

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 24 JANUARY 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Mitchell (Opposition Spokesperson), Hamilton, A Norman, Peltzer Dunn, Shanks, Wakefield and West.

Other Members present: Councillor Cox.

PART ONE

103 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

103.1 There were no declarations of Substitutes.

(b) Declarations of Interest

103.2 There were no declarations of interest.

(c) Exclusion of Press and Public

103.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of the items listed on Part 2 of the agenda.

103.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items listed on Part 2 of the agenda.

104 MINUTES

104.1 The minutes of the last meeting held on the 29th November 2012 were approved as a correct record of the proceedings and signed by the Chair.

105 CHAIR'S COMMUNICATIONS

105.1 The Chair stated that he wished to thank all the staff who had worked to ensure that disruption to the city was kept to a minimum during the recent period of snow and bad

weather and noted that all major routes had been kept clear and support was provided to vulnerable people.

- 105.2 The Chair noted that the council had been listed as a top local authority in the Stonewall Index and wished to thank the LGBT Workers Forum and to congratulate the Community and Equality Team on their work, which demonstrated a commitment to progressive work to support communities.
- 105.3 The Chair welcomed the positive response to the Trans Scrutiny review, which was a ground-breaking piece of work that sensitively and appropriately addressed an invisible and misunderstood group.
- 105.4 The Chair stated that the council had submitted its bid for a City Deal to the Government on behalf of the city and the greater Brighton city region. He noted that the city deal bid sought to devolve powers from central government to deliver thousands of jobs and significant economic growth across the city and the region, having been put together with neighbouring Lewes, Adur and Worthing councils and The Coast to Capital Local Enterprise Partnership, both Universities and key business partners. It was the first step in the process and he hoped to hear by mid-February whether the bid would go through to the next stage.
- 105.5 The Chair noted that the Transport Committee at its meeting on the 15th January had agreed the implementation of a 20mph scheme, which would increase road safety, reduce facilities and help to address congestion and pollution.
- 105.6 The Chair stated that Item 122 on the agenda, Volks Railway had been withdrawn as the council's bid for funding had not been successful.
- 105.7 The Chair sought agreement to taking Item 115, Pay Modernisation at the end of the open part of the agenda so as to enable the committee to move into closed session to discuss the part two report and any issues that arose in the open session and could not be fully considered. He also stated that he intended to take Item 123 as part of the consideration of the public matters under Item 107 on the agenda.

106 CALL OVER

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

Item 109	Council Tax Base 2013/14
Item 110	Business Rates Retention Forecast 2013/14
Item 111	Future of the Mobile Library Service
Item 112	Life Events Fees and Charges 2013/14
Item 113	Submission City Plan Part 1
Item 114	Community Safety, Crime Reduction and Drugs Strategy
Item 115	Pay Modernisation
Item 117	Designation of Brighton & Hove as a No-Fracking Zone
Item 118	European Commission Covenant of Mayors on Climate Change
Item 119	Show Us You Care Campaign
Item 120	Adoption of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

- Item 121 Home Energy Efficiency Investment Options – Green Deal
- Item 123 Saltdean Lido – Options for Future Operation
- Item 124 Article 4 Directions – Houses in Multiple Occupation
- Item 125 Contractual Arrangements for Strengthening the King’s Road Arches
- Item 126 Funding for Road Works Permit Scheme Business Case
- Item 127 Developments at Craven Vale
- Item 128 Shared Services Review
- Item 132 Pay Modernisation – Exempt Categories 4 and 5.

106.2 The Head of Democratic Services confirmed that the Items listed above had been reserved for discussion; and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 116 Public Health Transition
- Item 129 Health & Safety Annual Service Plan 2013/14
- Item 131 Review of Meetings Timetable 2013/14
- Item 133 Part Two Minutes.

107 PUBLIC INVOLVEMENT

Petitions

- 107.1 The Chair referred to the petition detailed in the report, concerning Council Tax Benefits which had been presented to the last council meeting by Mr. Moorhouse and proposed that it be noted.
- 107.2 **RESOLVED:** That the petition be noted.
- 107.3 Councillor Cox presented a petition on behalf Ms. Laux, requesting that the City Plan should make provision for sufficient schools and school places for families living in Brighton and Hove, and for those moving into the area. He noted that 259 people had signed the combined e and paper petition and that as it stood the City Plan did not make account for the increasing need and made no reference to the School Organisation Plan. He suggested that there should be a link and that this should be reflected in the Plan with SMART objectives listed that could then be reviewed.
- 107.4 The Chair thanked Councillor Cox for presenting the petition and stated that the council had a statutory duty to provide school places and referred to policy SO21 which was contained in the City Plan. He agreed that schools were a critical part to the infrastructure of the city and a key issue for the future. He noted that the City Plan included a commitment to expand schools to meet the growing demand for places, and there was a designation for a new secondary school at Toad’s Hole Valley. He stated that the Infrastructure Delivery Plan included provision of new schools, including King’s School and believed that the approach outlined a clear policy framework that would be flexible and enable new sites to be included and school places delivered in the right places for the residents of the city. The Chair then moved that the petition be noted.
- 107.5 **RESOLVED:** That the petition be noted.

107.6 The Chair noted that there were no other petitions to be presented.

Written Questions and Item 123 Saltdean Lido Options for Future Use

107.7 The Chair invited the Commissioner for Culture to introduce the report on the Lido, listed as Item 123 on the agenda before taking the public question on the matter.

107.8 The Commissioner for Culture introduced the report and stated that having taken over the lease for the lido the council had sought to find a long-term option for the operation of the Lido and had undertaken soft market testing to ascertain whether there would be any market interest in running the Lido. Having completed the process, it was proposed to seek bids for the operation and management of the Lido based on a 50-year repairing lease.

107.9 The Chair invited Mr. Boyle to come forward and put his question to the Committee.

107.10 Mr. Boyle thanked the Chair and asked, "Section 3.8.3 of the Options Report says that the clear outcomes for the site are the operation of the Lido Complex including the pools and maintaining the building at no cost to the council. Please could councillors ensure that community facilities such as multiple meeting rooms, a space for a youth club and a cafe/restaurant open are included in the tender document as this is what the people of Saltdean need?"

107.11 The Chair thanked Mr. Boyle for his question and stated that the potential tender document for the Saltdean Lido Complex will have to remain as open as possible, to allow the widest range of operational solutions. This is because of the difficulties inherent in ensuring the viability of facilities of this kind within a Grade II listed building. However, it would also be the intention of the council to include within the tender, the strong recommendation to any potential bidder, to contact the various community groups active in the Saltdean area in the preparation of their bid. This should ensure that all bids are properly informed and will clearly indicate the type of community facilities they would be able to offer.

107.12 Mr. Boyle thanked the Chair and asked that the council included a provision for community facilities for the lease of the Lido.

107.13 The Chair noted the request and stated that the council wanted to ensure that the future of the Lido was secured and that the needs of the community were taken into account and he hoped that the tender process would be as open as possible. He also noted that a letter from the Saltdean Community Association had been circulated to all Members and stated that it would be noted and taken into consideration by officers when finalising the tender process.

107.14 Councillor Peltzer Dunn referred to the report and queried whether the public house that was on the site would be included within the tender process, as he was unsure whether it would be advantageous to potential bidders to a public house contained within the lease.

107.15 The Principal Solicitor stated that it would be up to the potential bidders to determine whether they wished to include it as part of any bid. He noted that the public house

did not have any dedicated parking at present but that could be something a potential operator sought to resolve and it could be that part of the building was used a community facility.

- 107.16 The Chair suggested that it would be appropriate to keep the remit for the tendering process as open as possible so that all options could be considered.
- 107.17 Councillor Mitchell stated that she appreciated the amount of work that officers had put into the matter and she hoped that a resolution would be found to safeguard the future of the Lido. She also queried what steps would be taken to ensure that community consultation was undertaken and that the community groups had some involvement before a decision on the bids was taken.
- 107.18 The Commissioner for Culture stated that community consultation would be built into the tender process, and expected it to include public exhibitions, and regular updates to community groups, and on-going discussions with ward councillors. She also noted that it would also involve the planning process and officers would have an oversight of any consultation undertaken by potential bidders.
- 107.19 Councillor G. Theobald stated that it would be helpful to know what the income levels were for the pubic house and whether there was a potential to redevelop it and the car park in the future.
- 107.20 The Chair stated that the council retained an oversight as the landlord and that he believed it was beneficial to keep the options as open as possible. He then put the recommendations to the vote.
- 107.21 **RESOLVED:**
- (1) That the results of the soft market testing that had been undertaken to inform options for the long-term operation of the Saltdean Lido Complex be noted;
 - (2) That the marketing of a 50-year full repairing lease for the Saltdean Lido Complex, including the operation of the Lido pools and the provision of additional community facilities to achieve a long-term viable operation of the facility be approved; and
 - (3) That the outcome of the marketing of the lease in (2) above be brought back to a future meeting of the Policy & Resources Committee.

108 MEMBER INVOLVEMENT

- 108.1 The Chair noted that there were no items to be raised under Member Involvement.

109 COUNCIL TAX BASE 2013/14

Note: *The special circumstances for non-compliance with Council Procedure Rule 23, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least*

five days in advance of the meeting) was that some relevant information required to calculate the tax base was not available.

- 109.1 The Director of Finance introduced the report which detailed the proposed council tax base for 2013/14 and took account of the previously agreed council tax reduction scheme and council tax discounts and exemptions. She also noted that in having taken the various changes into account, the proposed council tax base was broadly in-line with the previous report that went to committee in November.
- 109.2 Councillor Littman welcomed the report and thanked the officers involved for their work and recommended that it be approved.
- 109.3 Councillor A. Norman welcomed the report and noted the increase for student exemptions and that the number of households eligible for the council tax reduction scheme would remain similar to that under the previous scheme.
- 109.4 Councillor Hamilton stated that in regard to the level of student exemptions, he believed that university cities were being placed at a disadvantage, and the government should be asked to make an allowance for this situation. He also suggested that whilst the number of properties receiving assistance was similar, they were not in receipt of the same level of benefit.
- 109.5 The Chair noted the comments and put the recommendations to the vote.
- 109.6 **RESOLVED:**
- (1) That the report be approved for the calculation of the council's tax base for the year 2013/14;
 - (2) That, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amounts calculated by Brighton & Hove City Council as its council tax base for the year 2013/14 shall be agreed as follows:-
 - § For Brighton and Hove whole – 79,781.90 (as detailed in appendix 1)
 - § For the Royal Crescent Enclosure Committee – 30.85 (as detailed in appendix 2)
 - § For the Hanover Crescent Enclosure Committee – 38.75 (as detailed in appendix 3)
 - § For the Marine Square Enclosure Committee – 63.17 (as detailed in appendix 4)
 - § For the Parish of Rottingdean – 1,456.99 (as detailed in appendix 5)
 - (3) That, for the purposes of Section 35(1) of the Local Government Finance Act 1992, the expenses of meeting the special levies issued to the council by the Enclosure Committees shall be agreed as its special expenses; and

- (4) That it be agreed that the Enclosure Committees and Rottingdean Parish be paid approximately £5,000 council tax reduction grant in total to ensure that they are no better or no worse off as a result of the introduction of the council tax reduction scheme for the reasons set out in paragraph 3.7 of the report.

110 BUSINESS RATES RETENTION FORECAST 2013/14

Note: *The special circumstances for non-compliance with Council Procedure Rule 23, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was that further relevant guidance from the Department for Communities and Local Government (CLG) that was required to calculate the business rates forecast had not been received.*

- 110.1 The Director of Finance introduced the report which sought approval of the business rates forecast for 2013/14 and to approve the proposed NNDR1 for 2013/14. The Director noted that the system for local government finance was changing and that 50% of the locally collected business rates would be retained by local authorities, which meant that this replaced the government grant that was previously issued and was not therefore additional revenue. The level of business rates would remain set by national government and the valuation office and local authorities would also be liable for 50% of the costs of any successful business rates appeals. This was an important factor as officers had had to seek to predict the level of successful appeals which could go back to 2012 and the potential cost to the council to meet those appeals. Having received further guidance from the government since the report was published; officers currently predicted that there was a £7m liability as a result of successful appeals for the council to fund. She stated that further guidance was expected and therefore delegated authority was sought to enable her to take any action required in light of that guidance.
- 110.2 The Chair noted the report and stated that the council was required by law to set the rate and was now facing a £7m cost as a result of the changes imposed by the government. He was concerned that the city was known for its digital businesses and these attracted very little business rates which, whilst they were welcome, did not help the situation. He had raised the matter with the Minister concerned who had said he would look at the matter but as yet had not responded.
- 110.3 Councillor G. Theobald welcomed the change in the system and stated that it was appropriate for the government to set the rate at a national level. He wished to thank the officers for the report and their briefings on the matter and stated that there had always been appeals against the level of business rates. He had concerns over the work of the valuation office and the number of outstanding appeals that remained. He also felt that the council should be able to pursue rateable values for empty properties such as the Co-op building on the London Road.
- 110.4 Councillor Mitchell stated that the council was being placed in a difficult position with the government setting the rates and then expecting the council to pick up half of the costs of the resultant appeals since 2010. The budget pressure of £7m was a concern and until further information was received it appeared it could be a full-year cost for 2013/14; however she noted that the DCLG had indicated that the matter was being reviewed and a 'safety net' may be provided. She therefore suggested that the council should work

with the LGA and other councils to take a collaborative approach and raise the concerns with the government.

110.5 Councillor West stated that he was concerned about the potential impact on the budget of the additional £7m cost and the impact on local businesses.

110.6 Councillor Hamilton stated that he was concerned that information and guidance on this matter was still being issued by DCLG and felt that it was essential that the Director of Finance was given delegated authority to be able to take matters forward.

110.7 The Chair noted the comments and stated that the council was committed to attracting businesses to the city but noted that the retention of a percentage of the business rates collected by the council was not new money as the previous government grant had been withdrawn. He then put the recommendations to the vote.

110.8 RESOLVED:

- (1) That the business rates forecast with the amount to be retained of £49.235m as set out in the NNDR1 2013/14 form at appendix 1 be agreed;
- (2) That the technical issues relating to future successful business rate appeals and refunds raised in the response to the provisional grant settlement set out in appendix 2 to the report and the potential impact on the budget be noted; and
- (3) That the positive outcome of the independent review of the council's current systems for identifying changes to the rating list and informing the Valuation Office set out in paragraph 3.25 of the report and the improvements suggested be noted.

111 FUTURE OF THE MOBILE LIBRARY SERVICE

111.1 The Director of Finance introduced the report, concerning the future of the mobile library service and the recommendations of the Economic Development & Culture Committee in regard to the future operation of the service. She noted that the mobile library was due to operate until the end of March 2013 as a result of an amendment to the budget proposals that were approved by the council in 2012. The Economic Development & Culture Committee had considered a report at its meeting on the 15th November 2012 which outlined a range of options for operating the mobile library, of which two options were favoured, by Members of the Committee and the majority view supported Option 3, to run the Mobile Library service on a reduced timetable for three days a week.

111.2 Councillor Littman stated that he wished to move an amendment to the recommendations so that recommendation 2.2 was replaced by a recommendation to approve Option 7 in the report, which provided for the replacement of the Mobile Library service with an expanded Home Delivery Service as detailed in the report.

111.3 Councillor West formally seconded the proposed amendment.

- 111.4 Councillor Mitchell stated that she opposed the amendment and supported the majority view of the Economic Development & Culture Committee that Option 3 should be approved and the Mobile Library service be retained on a reduced timetable.
- 111.5 Councillor West stated that should the Mobile Library be retained, there was a need to replace the actual vehicle at a significant capital cost, and when taken into account with the reduced level of service and the actual number of users of the service, it was not value for money. The proposed expanded home delivery service in Option 7 would provide a better service for more people and was already working well in Patcham.
- 111.6 Councillor Peltzer Dunn questioned the need for the Policy & Resources Committee to over-ride the decision of the Economic Development & Culture Committee, which had responsibility for the service. He stated that the service provided to its users by the mobile library was immeasurable and should be maintained.
- 111.7 The Chair stated that the decision taken at the previous Budget Council meeting had meant that there was a funding gap for the service which had not been met and the decision to support Option 3 by the Economic Development & Culture Committee meant that it had to be referred to the Policy & Resources Committee because the funding gap remained. It was for the Policy & Resources Committee to then consider the financial position and determine whether Option 3 could be supported or whether an alternative option provided a better solution.
- 111.8 Councillor Littman stated that he was a Member of the Economic Development & Culture Committee and had voted for Option 7 on the basis that it offered a better solution and an improved service to what was a historical solution that had become outdated.
- 111.9 Councillor Mitchell stated that she believed the recommendations of the Economic Development & Culture Committee should be approved and that Option 3 should be taken forward. She noted that the Administration was seeking to increase council tax by 2% and was asking residents to accept this increase if the council spent the money properly and yet this was a clear example of not spending finances to maintain a service wanted by residents.
- 111.10 Councillor Hamilton formally seconded the proposal to approve Option 3 as outlined by Councillor Mitchell.
- 111.11 Councillor Shanks stated that the capital expenditure to provide the service to a small number of people was not cost effective, especially when the need for capital funding for schools was taken into consideration.
- 111.12 Councillor Hamilton stated that should Option 7 be agreed, it assumed that people has access to a computer in order to access the on-line catalogue and it prevented people from being able to pick up and browse a book before deciding whether or not take it out on loan.
- 111.13 The Head of Library Service stated that as part of the Home Delivery service, an officer would go to people's homes and take a laptop so that they could access the on-

line catalogue, check availability and reserve books. She stated that the library management system took account of what books were taken out and therefore was able to be used to offer choices.

- 111.14 Councillor A. Norman stated that she could not support the amendment moved by Councillor Littman as she felt people preferred to be able to pick up and look at a book before deciding whether or not to take it out and this was not possible through on-line browsing.
- 111.15 Councillor Peltzer Dunn queried whether the officer time had been taken into consideration in regard to conducting home visits and assisting with on-line browsing and how this compared to funding the part-time mobile service outlined in Option 3.
- 111.16 The Chair noted the comments and put the amendment proposed by Councillor Littman to the vote which resulted in a tie. He then used his casting vote in favour of the proposal and the amendment was carried.
- 111.17 The Chair then put the recommendations moved by Councillor Mitchell to the vote which resulted in a tie and as such was lost.
- 111.18 The Chair then put the recommendations as amended to vote which resulted in a tie. He then used his casting vote in favour and the recommendations were carried.
- 111.19 **RESOLVED:**
- (1) That the recommendations of the Economic Development & Culture Committee as set out in paragraphs 3.7 and 3.8 of the report and detailed below be noted;
 - (2) That in having regard to the value for money assessment as outlined in the financial implications paragraph and the options detailed in paragraph 3.5 of the report, Option 7, to replace the Mobile Library with an expanded Home Delivery service to provide more targeted services for those unable to get to a static library or use the Mobile Library be approved.

Note: Councillors Hamilton, Mitchell, A. Norman, Peltzer Dunn and G. Theobald wished their names recorded as having voted against the proposed amendment at (111.16) and the resolutions set out at (111.19) above.

112 LIFE EVENTS FEES AND CHARGES 2013/14

- 112.1 The Director of Finance introduced the report which detailed the proposed fees and charges for Life Events services for 2013/14.
- 112.2 Councillor Littman welcomed the report and stated that the Administration was willing to accept the Conservative Group amendment that had been circulated.
- 112.3 Councillor A. Norman thanked Councillor Littman for accepting the amendment which she moved formally and noted that infant mortality was usually unexpected and meant that no provision had been made. She felt that this ensured that parents could have a

memorial on the gravestone and in the current economic climate it was a sensible approach.

112.4 Councillor Mitchell stated that the Labour & Co-operative Group echoed the sentiments and fully supported the amendment.

112.5 The Chair noted the comments and in view of the acceptance of the amendment put the recommendations as amended to the vote.

112.6 **RESOLVED:**

(1) That the fees and charges for Life Events in Appendix 1 (Bereavement Services) and Appendix 2 (Registration) to the report be approved and recommended to Budget Council; and

(2) That in regard to (1) above, the proposed charges for 'cemeteries: to erect a memorial on a child's grave-space' be frozen at 2012/13 levels.

113 SUBMISSION CITY PLAN, PART 1

113.1 The Strategic Director introduced the report which sought approval of the publication of the Submission City Plan, Part 1, part of Brighton & Hove's Local Development Framework, along with its supporting papers for a six week period of public consultation during February, March and April 2013, prior to submission to the secretary of State. He stated that plan had been three years in the making and hoped that it could be fully supported.

113.2 The Head of Planning & Public Protection stated that he was aware of the national debate around planning and suggested that it was an opportune time to be bringing forward the city plan. He wished to thank all those Members and residents who had participated in the development process for the plan's submission to the council and noted that there had been an effective consultation process which had enabled people to comment on areas of the plan. He believed that the methodology behind the plan was robust and supported the various targets that were detailed, including those where they did not reach government stated figures e.g. on housing. He hoped that the Plan would be agreed and subsequently approved by the Secretary of State in April to enable its publication in September and final adoption in 2014.

113.3 The Chair stated that he wished to thank everyone concerned with the development of the Plan and the report that was before the committee. He welcomed the community engagement process and believed it set out a long-term vision which was very challenging.

113.4 Councillor Mitchell congratulated the officers on all their hard work and stated that she felt it was an exceptional piece of work. She noted that CP8, sustainable Buildings policy was finely balanced and hoped that the conditions set out would not mitigate against new and affordable homes.

- 113.5 The Head of Planning & Public Protection stated that he believed the policy was framed to enable a viability test but he was aware that it was an area that would need to be kept under close review.
- 113.6 Councillor G. Theobald stated that he preferred to reserve judgement on the matter until the council meeting.
- 113.7 Councillor West stated that the sustainability factors would need to be monitored and taken into account in regard to the life-time cost of new buildings and improved energy costs and contributions to the sustainable footprint of the city. He believed it was an important plan for the future and provided for a flexible approach.
- 113.8 The Chair stated that there was a need to reduce energy costs and these needed to be taken in conjunction with the issue of social justice, i.e. the buildings should be affordable to run. He then put the recommendations to the vote.

113.9 **RESOLVED TO RECOMMEND:**

- (1) That the summary of the responses to the consultation on the draft City Plan Part 1, (summarised in Appendix 1 to the report with a full schedule attached to the Statement of Consultation on city council's website, placed in the Members' Rooms and in Customer Service Centres) be noted;
- (2) That the Proposed Submission City Plan Part 1 be agreed and published for statutory public consultation for a six week period commencing in February 2013, (Along with appendices and supporting documents);
- (3) That the document should be subsequently submitted to the Secretary of State subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary;
- (4) That the Head of Planning and Public Protection be authorised to agree any draft "main modifications" to the City Plan Part 1 necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach of the City Plan Part 1 the draft modification shall be referred by the Head of Planning and Public Protection to the Policy & Resources Committee for approval;
- (5) That it be noted that all modifications to the Plan will be presented to the Policy & Resources Committee and Full Council in due course as part of the adoption of the City Plan Part 1; and
- (6) That the following studies as supporting evidence for the City Plan and further Local Development Documents be approved:
 1. The Employment Land Study Review 2012
 2. Draft Transport Assessment 2012
 3. The Brighton and Hove Energy Study 2012
 4. Local Housing Requirements update 2012

5. Strategic Housing land Availability assessment (SHLAA) Update 2012
6. Housing Needs Assessment 2012
7. Site capacity assessments 2012.

114 COMMUNITY SAFETY, CRIME REDUCTION AND DRUGS STRATEGY 2011-2014

- 114.1 The Director of Public Health introduced the report which detailed the Community Safety, Crime Reduction and Drugs Strategy for 2011 – 2014, and set out the priorities and work programme for delivery by the Community Safety Partnership. He stated that the Community Safety delivery team were working closely with Police to deliver the priorities and noted that work was in hand to refresh the strategy and take account of the findings of the Drugs Commission which was due to report in March.
- 114.2 The Chair welcomed the report and noted that he had already held discussions with the recently appointed Police & Crime Commissioner to ensure that they were aware of the good work taking place in the city.
- 114.3 Councillor G. Theobald welcomed the strategy and stated that he fully supported the work of the team and the priorities that had been identified. He also welcomed the intention to work with the Police & Crime Commissioner and asked if further information could be provided in regard to the piloting of the community trigger referred to on page 151 and budget in relation to the prevention of extremism.
- 114.4 Councillor Mitchell welcomed the report and asked for further information in regard to the opportunities and risks associated with the council taking responsibility for 18-year olds and working with repeat offenders.
- 114.5 The Director of Public Health stated that he would be happy to provide additional information to the Members following the meeting.
- 114.6 The Chair noted the comments and put the recommendations to the vote.
- 114.7 **RESOLVED TO RECOMMEND:**
- (1) That the crime reduction and safety priorities included within the updated Community Safety, Crime Reduction and Drugs Strategy 2011 – 2014 be noted and recommended to council for approval; and
 - (2) That the summary of some of the new work included within the Strategy together with action being taken to improve value for money be noted.

115 PAY MODERNISATION

Note: *The Special Circumstances for non-compliance with Council Procedural Rule 23, Access to Information Procedure Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five clear days in advance of the meeting), were that the information necessary for the report and the consultation with relevant persons was not finalised in time from the publication of the agenda. The Committee needed to make the decision at the meeting so that negotiations could start as early as possible.*

- 115.1 The Chief Executive introduced the report and explained that there was a need to review the council's pay structure to take account of the varied number of enhancements that existed and to produce a new system that was consistent, modern and transparent. She stated that it was intended to discuss the new package with the recognised trade unions and she hoped to reach an agreement with them on its introduction in the autumn. The council's staff were its most important asset and at the heart of the proposed changes which would enable better career progression. She stated that the council had not entered into this process lightly and held no preconceptions or any intention to reduce the wage bill, but rather to modernise the pay package and establish a clear and transparent scheme. As things stood it was not possible to do nothing and therefore the staff and trade unions were being asked to be fully involved in the review process.
- 115.2 Councillor Mitchell stated that she was concerned about the process and the length of time that the issue had remained unresolved. She was aware of previous intentions that had come to nothing and given that it was an important issue sought reassurance that it would be taken forward and addressed, without adversely affecting the lowest paid. She also expressed her concern over the nature of the language used in the report which she felt could be regarded as combative and therefore cause resentment. She then referred to paragraph 5.1 and queried whether there was an indication that the overall pay bill would be brought down in view of any potential lump sum payouts.
- 115.3 The Director of Finance stated that it was intended to keep all options open at this stage, and it was not inevitable that the overall pay bill would come down. However, there was a need to seek to account for any recompense that was made to allow for a new pay structure to be brought in and to seek to contain the changes within the existing cost structure.
- 115.4 The Chair stated that the problem had existed for a number of years and had now reached a point where it needed to be addressed and therefore proactive and constructive negotiations needed to be opened with the staff and the trade unions. He hoped that all parties would support this.
- 115.5 Councillor Hamilton stated that he had previously been a member of the Single Status Working Group, which had met on a number of occasions but then simply ceased from meeting without any explanation. He noted that the report mentioned a total of £3m in allowances and hoped that appropriate safeguards would be incorporated to protect those who were directly affected by any changes in the new pay structure. He was concerned that a figure of £4k was being mentioned as the amount that low paid workers could lose as a result of the allowances being removed.
- 115.6 Councillor G. Theobald stated that there was a need to establish a fair and equitable pay structure for all staff and currently there were a number of allowances that varied across the organisation and as such should be addressed. He believed that the matter had to be resolved as it had remained a problem for over a decade.
- 115.7 Councillor Wakefield stated that she hoped the importance of communication would be taken into account so that all staff, trade unions and councillors were aware of the issues and how they were being tackled.

- 115.8 Councillor Shanks asked for further information in regards to the negotiating process and expressed her concern that the lowest paid workers should not be unduly affected by any changes to the overall pay structure.
- 115.9 Councillor A. Norman stated that she believed that there should be an open dialogue between the council, the staff and the trade unions with every opportunity to put forward concerns so that the resultant pay structure was regarded as being equitable and fair.
- 115.10 The Chief Executive stated that there was a need to get on with the process of dialogue and negotiation and it was critical that the trade unions were involved and willing to discuss matters so that issues could be addressed and agreement reached on a new scheme.
- 115.11 The Monitoring Officer stated that he believed the committee should move into closed session so that the part two report and associated issues that were being referred to could be discussed. He also stated that a part two report had been included on the agenda because of the financial and personnel information, which would be part of the negotiations with the trade unions and the legal implications for the authority, all of which fell under the Local Government Act 1972; and was therefore the proper way for the committee to deal with and consider the information.
- 115.12 The Chair noted the advice of the Monitoring Officer and stated that the meeting should move into closed session, in order to consider the part two report and discuss matters further. He stated that as much information as possible had been contained in the part one report and he would ensure the outcome of the discussions held in closed session were reported in open session.
- 115.13 The meeting then moved into closed session.
- 115.14 Following the consideration of the part two report and discussions on the issue, the Chair reported that the recommendations contained in the part one and part two reports had been approved.
- 115.15 **RESOLVED:**
- (1) That the contents of the report and the need to modernise aspects of the council's pay and terms and conditions which are locally determined be noted;
 - (2) That it be agreed that the council should commence a process designed to implement a new system of allowances and additional payments that are consistent, modern and transparent;
 - (3) That it be agreed that the council should commence a process designed to introduce Job Families and implement any associated changes to the council's grading structure and pay-line;

- (4) That the Chief Executive be authorised to nominate officers, to enter into negotiations with the recognised trade unions with a view to reaching an agreement on a revised package of pay and terms and conditions; and
- (5) That the Chief Executive, the Director of Adult Social Care and the Director of Finance be authorised to implement a modernised pay and terms and conditions package in accordance with the law, including the power to adopt appropriate grievance and appeal procedures and to take any other steps necessary, conducive or incidental to achievement of the same.

Note: *The item is listed in the minutes in its consecutive order for ease of reference, although it was taken as the last item for discussion in the open part of the meeting, in accordance with the Chair's request at the start of the meeting.*

116 PUBLIC HEALTH TRANSITION

116.1 RESOLVED:

- (1) That the proposed transfer of the Brighton & Hove Primary Care Trust public health function, as described within the report, to the city council as of 1st April 2013 be noted; and
- (2) That the Chief Executive, after consultation with the Head of Legal and Democratic Services, be authorised to finalise and agree the arrangements for the transfer, together with any documentation necessary to give effect to the transfer, in accordance with the requirements of the Department of Health.

117 DESIGNATION OF BRIGHTON & HOVE AS A NO-FRACKING ZONE

- 117.1 The Strategic Director; Place introduced the report which had been produced as a result of a Notice of Motion to Full Council on the subject of 'Fracking.' He noted that should the recommendation be accepted, it would not be a legally binding policy and therefore did not affect the Waste and Minerals Plan, but would be consistent with the council's commitment to create a more sustainable city.
- 117.2 Councillor G. Theobald questioned the logic of such a declaration when the Waste and Minerals plan provided for the option to apply to undertake oil and gas exploration. As the declaration would not be legally binding he did not see the need for it and referred to how 'Fracking' was being utilised in other parts of the world.
- 117.3 Councillor West stated that it was important to give an indication of the council's intention to have a low carbon economy and to signal its concerns over the process of 'Fracking.'
- 117.4 Councillor Mitchell stated that the Labour & Co-operative Group were supportive of the recommendation and suggested that a regional strategy should be developed to support this concern.

117.5 Councillor Peltzer Dunn stated that he remained to be convinced about the benefits of 'Fracking' but every source of energy needed to be explored and as such he could not support the recommendation.

117.6 The Chair stated that such a declaration would have weight and would give an indication as to the city's position on the matter. He then put the recommendation to the vote.

117.7 **RESOLVED:** That Brighton & Hove be approved as a no-fracking zone.

118 EUROPEAN COMMISSION COVENANT OF MAYORS ON CLIMATE CHANGE

118.1 The Strategic Director; Place introduced the report and stated that the council had previously signed up to the 'Nottingham Declaration' in 2004 and it was proposed that it should sign up to the Covenant as detailed in the report, which supported the council's corporate policy to create a more sustainable city.

118.2 The Chair thanked the officers for the report and stated that by signing up to the Covenant he hoped that it would enable the council to bid for European funding and provide support for City Deal.

118.3 Councillor Mitchell noted the information and questioned the benefit of having to travel abroad to sign up and suggested that it was something that could be done on-line.

118.4 Councillor G. Theobald stated that he shared Councillor Mitchell's concern and hoped that the signing could be undertaken in the UK, but also noted the potential for funding opportunities.

118.5 The Chair then put the recommendation to the vote.

118.6 **RESOLVED:** That the city council becomes a signatory to the Covenant of Mayors.

119 SHOW US YOU CARE CAMPAIGN

119.1 The Director of Adult Social Services introduced the report which detailed the LGA's campaign to highlight the need to put adult social care on a sustainable financial footing and to secure longer-term reform of the system to make it clearer, fairer and more transparent.

119.2 The Chair stated that this was a critical issue in regard to the social care budget and by signing up to the campaign it provided an opportunity to highlight the matter and find a fair solution. He then put the recommendation to the vote.

119.3 **RESOLVED:** That it be agreed that the Council should sign up to the 'Show Us You Care' campaign.

120 ADOPTION OF THE EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE WASTE AND MINERALS PLAN

120.1 The strategic Director; Place introduced the report which sought approval of the waste and minerals plan and detailed the outcome of the public examination of the plan. He

noted that should the plan be adopted by the council it would provide planning policy for waste management and minerals production in East Sussex and Brighton & Hove and that part of the South Downs National Park which came into East Sussex and Brighton & Hove (the Plan area), to 2026.

- 120.2 The Head of Planning & Public Protection informed the Committee that the plan had been prepared in partnership with East Sussex County Council which was also due to approve the plan. He also noted that the Planning Inspector had been very impressed with the Plan.
- 120.3 Councillor G. Theobald welcomed the report but queried the position in relation to the activity known as 'Fracking' which it appeared could take place within the city, as he was aware of another item on the agenda which had sought the committee's agreement to declaring Brighton & Hove a 'No-Fracking Zone.'
- 120.4 The Head of Planning & Public Protection referred to the policies WMP15 and 16 which should be read together and would need to be addressed should there be any interest in the exploration of oil and gas in the city.
- 120.5 The Chair noted the comments and suggested that the issue of 'Fracking' was likely to be determined by the Government rather than local authorities, however he felt that it was important for the council to indicate its position on the matter. He then put the recommendations to the vote.

120.6 RESOLVED TO RECOMMEND

- (1) That the WMP, incorporating the Main Modification and minor modifications, as waste and minerals planning policy subject to the Head of Planning and Public Protection agreeing any further minor changes to the text of the Waste and Minerals Plan with East Sussex County Council and the South Downs National Park Authority be adopted;
- (2) That the analysis of the responses to the consultation on the Main Modification to the WMP be noted;
- (3) That the contents of the Inspector's Report and her conclusion that the WMP is legally compliant and 'sound' be noted;
- (4) That the minor non-material modifications made to the WMP be noted; and
- (5) That the Main Modification made to the WMP be agreed.

121 HOME ENERGY EFFICIENCY INVESTMENT OPTIONS - GREEN DEAL

- 121.1 The Strategic Director; Place introduced the report which outlined the opportunities that could be presented by the Green Deal to meet key council objectives and the potential for working with West Sussex County Council and other local authorities to develop a model for delivery of both Green Deal and energy Company Obligation ('ECO') investment for the benefit of local residents, businesses and the economy. He stated

that the report sought approval for the signing of a memorandum of understanding with West Sussex County Council as the basis for further partnership working.

- 121.2 The Chair welcomed the report and stated that it was the start of journey towards meeting the objectives of Green Deal and that regional working was a key element to achieving this. He therefore hoped that it would be fully supported by all groups on the council.
- 121.3 Councillor Mitchell stated that the Labour & Co-operative Group supported the report and felt that it was important to work with other authorities to maximise the benefits.
- 121.4 Councillor G. Theobald noted the report and stated that he was supportive of working with other authorities.
- 121.5 Councillor Wakefield stated that she did not feel that Green Deal was the best solution but noted that it was currently the only option available and hoped that benefits would be visible in due course.
- 121.6 The Chair stated that he had met with social landlords and hoped that they would make use of Green Deal and would support this approach, although he accepted that it was a huge challenge. He then put the recommendations to the vote.
- 121.7 **RESOLVED:**
- (1) That the successful grant funding bids set out in paragraphs 3.3 and 3.4 of the report be noted;
 - (2) That the options and opportunities presented by the Green Deal and Energy Company Obligation to meet key objectives in Brighton & Hove and the potential to work with West Sussex County Council, and other local authorities in the region, to develop a model that delivers both Green Deal and ECO opportunities for the benefit of local residents, businesses and the economy be noted;.
 - (3) That the Strategic Director, Place be granted delegated authority to sign the 'Memorandum of Understanding' with West Sussex County Council as a potential investor in their Green Deal scheme (attached as Appendix 3 to the report); and
 - (4) That it be noted that any final decision on entering contractual obligations with a Green Deal provider will be the subject of a further report to this Committee following a procurement process that will run throughout 2013.

122 VOLKS RAILWAY CAPITAL PROJECT

Note: The report had been withdrawn.

123 SALTDEAN LIDO - OPTIONS FOR FUTURE OPERATION**107.22 RESOLVED:**

- (1) That the results of the soft market testing that had been undertaken to inform options for the long-term operation of the Saltdean Lido Complex be noted;
- (2) That the marketing of a 50-year full repairing lease for the Saltdean Lido Complex, including the operation of the Lido pools and the provision of additional community facilities to achieve a long-term viable operation of the facility be approved; and
- (3) That the outcome of the marketing of the lease in (2) above be brought back to a future meeting of the Policy & Resources Committee.

Note: *The item was taken as part of Item 107 on the agenda and the resolution above has been listed for reference.*

124 ARTICLE 4 DIRECTION – HOUSES IN MULTIPLE OCCUPATION

- 124.1 The Strategic Director; Place introduced the report which sought approval of an Article 4 direction to remove a permitted development right under planning legislation that allows changes of use from dwelling houses (Class C3) to small Houses in Multiple Occupation (Class C4). The intention being to require planning applications to be made for such changes of use and thereby provide the council with a degree of control over the location of new small Houses in Multiple Occupation (HMOs), and to influence the concentrations of HMOs in established residential areas.
- 124.2 Councillor Wakefield welcomed the report and noted that it was seeking to address the concerns raised by residents about the increasing number of HMOs in five specific wards.
- 124.3 Councillor G. Theobald stated that he had thought the majority of residents had indicated their opposition to the proposal during the consultation exercise.
- 124.4 The Senior Team Planner confirmed that in looking at the responses on a technical basis the majority were against the proposal, however in looking at the issues raised it was evident that a large proportion of the responses were concerned about the increasing number of student houses and their impact on the area. He stated that a number of the wards did have capacity for further HMOs, however a significant number were concentrated in small areas which was having an impact.
- 124.5 The Chair stated that the proposed change was about the number of HMOs and not just student accommodation and would not be retrospective. He noted that anyone could apply for a change of use and that the aim was to be able to take account of the area in question and he had raised this with student representatives who recognised the concern and understood the council's position. He then put the recommendations to the vote.

124.6 RESOLVED:

- (1) That the direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove the permitted development right to change the use of a building from a dwelling house (Class C3) to a House in Multiple Occupation (Class C4) within the five electoral wards for the reasons outlined in this report be confirmed; and
- (2) That having confirmed the direction in (1) above, it be noted that the direction would come into force on 5 April 2013.

Note: The Chair then adjourned the meeting for a short comfort break at 6.30pm

The Chair reconvened the meeting at 6.35pm.

125 CONTRACTUAL ARRANGEMENTS FOR STRENGTHENING THE KING'S ROAD ARCHES

125.1 The Strategic Director; Place introduced the report which detailed the council's responsibility for the management and upkeep of the seafront structures. He stated that strengthening works had had to be undertaken and approval was now being sought for the overall contract for strengthening works to be carried out in association with the i360 development.

125.2 Councillor Peltzer Dunn referred to recommendation 2.2 of the report and queried whether sufficient information had been included in the report in regard to the contractual arrangements that were being agreed.

125.3 The Lead Commissioner, City Regulation & Infrastructure stated that an existing contract for the overall improvement works had been previously approved and the proposal was to expand the necessary works between Alfresco's restaurant and the West Pier to take account of the urgent strengthening works and the works required that were associated with the i360 development.

125.4 Councillor West stated that the proposed works would also bring a number of the seafront arches back into use which would benefit the area.

125.5 The Chair then put the recommendations to the vote.

125.6 RESOLVED:

- (1) That the urgency and essential nature of the initial strengthening works to the seafront Arches and the additional, associated opportunities and benefits that these works present regarding the delivery of the i360 viewing tower be recognised;
- (2) That the award of the scheme contract for the urgent and essential strengthening works to the seafront arch structures between Alfresco's Restaurant and the West Pier (referred to as Arch Numbers 36-61), under the 'Coast Protection and

Highway Structures Maintenance Framework Agreement 2012 – 2015' be approved; and

- (3) That it be agreed that priority should be given to identifying and allocating funding from within the council's budgets to enable the planned strengthening works and internal refurbishment to be undertaken during 2012/13 to 2014/15, to coincide with the planned construction programme for the i360 viewing tower.

126 FUNDING FOR ROAD WORKS PERMIT SCHEME BUSINESS CASE

126.1 The Strategic Director; Place introduced the report which detailed the recommendations of the Transport Committee to establish a road works permit scheme for the city, to enable the scheduling of works and the monitoring of those works. He stated that approval was sought for the set up costs of the scheme and noted that it was intended that the scheme would be self-financing thereafter.

126.2 The Chair welcomed the report and stated that he hoped it would lead to an improved scheduling of road works throughout the city and less disruption to residents.

126.3 Councillor G. Theobald welcomed the report and suggested that it would be helpful to ensure that there was an indication as to who was responsible for the works being undertaken, so that those affected were aware of who was causing the disruption rather than assuming it was the council.

126.4 The Lead Commissioner, City Regulation & Infrastructure noted the suggestion and stated that officers needed to look at the various options and design for the proposed scheme and would take this into account.

126.5 The Chair then put the recommendations to the vote>

126.6 RESOLVED:

- (1) That the Transport Committee's recommendation to implement a road works permit scheme for Brighton & Hove be agreed;
- (2) That the one-off, non recoverable funding of up to £100k for engagement of specialist consultants to support the bid documentation design of a permit scheme system for Brighton & Hove be approved; and
- (3) That up to £225k of recoverable funding to set up the permit team staff, equipment and systems required to run the scheme be approved.

127 DEVELOPMENTS AT CRAVEN VALE

127.1 The Director of Adult Social Services introduced the report which detailed a proposal to expand the number of bedrooms at Craven Vale from 20 to 51, with 44 being set aside for community short-term beds. She noted that this was in line with recommendations of the short-term strategic review and would enable the council to reduce its sites down to two and thereby help to reduce time spent travelling between sites and increase the time spent on service user care. The Director stated that Craven Vale was

underdeveloped and therefore provided an opportunity to improve usage and efficiency. She also noted that there was a need to amend recommendation 2.5 slightly, in order to comply with financial regulations and referred to the amendment that had been circulated.

127.2 The Chair welcomed the report and noted that the development would reduce bed-blocking and therefore should have an on-going benefit for the community care budget.

127.3 Councillor A. Norman welcomed the report and stated that Craven vale was a highly regarded facility and the expansion should only enhance its reputation.

127.4 Councillor Mitchell welcomed the report and noted that attendance had dwindled recently and therefore sought assurance that services would not be withheld.

127.5 Councillor Hamilton also queried whether there would be sufficient number of beds to enable patients to move out of hospital.

127.6 The Director of Adult Social Services stated that the local authority was working with Private Nursing Homes to ensure that there was capacity to meet hospital discharges and was also working with the CCG to look at the use of other facilities to maintain re-enablement effectively.

127.7 The Chair noted the comments and put the recommendations as amended to the vote.

127.8 **RESOLVED:**

- (1) That it be noted that the development would be delivered by Property & Design using the Council's existing Strategic Construction Partnership;
- (2) That delegated power be given to the Director of Adult Social Services and the Director of Finance to enter into a building contract with an estimated value of £2.2million; and
- (3) That the Craven Vale Development be added to the Capital Programme and the Capital Project be approved at a total cost of £2.883m (£1.442m in 2013/14 and £1.441m in 2014/15) to be funded as proposed in paragraph 5.2 of the report.

128 SHARED SERVICES REVIEW

128.1 The Director of Finance introduced the report which had been requested by the committee and provided details of the key issues surrounding shared services, national learning from other authorities and outlined the current shared, partnership and joint services that the council was involved in. She also drew the committee's attention to the proposed guiding principles for future shared services activity by the council.

128.2 Councillor West welcomed the report and stated that it was helpful to have the information set out as to what was already taking place in the council and what was being taken forward. He believed the set of principles were very good and provided for potential opportunities to undertake shared, partnership of joint working.

128.3 Councillor G. Theobald welcomed the report and hoped that the Chief Executive would ensure that more was done in the future as there were excellent examples of shared services around the country.

128.4 The Chair noted the comments and stated that it was a very helpful report and good to see the breadth of arrangements that were in place which ranged from small-scale activities to joint working across the SE7 area. He then put the recommendations to the vote.

128.5 RESOLVED:

- (1) That the report, in particular the range of current shared service type arrangements set out in Appendix 1 to the report be noted;
- (2) That the development of further shared service arrangements where this is consistent with four guiding principles set out in paragraph 3.11.2 of the report be agreed; and
- (3) That the Chief Executive be requested to review existing shared service arrangements and potential new shared services arrangements in support of the Council's Medium Term Financial Strategy, Value for Money Programme and modernisation agenda and alongside other alternative service delivery models.

129 HEALTH AND SAFETY ANNUAL SERVICE PLAN 2013/14

129.1 **RESOLVED TO RECOMMEND:** That the proposed Health & Safety Annual Service Plan 2013/2014 as detailed in Appendix 1 to the report be recommended to the full Council for approval.

130 REVIEW OF MEETINGS TIMETABLE 2013/14

130.1 **RESOLVED:** That the proposed timetable of meetings for 2013/14 be approved.

131 ITEMS REFERRED FOR COUNCIL

131.1 No items were referred to the next council meeting.

Part Two Summary

132 PAY MODERNISATION - EXEMPT CATEGORIES 4 AND 5

Note: *The Special Circumstances for non-compliance with Council Procedural Rule 23, Access to Information Procedure Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five clear days in advance of the meeting), were that the information necessary for the report and the consultation with relevant persons was not finalised in time fro the publication of the agenda. The Committee needed to make the decision at the meeting so that negotiations could start as early as possible.*

132.1 **RESOLVED:** That the Chief Executive and Director of Finance be authorised to agree the detailed financial package within the parameters set out in paragraph 5.4 of the report.

133 PART TWO MINUTES - EXEMPT CATEGORY 3

133.1 The part two minutes of the meeting held on the 29th November 2012 were approved as a correct record of the proceedings and signed by the Chair.

134 PART TWO PROCEEDINGS

134.1 **RESOLVED:** That the items contained in Part Two of the agenda and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 8.00pm

Signed

Chair

Dated this

day of

2013

