

BRIGHTON & HOVE CITY COUNCIL

CABINET

4.00PM 12 NOVEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mears (Chairman), Brown, Caulfield, Fallon-Khan, Kemble, K Norman, Simson, Smith, G Theobald and Young

Also in attendance: Councillors Mitchell (Leader, Labour Group), Randall (Convenor, Green Group) and Watkins (Opposition Spokesperson, Liberal Democrat Group)

Other Members present: Councillors Allen, Bennett, Cobb, Fryer, Harmer-Strange, McCaffery, Meadows, Morgan, Oxley and Taylor

PART ONE

101. PROCEDURAL BUSINESS

101a Declarations of Interests

101a.1 During consideration of item 114, a report of the Director of Adult Social Care & Housing concerning the city's proposed new Housing Strategy, Councillor Randall declared a personal, but non-prejudicial interest as he was a member of the management board of the Local Delivery Vehicle.

101a.2 During consideration of item 115, a report of the Director of Strategy & Governance concerning proposals for the allocation of Three Year Strategic Grant funding, the Chairman declared that she may have a personal, but non-prejudicial interest as she was a member of the management committee of the Resource Centre, which was one of the successful applicants; the Chairman took no further part in the debate and Councillor Simson presided over the vote.

101b Exclusion of Press and Public

101b.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

101b.2 **RESOLVED** - That the press and public be not excluded from the meeting.

102. MINUTES OF THE PREVIOUS MEETING

- 102.1 **RESOLVED** - That the minutes of the meeting held on 15 October 2009 be approved as a correct record.

103. CHAIRMAN'S COMMUNICATIONS

- 103.1 The Chairman noted that the meeting would be web cast.
- 103.2 The Chairman reported that workers at CityClean had suspended strike action for 28 days in order to discuss new proposals in detail. She thanked workers for their efforts to clear the backlog and return the city to normal so quickly.
- 103.3 The Chairman praised the success of both the White Nights Festival and Black History Month; both proved very popular and ran a number of well-attended events.
- 103.4 The Chairman reported that she had attended the opening of Patching Lodge extra care development, which was an excellent state-of-the-art facility developed in partnership with Hanover Housing Association to enhance the lives of older people and make their lives more manageable.
- 103.5 The Chairman reminded Members about the launch event for the Get Involved campaign; Get Involved Day would take place on 21 November at Hove Town Hall and residents were encouraged to take the opportunity to attend the event.
- 103.6 The Chairman highlighted Transgender Day of Remembrance also on 21 November which would be marked by an event at Dorset Garden Methodist Church.
- 103.7 The Chairman was pleased to report that the Secretary of State had confirmed the final boundaries for the South Downs National Park and that this would include both Green Ridge and Patcham Recreation Ground, as lobbied for by the council and residents.

104. ITEMS RESERVED FOR DISCUSSION

- 104.1 **RESOLVED** – That all items be reserved for discussion.

105. PETITIONS

- 105.1 Councillor Oxley presented a petition signed by 742 people concerning retail development in Portland Road, Hove and calling upon the Council to support local businesses and urge the developer of a new supermarket to consider alternative sites.
- 105.2 The Chairman explained that as there was also a deputation and a letter on the agenda regarding the same matter, she would respond once those had also been heard.
- 105.3 **RESOLVED** – That the petition be noted.

106. PUBLIC QUESTIONS

- 106.1 The Chairman reported that one public question had been received, but as the matter had been resolved to the questioner's satisfaction, he had chosen to withdraw his question.

107. DEPUTATIONS

- 107.1 The Cabinet Member considered a deputation presented by Mr Gavin Beatty concerning retail development in Portland Road, Hove (for copy see minute book).
- 107.2 **RESOLVED** – That the deputation be noted.

108. LETTERS FROM COUNCILLORS**108(a) Letter – Retail Development in Portland Road, Hove**

- 108.1 A letter was received from Councillor Oxley concerning retail development in Portland Road, Hove (for copy see minute book). He highlighted the concerns of traders and residents regarding the possibility of a large developer moving in to the area and specifically that no discussions had taken place between the developer and local residents or with the Council.
- 108.2 Councillor Cobb also spoke in support of the letter and deputation and specifically referred to the weight of opposition from both traders and residents to any large-scale retail development in Portland Road. She added that the effect on parking and possibility of increased anti-social behaviour in Stoneham Park would be detrimental to the area as a whole.
- 108.3 The Chairman thanked Mr Beatty and Councillors Oxley and Cobb for their representations and assured them that the Council took such matters very seriously. She stated that Brighton and Hove supported a wide range and variety of local independent retailers.

The Council continued to support local independent retailers in terms of relevant policy development and one of the main thrusts of the Core Strategy was to provide an environment where small businesses can get established and thrive. Support programmes for local retailers continued to be funded as part of the Council's recession relief measures.

The Chairman explained that the real issue was around planning use; an A1 classification meant that the developer had been able to move onto the site without a planning application and, therefore, without local residents and traders having any say on the matter. Unfortunately, this was a matter for national government, and not something the council could easily influence, however the Chairman contended that the Council should lobby the government on behalf of residents.

With regard to the issue of the supermarket's alcohol license, the Chairman explained that Portland Road was not in the Cumulative Impact Zone, but urged

traders and residents to make their concerns known as part of the licensing application process, which would be heard on 2 December 2009.

The Chairman stated that the Council was committed to treating large businesses in exactly the same way as any small business or resident would be treated specifically in terms of the enforcement issues.

The Chairman reiterated her thanks to Mr Beatty and the local traders for their positive work in engaging ward councillors and the Administration on such an important issue.

108.4 **RESOLVED** – That the letter be noted.

108(b) Letter – Former Royal Alexandra Children’s Hospital site consultation

108.5 A letter was received from Councillor West and co-signed by Councillors Kitcat, Rufus and Taylor concerning the consultation on the former Royal Alexandra Children’s Hospital site (for copy see minute book).

108.6 Councillor Randall spoke on behalf of Councillor West, who was unable to attend the meeting.

108.7 Councillor Theobald stated that the 360 letters distributed to the local community were a substantial number and everyone living in close proximity to the site had been sent a copy. In addition, posters advertising the exhibition had been placed around the area and it had been advertised on the council’s website. He reported that the exhibition, which ran in Hove Town Hall for a week, was well attended and generated over 165 written comments.

108.8 The amount of community involvement provided for by the council had gone beyond what was considered normal for an informal planning brief. The brief required no statutory minimum requirements in respect of the extent, range and duration of consultation. Before any work had been undertaken on drafting the brief, discussions had been held with a large range of local interests including residents, amenity groups and landowners; the results of the consultation had informed the various proposed development options for the site.

Councillor Theobald explained that it was regrettable that ward councillors had not been informed of that stage of work, but noted officers had apologised prior to the start of the public exhibition. Ward councillors had then been provided with all the necessary information and given the opportunity to comment on the draft development scenarios.

Councillor Theobald added that the site was problematic, as changes in the economic situation had made a viable development of any type difficult to achieve, but that allowing the site to remain in its present vacant state could result in irreparable damage to the fabric of the buildings. The feedback from public consultation would be invaluable in informing the Council’s approach and had already begun to guide the approach to examining the feasibility of preserving the existing buildings.

108.9 **RESOLVED** – That the letter be noted.

109. WRITTEN QUESTIONS FROM COUNCILLORS

109.1 The Chairman reported that one written question had been received.

109.2 Councillor Fryer had submitted the following question:

"One of the positive benefits often cited to Academies is that they grant the schools and parents more autonomy in how they are run. Yet the sponsor has the power to appoint the board which appoints the teachers. There can be as little as one parent governor.

Therefore is this council committed to stipulating in its contract with the sponsor of the Falmer academy a maximum 25% voting rights for sponsor appointees to ensure proper democratic and community representation on Academy boards?"

109.3 The following response from Councillor Brown had been circulated:

"The Articles of Association under which the Academy was established are outlined below and follow DCSF guidance. I will be able to provide you with a copy of these for your information.

The Sponsor can appoint up to 9 governors and, although I know Rod Aldridge is considering local/community candidates, there is no compulsion under the Articles for any to be community representatives (However defined). The LA, parent and staff governors (plus the Principal) could be considered "local". Rod Aldridge has indicated that he is particularly keen to engage the community in the work and development of Falmer Academy and this will be reflected in his appointments to the Academy Board.

When the school becomes an Academy, it ceases to be a maintained school and becomes an independent company. The Funding Agreement is signed between the Academy and Secretary of State and all funding to the Academy for its operations comes directly from the Secretary of State (not via the LA)."

Abstract from Articles of Association

GOVERNORS

Subject to Articles 39-40 and 55, the Academy Trust shall have the following Governors:

- a. up to 9 Sponsor Governors, appointed under Article 39 or 41;
- b. 1 LA Governor if appointed under Article 42;
- c. 1 Parent Governor appointed under Articles 44-49;
- d. 1 Staff Governor appointed under Articles 49F-49K;
- e. the Principal;
- f. any Additional Governors, if appointed under Article 53; and
- g. any Further Governors, if appointed under Article 54.

The Academy Trust may also have any co-opted Governor appointed under Article 50.

The first Governors shall be those persons named in the statement delivered pursuant to section 10(2) of the Companies Act 1985, who shall be deemed to be Sponsor Governors.

Future Governors shall be appointed or elected, as the case may be, under these Articles. Where it is not possible for such a Governor to be appointed or elected due to the fact that an Academy has not yet been established or the Principal has not been appointed, then the relevant Article or part thereof shall not apply.

APPOINTMENT OF GOVERNORS

The Sponsor shall appoint the Sponsor Governors and may appoint himself as a Sponsor Governor.

The LA may appoint the LA governor.

The Principal shall be treated for all purposes as being an ex officio Governor.

Subject to Article 48, the Parent Governor(s) shall be elected by parents of registered pupils at the Academy. A Parent Governor must be a parent of a pupil at the Academy at the time when he is elected.

The Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of Parent Governors, including any question of whether a person is a parent of a registered pupil at the Academy. Any election of Parent Governors which is contested shall be held by secret ballot.

The arrangements made for the election of a Parent Governor shall provide for every person who is entitled to vote in the election to have an opportunity to do so by post or, if he prefers, by having his ballot paper returned to the Academy Trust by a registered pupil at the Academy.

Where a vacancy for a Parent Governor is required to be filled by election, the Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be a parent of a registered pupil at the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

The Parent Governor shall be appointed by the Governing Body if one or no parent stands for election.

In appointing a Parent Governor the Governing Body shall appoint a person who is the parent of a registered pupil at the Academy; or where it is not reasonably practical to do so, a person who is the parent of a child of compulsory school age.

Subject to Article 49F, the Staff Governor shall be elected by the employees of the Academy. A Staff Governor must be an employee of the Academy the time when he is elected.

The Governing Body shall make all necessary arrangements for, and determine all other matters relating to, an election of the Staff Governor, including any question of whether a person is an employee of the Academy. Any election of a Staff Governor which is contested shall be held by secret ballot.

Where a vacancy for a Staff Governor is required to be filled by election, the Governing Body shall take such steps as are reasonably practical to secure that every person who is an employee of the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

The Staff Governor shall be appointed by the Governing Body if one or no employee stands for election.

In appointing a Staff Governor the Governing Body shall appoint a person who is an employee of the Academy.

Where a vacancy for a Staff Governor is required to be filled by election, the Governing Body shall take such steps as are reasonably practical to secure that every person who is known to them to be an employee of the Academy is informed of the vacancy and that it is required to be filled by election, informed that he is entitled to stand as a candidate, and vote at the election, and given an opportunity to do so.

CO-OPTED GOVERNORS

The Governors may appoint up to 3 co-opted Governors. A 'co-opted Governor' means a person who is appointed to be a Governor by being co-opted by Governors who have not themselves been so appointed.

109.4 Councillor Fryer asked the following supplementary question:

"In the unfortunate event that the academy is not a success, will the Council seek to bring it back under local authority control, as recommended by Professor David Eastwood?"

109.5 Councillor Brown gave the following response:

"We are confident that the academy will not fail and therefore have not given any thought to this."

110. NOTICES OF MOTION

110.1 The Chairman explained that, as the first two Notices of Motion related to the 10:10 Campaign and there was also a report on the issue, she proposed to take comments during consideration of the item.

110(a) 10:10 Campaign

110a.1 The Cabinet considered the following Notice of Motion proposed by Councillor Phillips:

"This council notes that 10:10 is a mass movement that has seen people and organisations from across the country sign up to reduce their carbon emissions by 10 per cent in 2010. From councils and hospitals to faith groups, scout troops and national newspapers, organisations across the UK have joined what is commonly being seen as the start of the journey to a low-carbon society.

Leaders of the national Green, Liberal Democrat, Labour and Conservative parties have all committed to 10:10. Councils from across the political spectrum including Greenwich, Hackney, Islington, Richmond, Oxford, Slough, West Sussex, Stroud, Eastleigh, Kirklees have also signed up.

This council notes that:

- Cutting global carbon emissions is vital if we are to stave off runaway climate change.
- The Lancet earlier this year published a report warning that climate change is the biggest threat to global health of the 21st century.
- There are compelling business reasons for joining the 10:10 campaign, not least that cutting our spending on energy is one way to reduce costs and increase efficiency.
- The importance of the outcome of the Climate Change talks in Copenhagen in December this year cannot be overstated, and early commitment to the 10:10 Campaign has the potential to influence those talks to make urgent cuts in global emissions a reality.

Therefore this council requests the Cabinet to consider the possibilities of Brighton & Hove City Council signing up to the 10:10 campaign.”

110a.2 **RESOLVED** – That the Notice of Motion be noted and referred to the Sustainability Cabinet Committee.

110(b) 10:10 Carbon Commitment

110b.1 The Cabinet considered the following Notice of Motion proposed by Councillor Fallon-Khan:

“This Council recognises the progress that has been made in recent years to reduce the Council’s and City’s carbon emissions and on wider sustainability initiatives. In particular:

- Launching a £6 million energy efficiency grant scheme over three years to help householders cut costs and carbon emissions
- Committing to installing a network of electric car charging points in the city
- Running a successful Carbon Management Programme, saving more than £50,000 to date in energy efficiency measures, with more to follow
- Committing the council and the city to tough, short-term targets to cut carbon dioxide emissions – by 12% over three years
- Helping secure £180,000 from the Department for International Development for Climate Connections, a three year city-wide public engagement project
- Committing to introduce a network of park and rides sites at key strategic locations in the City
- Launching an impressive bid at an internationally-recognised conference to become the world’s first Urban Biosphere
- Playing an integral part in helping the city’s Food Partnership secure a grant of £500,000 over four years
- Launching a major Be Local Buy Local campaign to support local jobs and the environment.

This Council welcomes the national 10:10 campaign to persuade every sector of British society to work together to achieve a 10% cut in their carbon emissions in 2010. The 10:10 campaign is receiving growing support from a wide range of organisations in the public, private and voluntary sectors as well as from individuals and households.

Therefore, as part of its continuing drive towards achieving a low carbon Brighton & Hove, this Council resolves to:

- Call on the Cabinet, as soon as possible, to sign up to the 10:10 campaign to reduce the City Council's carbon emissions by 10% in 2010/11.
- Request that the Cabinet considers calling for a report to be brought to the meeting of the Sustainability Cabinet Committee in January 2010 outlining the measures which will be taken to attempt to achieve this ambitious goal."

110b.2 **RESOLVED** – That the Notice of Motion be noted and referred to the Sustainability Cabinet Committee.

110(c) **REDUCE THE DEFAULT SPEED LIMIT IN BUILT UP AREAS FROM 30 TO 20MPH**

110c.1 The Cabinet considered the following Notice of Motion proposed by Councillor Davey:

"This council is deeply concerned that:

1. 141 people were killed or seriously injured on roads in the city in 2008-9 (NI047)
2. 13 of these were children (NI048)

And that these casualty figures particularly those for children, whilst falling, are still far too high. Also that the relevant performance indicators for both of these figures have until recently been at red.

This council recognises that:

1. The most effective measure that can be taken to lower the number of serious road casualties is to reduce traffic speed [1]
2. That many towns and cities across the country have already decided to set speed limits at 20mph across large urban areas. These include: Glasgow, Portsmouth, Leicester, Norwich and Bristol.
3. That campaigning organisations such as Living Streets are calling on local Authorities across the country to do likewise.
4. Many residents and community groups throughout the city have called for traffic speed reductions on their local roads.

This council is also aware that additional benefits of reduced traffic speed include:

1. Reduced emissions and improved traffic flow – as proven by research in Germany where 30kph (19mph) speed limits have long been commonplace. [2]
2. Improved sociability - recent research in Bristol found that relationships between residents increased and improved on streets with lower traffic speed. [3].
3. Safer conditions for walking and cycling.

This council supports the principle of implementing 20mph speed limits in residential areas of Brighton & Hove wherever feasible.

It therefore requests Cabinet to consider referring this issue to ECSOSC with a view to the setting up of a Scrutiny Panel to undertake a detailed study and examination, that the Panel reports back as soon as possible and that its report forms the basis of a Cabinet report that will look at the viability of rolling out a programme of 20mph speed limits in suitable areas across the city.

In addition this council requests that the Cabinet Member for Environment gives consideration to the inclusion of the Scrutiny Panel's report within the council's submission to the Department of Transport's 'Delivering a Sustainable Transport Strategy' programme where the south coast is being prioritised as a key priority area for sustainable transport planning that will include accident reduction."

110b.2 The Chairman reported that on 9 November 2009 the Environment & Community Safety Overview & Scrutiny Committee had agreed to establish a scrutiny panel to consider the issue of 20mph speed limits following a request from Councillor Theobald.

110b.3 On behalf of Councillor Davey, Councillor Randall added that evidence showed that reducing the speed limit would be beneficial and that the Green Group looked forward to contributing to the work of the scrutiny panel.

110b.3 **RESOLVED** – That the Notice of Motion be noted.

111. 10:10 CAMPAIGN

111.1 The Cabinet considered a report of the Director of Strategy & Governance concerning the Council's commitment to signing up to the 10:10 campaign to reduce its carbon emissions by 10% in 2010/11 (for copy see minute book).

111.2 Councillor Fryer, spoke on behalf of Councillor Phillips who was unable to attend the meeting, and stated that she was pleased that the 10:10 campaign had received cross-party support and that the Council was already doing a lot towards achieving it. She added that it would be important to set targets going forward and for the Council to support residents, tenants and schools.

111.3 Councillor Fallon-Khan explained that the Administration were placing sustainability at the core of the council's work and had begun to consider signing up to the 10:10 campaign in August. Contrary to reports in the local press he stated that the Council was making good progress towards meeting the target and this was supported by

comments made at the recent Sussex Business Awards and feedback from the Carbon Trust.

- 111.4 Councillor Mitchell stated that progress on sustainability targets had been made over a number of previous years and that the Core Strategy, considered later on the agenda, would be vital in ensuring the Council could meet the targets of the campaign.
- 111.5 Councillor Watkins advised that the Council needed to lead by example to encourage partner organisations to commit to the campaign. He added that early identification of risks would be the key to success.
- 111.6 The Chairman stated that the Administration recognised the challenge the campaign represented, but that they fully supported it and would set an example to residents and partners. She offered to provide Councillor Randall with details of how the savings made as a result of the campaign would be reinvested.
- 111.7 Councillors from all groups wished to record their thanks to Thurstan Crockett and the Sustainability Team for their hard work and commitment to ongoing progress.
- 111.8 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the council signs up to the 10:10 Campaign.
 - (2) That the importance of the 10:10 Campaign in terms of city leadership be recognised and the Leader's challenge to the members of Brighton & Hove Strategic Partnership to sign up to 10:10 be noted.
 - (3) That a report be taken to the Sustainability Cabinet Committee in January 2010 outlining the measures necessary to help achieve 10:10 campaign goals.
 - (4) That the Director of Children's Services works with the officer Carbon Trading Group to examine the possibility of schools being included in the scope of our 10:10 footprint and measured emissions.
 - (5) That 10:10 be used as an internal communications tool to actively engage staff in saving energy and fuel and hence carbon emissions and taxpayers' money.

112. LOCAL DEVELOPMENT FRAMEWORK - BRIGHTON & HOVE CORE STRATEGY: SUBMISSION VERSION

- 112.1 The Cabinet considered a report of the Director of Environment seeking endorsement of the Core Strategy for submission to the Secretary of State, subject to approval by the Full Council (for copy see minute book).
- 112.2 Councillor Theobald highlighted some of the key subjects tackled by the Core Strategy, including the necessary inclusion of the Urban Fringe as a contingency for longer term housing provision and the preparation of an infrastructure delivery plan identifying environmental, social and physical infrastructure needed in coming years.

- 112.3 Councillor Mitchell explained that while she looked forward to debating the challenging issues at Full Council, she regretted that there had been no cross-party working group during development of the final document to ensure a collaborative effort. She added that the Labour Group would be putting forward a number of amendments.
- 112.4 The Chairman commented that she had not been advised of any desire to re-establish a cross-party working group.
- 112.5 Councillor Randall reported that the Green Group would also be requesting amendments and that some were likely to go forward jointly with the Labour Group.
- 112.6 Councillor Watkins explained that the Liberal Democrat Group would make their comments at Full Council, but added that they fully supported preservation of the existing green boundary.
- 112.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the draft extract of the proceedings of the Overview & Scrutiny Commission meeting held on 20 October 2009 be noted.
 - (2) That Cabinet the nature of the representations and officer responses made to the Revised Core Strategy Preferred Options (July 2008) document and the Proposed Amendments Paper (June 2009) be noted.
 - (3) That the Core Strategy and supporting documents be endorsed and recommended for approval by Council for submission to the Secretary of State, preceded by a 6 week publication stage, subject to any minor editorial changes agreed by the Cabinet Member for Environment in consultation with the Director of Environment.
 - (4) That it be noted that the Core Strategy will be the subject of an Examination in Public in July 2010 followed by the Planning Inspector's binding report and adoption in January 2011.
113. **RESPONSE TO THE REPORT OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE ON 'STUDENTS IN THE COMMUNITY'**
- 113.1 The Cabinet considered a report of the Director of Adult Social Care & Housing responding to the report of the Adult Social Care and Housing Overview and Scrutiny Committee on the impact of students on the city of the Brighton and Hove and its residents (for copy see minute book).
- 113.2 The Chairman explained that the Strategic Housing Partnership (SHP) had begun a significant piece of work into some of same issues prior to the publication of the scrutiny report. She thanked the universities for engaging with the SHP on taking the issues forward.

- 113.3 Councillor Caulfield stated that the majority of the recommendations in the scrutiny report had been directed toward environment functions; however, those relating to housing were addressed in the new Housing Strategy for consideration later on the agenda.
- 113.4 Councillor Theobald thanked the scrutiny panel members for their recommendations and reported that many were already being implemented by officers.
- 113.5 Councillor Meadows, Chairman of the scrutiny panel, recapped the remit of the panel and the recommendations made in the final report. She was disappointed that the Cabinet report had not detailed which of the scrutiny recommendations the Council would be implementing and felt the Council should support the scrutiny process and explain which recommendations it would take forward and the reasons why others would not be implemented.
- 113.6 Opposition Members echoed Councillor Meadows' comments and Councillor Randall emphasised the need for a timetable for proposed actions.
- 113.7 The Chairman explained that many of the recommendations were already being implemented and those that had budget implications were being considered. She added that she was happy to provide opposition councillors with more detailed information on progress against each recommendation.
- 113.8 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the scrutiny recommendations on 'Students in the Community' be noted.
 - (2) That it be noted that, where appropriate, scrutiny recommendations have been encompassed in the Student Housing Strategy.
- 114. HOUSING STRATEGY 2009-2014: HEALTHY HOMES, HEALTHY LIVES, HEALTHY CITY**
- 114.1 The Cabinet considered a report of the Director of Adult Social Care & Housing summarising the development of the city's new Housing Strategy and specialist housing strategies relating to Older People, the city's LGBT (Lesbian, Gay, Bisexual and Trans) communities and Student Housing and seeking their approval (for copy see minute book).
- 114.2 In response to questions from Councillor Mitchell, Councillor Caulfield made the following comments:
- While the primary purpose of the Local Delivery Vehicle (LDV) was to meet the Decent Homes Standard, tenants wanted the opportunity to be able to increase the Council's housing stock, though this remained a long-term goal.
 - The Cabinet was keen to extend the social rented sector and were campaigning for the government to give local authorities the freedom to do this; a bid had been submitted to the Homes and Communities Agency (HCA) for a potential development of new council housing

- The Cabinet acknowledged the need to meet the Decent Homes Standard, but the Brighton & Hove Tenants Standard was equally important; the three-year repairs programme being considered at the next round of area panels

- 114.3 Councillor Randall declared a personal, but non-prejudicial interest as he was a member of the management board of the LDV.
- 114.4 Councillor Randall commended the Strategy and echoed the aspirations of tenants to use the LDV to increase the Council's housing stock in the long term. He requested that the Cabinet consider including a separate family housing strategy as part of the overall Housing Strategy.
- 114.5 The Chairman stated that she fully understood the problems faced by families trying to settle in the city and explained that the Cabinet's approach was reflected in the Core Strategy.
- 114.6 Councillor Caulfield added that the Council was actively encouraging landlords to rent to families, but noted that a gap existed in the private sector market; she added that a family housing strategy could be considered when the Housing Strategy was reviewed.
- 114.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Housing Strategy 2009-2014: healthy homes, healthy lives, healthy city and related sub-strategies, the Older People's Housing Strategy 2009-2014 and the LGBT People's Housing Strategy 2009-2014 and Student Housing Strategy 2009-2014 be approved.
 - (2) That the extensive good practice and stakeholder engagement demonstrated during the development of these strategies be recognised.
 - (3) That it be agreed that minor changes may be required and made to these strategies during their approval process to ensure they reflect the latest national and local strategic context, with significant changes requiring approval from the Director of Adult Social Care & Housing.

115. THREE YEAR STRATEGIC GRANTS 2010-13: DECISION ON FULL BID APPLICATIONS

- 115.1 The Cabinet considered a report of the Director of Strategy & Governance setting out the proposed allocation of the council's Three Year Strategic Grants programme in 2010-13 for Third Sector organisations (for copy see minute book).
- 115.2 Councillor Simson recapped the process followed by the cross-party Members' Advisory Group (MAG) in making their recommendations for funding and explained that the Communities Team would work with all unsuccessful applicants to find alternative support packages.

- 115.3 Councillor Mitchell commented that it was always difficult to make decisions to allocate grant funding and that it was good to see the variety of groups recommended for funding, however, she regretted that the Crew Club in Whitehawk had been unsuccessful in their bid. She questioned the influence of the Cabinet with regard to MAG recommendations, questioning whether the final decision to approve lay with the Cabinet.
- 115.4 Councillor Randall echoed Councillor Mitchell's comments regarding the Crew Club and added that it was unfortunate that the Pre-School Learning Alliance and Wood Recycling Project had also been unsuccessful in their bids.
- 115.5 Councillor Simson stated that Cabinet was not the appropriate forum to discuss individual applicants; she was happy that MAG had made a unanimous recommendation following full and frank discussions. She reiterated that the Council would support those organisations that were unsuccessful in their bid through alternative funding sources and assistance, along with those who were not allocated all the funding they requested.
- 115.6 Councillor Watkins, a member of the MAG, stated that the cross-party group was set up under the previous Administration following concerns raised around Member involvement in the grant-making process. He agreed that it was inappropriate to go into detail, but recalled that there were good reasons why the Crew Club was not recommended for funding and that it was ultimately up to the Cabinet to make the final decision. He added that the presentations and details provided by officers to support the recommendations were of unprecedented quality.
- 115.7 The Chairman stated that the MAG was cross-party and a process had to be followed; it was for the representatives to feed comments from their Group back to the MAG. The process had never been challenged before and the decision-making bodies had always agreed the recommendations made by the MAG.
- 115.8 Councillor Caulfield stated that Bridge Centre was in her ward and had also been unsuccessful in receiving funding, but that the Cabinet respected the recommendations of the MAG; Members accepted this when they agreed to cross-party working groups.
- 115.9 In response to questions from Councillor Mitchell the Monitoring Officer confirmed that the MAG's role was to put forward recommendations for the Cabinet to agree and that if Members were trustees or paid members of staff of any of the organisations recommended for funding it was for them to decide whether they should declare an interest.
- 115.10 After consulting the Monitoring Officer, Councillor Simson confirmed that she did not have an interest to declare.
- 115.11 The Chairman stated that to dispel any doubt she would declare a personal, but non-prejudicial interest due to her position on the management board of the Resource Centre, which had been recommended for funding. She chose to take no further part and Councillor Simson assumed the role of Chairman for the vote.

115.12 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the recommendations from the cross party Members Advisory Group on Grants for the allocation of the Three Year Strategic Grants programme in 2010-13 be agreed.

116. TARGETED BUDGET MANAGEMENT (TBM) 2009/10 MONTH 6

116.1 The Cabinet considered a report of the Director of Finance & Resources concerning the forecast outturn position on the Council's revenue and capital budgets as at the end of September 2009 (for copy see minute book).

116.2 Councillor Mitchell expressed concern that there had been no improvement to directorate budgets and that this would ultimately result in increased charges for services and new charges for existing services.

116.3 In response to questions from Councillor Mitchell, Councillor Caulfield made the following comments:

- The unforeseen works to housing properties were as result of damp and structural problems discovered in some and a decision had been taken to carry out the works while scaffolding was already up; she fully expected the Housing Revenue Account to be balanced at the end of the financial year.
- Work had only been carried out to LDV properties where major repairs were required; the majority of works could wait until new legal arrangements were determined.
- She had not received any indication that health and safety works had ceased.
- The Council had responded to the government's consultation on the abolition of the current housing subsidy system and she would circulate the response. However, it was understood that no decision would be taken until after the next general election. This made it difficult for the Council to plan how to pay off debt, and therefore the decision had been taken to repay debt early to reduce risk.
- The Director of Finance & Resources confirmed that if changes were made to the housing subsidy system it would be based on the council's notional debt, so decisions made on whether to pay down debt or not would not have any impact.

116.4 In response to Councillor Mitchell, Councillor Brown reported that the issue of raising the capital receipt for the government's Co-location Programme was likely to be considered at the next Cabinet meeting.

116.5 In response to questions from Councillor Randall the following comments were made:

- Councillor Norman confirmed that he would provide a breakdown of the £700,000 savings delivered in Adult Social Care and that the revised prediction of growth in physical disabilities was due to a data quality issue, which had now been addressed.

- Councillor Brown reported that savings delivered in respect of Children's Services were primarily due to a restructure of the management team and that front line services had not been affected.
- The Director of Finance & Resources explained that the Council had been negotiating with the Audit Commission to reduce external audit fees by relying more on the work of the Internal Audit team. She offered to provide further details on the Council's use of consultants.
- Councillor Theobald offered to provide further details of recovery measures and reported that measures, including vacancy management had been implemented across the directorate and would be monitored closely.
- Councillor Caulfield explained that work was ongoing in regard to the housing management improvement programme; as part of it, the three year programme would be presented at the next round of Area Housing Management Panels and it was expected that the whole programme would be considered by the Housing Management Consultative Committee in December.

116.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the forecast outturn for the General Fund, Section 75 Partnerships and Housing Revenue Account (HRA) for 2008/09 as at month 6 be noted.
- (2) That the impact of financial recovery plans on the forecast outturn position be noted.
- (3) That the drawdown of £0.350 million from reserves to meet potential costs of the Marina Development Appeal be approved.
- (4) That the forecast outturn position on the capital budgets as at month 6 be noted.
- (5) That the changes to the capital budget be approved.

117. TREASURY MANAGEMENT POLICY STATEMENT 2009/10 (INCLUDING ANNUAL INVESTMENT STRATEGY 2009/10) MID YEAR REVIEW

117.1 The Cabinet considered a report of the Director of Finance & Resources advising of the action taken during the period April to September 2009 to meet the Treasury Management Policy Statement 2009/10 (TMPS) and the Treasury Management Practices and the Annual Investment Strategy 2009/10 (for copy see minute book).

117.2 In response to a query from Councillor Randall, the Head of Strategic Finance and Procurement explained that the cash flow shortfalls referred to in the report came about as a result of monthly cash flow variance.

117.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the action taken during the half-year to meet the Treasury Management Policy Statement 2009/10 and associated Treasury Management Practices and the Annual Investment Strategy 2009/10 be endorsed.
- (2) That the proposed change to the benchmarking for investments be endorsed and the maximum indicator for risk be set at 0.05%.
- (3) That it be noted that the authorised limit and operational boundary set by the Council have not been exceeded.

118. SURVEILLANCE POLICY – ANNUAL REPORT ON THE REGULATION OF INVESTIGATORY POWERS ACT

- 118.1 The Cabinet considered a report of the Director of Environment informing Members of the activities that have been undertaken utilising the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) and updating Members on the revisions made to the Council's policy (for copy see minute book).
- 118.2 The Chairman stated that it was important for openness & fairness that the Cabinet received regularly report of the use of RIPA powers.
- 118.3 Councillor Randall added that it was reassuring to see that the powers were only utilised in extreme circumstances.
- 118.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the continued use of covert surveillance and the accessing of communications data as an enforcement tool to prevent and detect all crime and disorder investigated by its officers, providing the necessity and proportionality rules are stringently applied, be approved.
 - (2) That the amendments to the Policy and Procedures in line with the recommendations made by the Surveillance Commissioner be approved.

119. EQUALITIES & INCLUSION UPDATE

- 119.1 The Cabinet considered a report of the Director of Strategy & Governance updating Members on progress and performance on Equalities and Inclusion issues (for copy see minute book).
- 119.2 Councillor McCaffery highlighted a number of the issues raised in the Diversity Peer Challenge report and was concerned about some of the findings. She contended that there were more areas for improvement than were identified within the report and emphasised the need for a Council-based body to consider equalities issues. She argued that the Travellers Strategy should form part of the housing strategy rather than being a community safety matter.
- 119.3 Councillor Simson stated that she was confident that the appropriate structure would be achieved when the Equalities Coalition was fully established alongside the City

Inclusion Partnership. She added that the cross-party working group and relevant scrutiny panels would provide members with opportunities to comment on equalities issues.

- 119.4 In response to comments from Councillor McCaffery in relation to travellers, Councillor Theobald explained that significant improvements had been made to the Horsdean site, but that travellers often headed to other parts of the city. He added that it may be necessary to consider employing a site manager to prevent a minority from causing damage to the site.
- 119.5 In response to comments from Councillor Watkins, the Chairman explained the Cabinet were concerned about the relations between faith organisations and the Council, and that the Administration had introduced regular meetings with representatives from all faith groups.
- 119.6 Councillor Simson reported that work had already begun on the areas for improvement identified in the Diversity Peer Challenge report and that the Council was committed to reaching the 'Excellent' level by December 2010.
- 119.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Equalities & Inclusion progress be noted.
 - (2) That the establishment of the City Inclusion Partnership be noted.
 - (3) That action required to build on the Peer Challenge and achieve "Excellent" in the Equalities Framework be recognised.

The meeting concluded at 6.55pm

Signed

Chair

Dated this

day of