

**BRIGHTON & HOVE CITY COUNCIL**  
**CENTRAL SERVICES CABINET MEMBER MEETING**

**4.30pm, 29 JUNE 2009**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Fallon-Khan (Cabinet Member)

**Also in attendance:** Councillor Duncan (Opposition Spokesperson, Green) and Marsh (Opposition Spokesperson, Labour)

**Other Members present:** Councillors Young and Harmer-Strange

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1a Declarations of Interest**

1.1 There were none.

**1b Exclusion of Press and Public**

1.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Cabinet Member for Central Services 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).

1.3 **RESOLVED** – That the press and public be not excluded from the meeting.

**2. MINUTES OF THE PREVIOUS MEETING**

2.1 **RESOLVED** – That the minutes of the meeting held on 23 February 2009 be approved and signed by the Cabinet Member as a correct record.

**3. CABINET MEMBER'S COMMUNICATIONS**

3.1 There were none.

**4. ITEMS RESERVED FOR DISCUSSION**

4.1 The Cabinet Member reserved all the items as per agenda.

**5. PETITIONS**

5.1 There were none.

**6. PUBLIC QUESTIONS**

6.1 There were none.

**7. DEPUTATIONS**

7.1 There were none.

**8. LETTERS FROM COUNCILLORS**

8.1 There were none.

**9. WRITTEN QUESTIONS FROM COUNCILLORS**

9.1 There were none.

**10. NOTICES OF MOTIONS**

10.1 There were none.

**11. CORPORATE BUILDING MAINTENANCE STRATEGY 2009-2012**

11.1 The Cabinet Member considered a report of the Director of Finance & Resources concerning the corporate building maintenance strategy 2009/2012. The strategy sat under the Asset Management Plan and Corporate Property Strategy, a document which set the council's strategy for prioritising and procuring its maintenance works to meet service needs and maximise value for money and how the council monitored its performance (for copy see minute book).

11.2 **RESOLVED** - That the Corporate Building Maintenance Strategy 2009-2012, set out in Appendix 1 to the agenda, be approved.

**12. DISABILITY DISCRIMINATION ACT - UPDATE ON PROGRAMME OF WORKS TO COUNCIL OWNED BUILDINGS**

12.1 The Cabinet Member considered a report of the Assistant Director, Property & Design, concerning the Disability Discrimination Act, which updated the Member on the corporate programme of rolling access improvement works being carried out under the Disability Discrimination Act 1995 requirements (for copy see minute book).

12.2 The Technical Access Manager pointed out that the council had the target to comply with the access requirements in its facilities. She was pleased to note that, last year, the

council had reached the target of 70%. She explained that the target for the current year was to reach the 75% level.

- 12.3 The Opposition Spokesperson, Labour Group, sought clarification about how the prioritisation of works was carried out and requested an update in terms of the plan undertaken with the libraries, in particular the Moulsecomb Library. She also enquired about what the position was in relation to the local schools.
- 12.4 The Technical Access Manager explained that the assessments were graded at different levels: Grade 1 was outstanding, where no work was required, and Grade 2 was considered acceptable, which was the case of the Moulsecomb Library. The Manager noted that the prioritisation process concentrated on the assessments made at Grades 3 and 4 in order to improve those accesses.
- 12.5 In terms of schools, the Technical Access Manager indicated that schools have a different code of practice, which dovetailed with SEN (Special Educational Needs) duties, and reported that the adjustments in schools tended to be more personal to students requirements even though they were still required to comply with the building regulations.
- 12.6 In answer to questions about the probability of producing larger than planned projects, the Technical Access Manager explained that officers tried to anticipate the full range of needs that might be required by as wide range of users as possible, and tried to work and deliver on that basis.
- 12.7 The Cabinet Member welcomed the report. He noted and recognised that the work achieved was beyond target. He thanked all officers involved with the work and delivery of this project.
- 12.8 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That the progress of access works being undertaken corporately - in a target driven rolling programme - to properties owned or leased by BHCC from which the council provides a service, helping the council to meet their duties under the Disability Discrimination Act, be noted.
  - (2) That it be noted that the target for 2008/09 of 70% of council buildings open to the public in which access for disabled people to public areas/services is improved had been achieved.

### 13. DISPLAY ENERGY CERTIFICATES - UPDATE

- 13.1 The Cabinet Member considered a report of the Director of Finance and Resources concerning the display of energy certificates, which updated the Member on various issues: the progress that had been achieved to date; the analysis of the information received; the emerging themes and actions, and the proposals to address the areas and sites that are under-performing, through a prioritised programme of works under the carbon management programme (for copy see minute book).

- 13.2 The Energy and Water Manager explained that the project came as a result of an EU programme, whereby buildings above a particular height were required to comply with the Display Energy Certificates. He pointed out that 70% of the work required had been achieved and any outstanding areas would need to be finished by October 2009. He noted that the areas that needed greater focus were the schools and council officers were working towards bringing those schools on board.
- 13.3 The Assistant Director, Property & Design, indicated that the team was working with the Children & Young People's Trust in order to create a pack for schools. She reported that the council had a School Officer in place, who was dedicated to liaising with the schools about these matters. She also explained that loan schemes were available to schools, which they could access to support them in carrying out this work.
- 13.4 Councillor Harmer-Strange proposed that the dedicated officer write to the chairs of governors of all schools to let them know what funding was available to them in terms of energy efficiency. The Cabinet Member concurred with this proposal.
- 13.5 The Opposition Spokesperson, Labour, sought clarification about how the budget was prioritised.
- 13.6 The Energy and Water Manager explained that Display Energy Certificates were updated on an annual basis and any outcomes were brought forward. He noted that there were benchmarks to be achieved in terms of energy efficiency and the aim was to get those buildings which rated lower to address their requirements.
- 13.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That it be agreed that the results of the DEC and Advisory reports form the basis of the council's strategy for carbon emissions reduction, as such priority should be given to those buildings which receive the lowest ratings.
  - (2) That the report and its recommendations be submitted to Cabinet for approval.
  - (3) That the initiatives considered in the report be communicated to all the Chairs of Governors within the city.

#### **14. AGENCY CONTRACT FOR TEMPORARY STAFFING**

- 14.1 The Cabinet Member considered a report of the Director of Strategy & Governance concerning the Agency Contract for Temporary Staffing, which sought to agree the process for the re-tender of the City Council's agency staffing contract at the end of the current contract period, which expires on 19 March 2010 (for copy see minute book).
- 14.2 The Acting Director of Strategy & Governance explained that, contrary to the recommendations in the report, this item would not be considered for approval at today's meeting, but would be taken for discussion only. He indicated that, because of the large value of the contracts, the Leader of the Council was agreeable to the report being taken to Cabinet for final approval.

- 14.3 The Opposition Spokesperson, Green Group, noted that the decision on the tender process would be made at Cabinet. He sought clarification, however, on recommendation 2.1 of the report, which requested that approval powers were delegated to officers to carry out the proposals.
- 14.4 The Acting Director of strategy & Governance explained that when the report was resubmitted to Cabinet, a decision would be taken on the use of delegated powers. Given the Leader's views on the Cabinet being the principal forum for major financial decisions, it was likely that the final approval of the tender would also be done in Cabinet or the CMM.
- 14.5 The Opposition Spokesperson, Green Group, noted that the process being considered was the tender process. He indicated, however, that was also interested to know about the actual terms of contracts. He sought clarification on the details of payments, and enquired whether they met the national minimum wage or whether they would be considered in line with the council's salary rates.
- 14.6 The Recruitment Strategy Manager clarified that the rates were defined by the agency themselves. He recognised that, in some areas, agency staff received less than the council's contractors even though, in other instances, they also received more. He explained that all was dependant on the specified job description.

The Recruitment Strategy Manager agreed to look into the matter of payment rates and bring any information available to the Cabinet meeting where the report would be finally considered.

- 14.7 The Acting Director of Governance & Strategy explained, however, that the responsibility for setting pay rates for individual roles did not lie with members of the Cabinet. He clarified that pay was subject to equal pay and other legislation, which regulated such matters.
- 14.8 The Legal Adviser further explained that, in terms of the procurement process, if rates of pay were to be specified as a contract condition, such rates needed to be specified upfront before bids were evaluated, given that such a condition may impact on the contract price.
- 14.9 In response to queries from the Opposition Spokesperson, Labour Group, the Recruitment Strategy Manager made the following comments:
- Internal casual pools and contracts with the council remained at the bottom of the salary spine, as opposed to permanent staff.
  - Agencies under the neutral vendor model were not able to provide their own company staff, whereas in the managed solution model, different contracts could apply or bid for work.
  - Schools would be able to use the same provider if they so wished and would not incur in any charges for using them. However, they also had the possibility to use their own contractors.
  - Schools' governing bodies retained their right not to abide by the new arrangements proposed for the council.

14.10 Following discussions on this item, the Cabinet Member reiterated the position that the report contents would only be noted at this stage and its recommendations referred to Cabinet for approval. He requested that Members contacted him or any of the relevant officers, in the meantime, should they wish further clarification on the report.

14.11 **RESOLVED:** That, following the discussions raised at the meeting, the recommendations be amended as follows:

1. ~~To seek approval to delegate approval powers to the Head of Human Resources following a tender exercise (in compliance with the European Union Public Procurement Directive) to re-let Brighton & Hove City Council for the provision of agency workers for all directorates across the council. The contract incorporates both requests for all temporary and interim workers.~~

2. ~~The contract will be for 5 years with an option to extend a further two years, thus enabling the City Council to maximise the benefits to directorates and partner organisations in planning for their requirements both now and for the future. The recommended contract is for agency and interim staffing provided through a Hybrid Solution.~~

1. That the report be noted.

2. That the report be referred to Cabinet for approval with revised recommendations.

## **15. CORPORATE PROCUREMENT OF ENERGY - 100KW ENERGY CONTRACT FOR 2009-10**

15.1 The Cabinet Member considered a report of the Director Finance and Resources regarding the Corporate Procurement of Energy – 100K Energy contract for 2009/10. The report noted that the council had committed to procure energy solely from 100% renewable sources and explained the current market, the testing undertaken to achieve value for money and gave the council's energy expert's recommendations with regard to the future contracting of the 100kw electricity contract (for copy see minute book).

15.2 The Opposition Spokesperson, Labour Group, enquired whether schools fell under the contracts proposed and sought clarification about the difference between the designations of 'green energy' and 'brown energy'.

15.3 The Assistant Director, Property & Design, explained that schools had the choice to be included in the council's contracts; however, they were not compelled to. She noted that 7 schools were currently included, through their PFI contractor. She clarified that green energy referred to renewable sources whilst brown energy related to fossil energy.

15.4 The Cabinet Member welcomed the report and congratulated officers for the excellent piece of work produced by recording the information in graphs as per Appendix A to the report.

15.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the recommendation to place a new 100 kW electricity contract with Eon for 12 months be approved.
- (2) That the Director, Finance and Resources be authorised, in consultation with the Cabinet Member, to approve the placement of the contract without delay, ensuring the lowest possible price.

The meeting concluded at 5.30pm

Signed

Cabinet Member

Dated this      day of