detailed in the addendum papers was sufficiently in accordance with council procedural rules for it to be accepted as it proposed an alternative outcome.
- 71.4 Councillor Shanks introduced the report and noted that the proposals had been discussed with the Leaders and Whips and would only be in operation for a short time before having to be reviewed. However, it was felt that they would enable the next cycle of meetings to be held effectively and provide a way forward to enable meetings to take place safely.
- 71.5 Councillor Barnett moved an amendment on behalf of the Conservative Group which was formally seconded by Councillor Simson. Councillor Barnett stated that given the current guidelines it was felt that a return to full meetings with everyone present in the chamber should be undertaken as soon as possible.
- 71.6 Councillor Allcock stated that there was a need to recognise that everyone faced challenging times and that some people were more vulnerable than others. He believed the proposals were appropriate for the current time and should be supported.
- 71.7 Councillor Shanks noted the comments and stated that councillors had to attend a number of meetings outside of the council meetings and therefore the proposals were appropriate for the current situation. She also noted that the previous virtual meetings had worked well and enabled all councillors to participate but the necessary legislation had not been implemented for these to continue. She also confirmed that she could not support the amendment.
- 71.8 The mayor noted that an amendment to the recommendations had been moved and put it to the vote which was lost by 11 votes to 24.

71.9 The mayor then put the recommendations as listed in the extract from the proceedings of the Policy & Resources Committee meeting held on the 27 January, as detailed in the addendum papers to the vote which was carried by 24 votes to 11.

71.10 **RESOLVED:**

- (1) That the proposals set out in the report regarding arrangements for Council and committee meetings (except paragraph 3.11 dealing with attendance numbers) be approved; and
- (2) That option A (14) regarding number of attendees at full Council meetings as set out in paragraph 3.12 of the report be approved.

Note: For reference the revised paragraph 3 is detailed below:

3. Context and background information

3.12 Attendance- numbers

3.12.1 For the budget Council meeting on 24 February, we are anticipating a full attendance of all 54 Councillors. For other full Council meetings, Members are recommended to consider reduced attendance. Reduced attendance can only be implemented by voluntary agreement. If there is no agreement, each Member and each group will have to decide for themselves. Given the restriction on available seating and lack of suitable alternative venues, Members are recommended to adopt options A or B from the following options:

A. Minimum attendance to meet the requirement for a quorum

The quorum for full Council meetings is 14. If the 14 seats were allocated proportionately to the Groups and the Independents, the party split would be:

Greens:	5
Labour:	4
Conservative:	3
Independents:	2

B. Reduction to accommodate 40 Members in the main Chamber- This would mean about 40 Members attending in the main chamber with no members in the public gallery. If this were agreed, the party split would be:

Greens:	15
Labour:	11
Conservative:	10
Independents:	4

C. Reduction to 46 with 6 Members sitting in the public gallery-We have had an update from security that, if Members are to be seated in the public gallery alongside members of the public, they would have concern. There are also complications on the selection of members and suitability of the seating area. Relocating the seating for the press may release 2 seats on

the ground floor, but it would still be not very convenient. If this option were adopted, the proportional party split would be:

Greens	17
Labour:	13,
Conservatives:	11
Independents	5.

D. Full Attendance

It would be possible to provide seating for all members with the minimum social distancing and screening provided. But this is an option that is not recommended.

3.14 POLICY COMMITTEE MEETINGS

- 3.14.1 There are a number of committee meetings taking place over the following months and it is proposed that Committee Chairs, following consultation with opposition spokespersons and Officers are encouraged and authorized to adopt the following proposals.
- 3.14.2 **Reduce items coming the *Policy Committee*:** reports coming to committee should be essential business and, unless there is good reason, reports for information or noting should generally be avoided or dealt with in public engagement meetings, if this can be agreed with opposition spokespersons at pre-meets.
- 3.14.3 **Engagement sessions:** If none of the reports coming before the committee require an actual decision, Members should consider, instead, holding a virtual engagement session. Where this is agreed, it is important to note that the meeting will not have the status of a committee meeting and it should not be described as such. It will be an engagement session with members of the committee attending virtually.
- 3.14.4 **A mixed arrangement:** Members could agree to take the public engagement items that do not require a decision (public and member questions) and items for information only in an engagement session before the main meeting limiting the in-person attendance to matters that require decisions or are required by law to be considered by the Committee.
- 3.14.5 **Limiting speakers:** it is proposed that on matters debated at the main meeting, groups are encouraged to limit their number of speakers.
- 3.14.6 **Decision-making process for the above:** It is proposed that the above arrangements, if applied, are agreed by the Chair following consultation with opposition spokespersons and advice from officers. Where the Chair so decides, it may involve moving the whole meeting to an engagement session or transferring some items of business to the engagement session to be dealt with virtually.
- 3.14.7 It should be noted that any matter that requires a decision or is required by law to be considered by full Council or a Committee cannot be dealt with at the

engagement session and has to be discussed at the in person meeting of Council or Committee.

3.15 **Enhanced Officer Delegations**

3.15.1 Given the increased risk and the need to minimise the length of meetings, it is proposed to introduce an enhanced officer delegations scheme. The delegated powers will be in addition to existing normal and urgency powers and are exercisable after consulting the Chair and Opposition spokespersons in each committee. This requires P&R approval and a separate report on the matter is on the agenda. In summary, the proposals are as follows:

- (1) Subject to first consulting with relevant Group Spokespersons, Executive Directors or Members of ELT with delegated powers shall have enhanced delegated authority to make decisions on all matters related to their area of responsibility. This is in line with government advice and reflects the need to reduce the duration of meetings.
- (2) To facilitate consultation with members of all groups, such consultation may take place during committee pre-meetings, or separately if necessary.

3.16: **Duration and status of protocol**

3.16.1 The above proposals, once agreed, will form the binding protocol for Council and Committee meetings. The Council's Standing Orders shall be applied subject to the above modifications to the extent that is necessary. Without prejudice to the powers of the Mayor or relevant Chair to make a ruling at the meeting, the Chief Executive, after consulting the Monitoring Officer, shall be authorised to rule on the interpretation and application of the rules where there is ambiguity or disagreement. The ruling of the Chief Executive shall be final.

3.16.2 The Council Procedure Rules shall be applied subject to the modification to reflect the above arrangements.

3.16.3 These arrangements shall remain in force until annual Council but may be modified at any time before then, especially if there is change in the levels of risk posed by the Covid-19 pandemic.

71.11 The mayor then called a short adjournment from 7.26pm to 7.40pm.

72 **BUDGET PROTOCOL**

72.1 **RESOLVED:** That the protocol outlined in appendix 1 to the report be approved for setting the council's budget and council tax including proceedings at the February Policy & Resources Committee and Budget Council meetings.

73 **RE -PROCUREMENT AND APPOINTMENT OF EXTERNAL AUDITORS**

73.1 **RESOLVED:**

- (1) That the council's opt-in to the national scheme and its adoption of PSAA as the appointing person for the council for the appointment of auditors for the period 2023/24 to 2027/28 be approved; and
- (2) That the Chief Finance Officer be granted delegated authority to take all steps necessary or incidental to give effect to the decision in (1) above.

74 ANNUAL REVIEW OF STANDARDS-RELATED MATTERS, INCLUDING MEMBER COMPLAINTS

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

75 FOSSIL FUEL NON-PROLIFERATION TREATY

75.1 The Notice of Motion as listed in the agenda was proposed by Councillor Clare on behalf of the Green Group and formally seconded by Councillor Hugh-Jones.

75.2 Councillor Miller spoke against the motion and Councillor Appich spoke in favour of the motion.

75.3 Councillor Hugh-Jones noted the comments and sought the council's support for the motion.

75.4 The mayor then put the following motion to the vote:

This Council notes:

- Cities across the world have shown their commitment to tackling the climate crisis by endorsing the call for a Fossil Fuel Non-Proliferation Treaty
- BHCC's pensions are held by the East Sussex Pension Fund, which still invests in fossil fuels
- Preventing climate chaos requires the bulk of fossil fuels be left in the ground, leaving fossil fuel companies with stranded assets, meaning current shares are likely to be overvalued.

This council resolves:

- (1) That the Chief Executive write to the East Sussex Pensions Committee expressing our request for a two-year timeline to divest from fossil fuels; highlighting that continuing to invest in stranded assets risks a failure of their fiduciary duty to pension scheme members,
- (2) That Policy & Resources Committee be requested to commission a report:
 - outlining options for removing BHCC pensions from the East Sussex scheme, and reinvesting them elsewhere; should ESPF fail to act swiftly to protect pensioners' investments
 - detailing how council can continue to support in principle the development of renewable technologies to phase out fossil fuels,
- (3) To endorse the call for Fossil Fuel Non-Proliferation Treaty to:
 - End new expansion of fossil fuel production
 - Phase out existing fossil fuel production

- Invest in a transformational plan to ensure 100% access to renewable energy globally.

75.5 The mayor confirmed that the motion had been carried by 23 votes with none against, and 12 abstentions.

76 COUNCIL SERVICE DELIVERY

76.1 The Notice of Motion as listed in the agenda was proposed by Councillor Wilkinson on behalf of the Labour Group and formally seconded by Councillor Appich.

76.2 Councillor Brown moved an amendment on behalf of the Conservative Group which was formally seconded by Councillor Simson.

76.3 Councillor Clare moved an amendment on behalf of the Green Group which was formally seconded by Councillor Druitt.

76.4 Councillor Wilkinson confirmed that he was willing to accept the Green amendment but not the Conservative amendment.

76.5 The mayor noted that the Green amendment had been accepted and put the Conservative amendment to the vote which was lost by 11 votes to 23.

76.6 The mayor then put the following motion as amended to the vote:

This Council:

1. Notes the high volume of complaints that Councillors receive from residents concerned about performance of some council services from missed refuse, recycling and garden waste collections; to overgrown weeds; to graffiti and litter on our streets, beaches and in our parks; to mismanagement of parking permits; and the general maintenance, upkeep and cleanliness of our city;
2. Notes that the Council's own 2020-21 year-end Corporate KPI results reflect the pandemic, as well as demonstrating complaints from residents, and show the Council is performing below-target on the delivery of some essential services, and that some of these issues are systemic and long-running; and also reflect the impact of cuts to public services made by government;
3. Recognises the challenges the pandemic has presented, and thanks and acknowledges the hard work council staff have undertaken over the past year, particularly as less than 10% were furloughed;
4. Recognises also, however, that despite ongoing pandemic-related challenges, residents are right to expect improvements to the delivery of council services.

This Council resolves to ask the Policy & Resources Recovery Sub-Committee to request:

1. A new report to every meeting of the sub-committee outlining the council's steps to recovery in the following service areas:
 - waste and refuse collection,

- parking permits
 - street cleanliness
- with the opportunity to ask questions of responsible senior officers and receive feedback on any recommendations and progress;

2. A report to an upcoming meeting of the Policy & Resources Recovery Sub-Committee outlining the council's roadmap to developing digital service delivery with inclusion at its heart.

76.7 The mayor confirmed that the motion had been carried unanimously.

77 STOP PEOPLE BEING PRICED OUT OF OUR CITY: BAN THE SALE OF NEW HOMES AS SECOND HOMES

77.1 The Notice of Motion as listed in the agenda was proposed by Councillor Williams on behalf of the Labour Group and formally seconded by Councillor Childs.

77.2 Councillor Gibson spoke in favour of the motion and Councillor Mears spoke against the motion.

77.3 Councillor Williams noted the comments and sought the council's support for the motion.

77.4 The mayor then put the following motion to the vote:

In order to stem the rise of second home ownership which is having a severely detrimental effect on housing supply and affordability, this Council:

1. Supports the implementation of a principal residency policy whereby new open-market housing planning permission will only be granted where there is a condition restricting occupancy as a Principal Residence – the purpose being to reduce the levels of second homes and enable increased primary residence and year-round community benefits;
2. Requests the Housing and Tourism, Equalities, Communities & Culture committees to call for a report to be submitted to meetings of each of the committees within the next six months to outline all possible policy steps that could be considered in order to implement this policy and model the impact of such an approach on both affordability and availability in the next five years;
3. Requests that this report will highlight:
 - The planning policy changes required;
 - Examples of Planning Authorities where such outcomes have been successfully achieved;
 - Any evidence gaps or reports required to meet standards of evidence;
 - A timetable for implementation for this Authority and potential mitigations required – such as a balancing policy for the development of holiday lettings.

77.5 The mayor confirmed that the motion had been carried by 23 votes for and 11 against.

78 VICTORIA FOUNTAIN INVESTIGATION

- 78.1 The Notice of Motion as listed in the agenda was proposed by Councillor Mears on behalf of the Conservative Group and formally seconded by Councillor Theobald.
- 78.2 Councillor Evans moved an amendment on behalf of the Labour Group which was formally seconded by Councillor Grimshaw.
- 78.3 Councillor Mac Cafferty spoke in favour of the amendment.
- 78.4 Councillor Mears noted the comments and confirmed that she did not accept the amendment.
- 78.5 The mayor then put the amendment to the vote which was carried by 23 votes to 11.
- 78.6 The mayor then put the following motion as amended to the vote:

This Council requests the Environment, Transport & Sustainability Committee:

1. To commission an urgent investigation into the appearance of a sink hole after the removal of the Christmas market and funfair, and whether existing known damage to the Victoria Fountain has been worsened by the funfair, or may be worsened by heavy equipment due to be placed there during planned work on Valley Gardens 3; and
2. To agree to the public release of all findings so that residents can be assured that the city's historic sites and important heritage assets will be treated with the respect they deserve.

- 78.7 The mayor confirmed that the motion had been carried unanimously.

79 WESTDENE PARK & RIDE

- 79.1 The Notice of Motion as listed in the agenda was proposed by Councillor Nemeth on behalf of the Conservative Group and formally seconded by Councillor Bagaeen.
- 79.2 Councillor Wilkinson moved an amendment on behalf of the Labour Group which was formally seconded by Councillor Appich.
- 79.3 Councillor Davis spoke in favour of the amendment.
- 79.4 Councillor Nemeth confirmed that he would not accept the Labour amendment.
- 79.5 The mayor then put the amendment to the vote which was carried by 21 votes to 11 with 1 abstention.
- 79.6 The mayor then put the following motion as amended to the vote:

This Council:

1. Notes that Environment, Transport & Sustainability Committee voted on 21st July 2021 for an urgent report for the next meeting of that committee on Administration proposals for a park and ride scheme on Mill Road in Westdene;
2. Further notes that no report was forthcoming at meetings of Environment, Transport & Sustainability Committee on 21st September 2021, 16th November 2021 or 18th January 2022;
3. Notes that the Labour Group identified funds in last year's underspend to invest in a park and ride scheme;
4. Urgently calls on the Administration to deliver a report to the next meeting of the Environment, Transport & Sustainability Committee with an update on current progress.

79.7 The mayor confirmed that the motion had been carried unanimously.

80 CLOSE OF MEETING

80.1 The mayor thanked everyone for attending and closed the meeting.

The meeting concluded at 8.53pm

Signed

Chair

Dated this

day of

2022

