

Decision No: CAB – 60 15/01/09

KEY

Forward Plan No: CAB 6523

This record relates to Agenda Item 150 on the agenda for the Decision-Making

## RECORD OF CABINET DECISION

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	FINANCE & RESOURCES
<b>SUBJECT:</b>	COUNCIL TAX BASE 2009/10
<b>AUTHOR:</b>	MARK IRELAND

### THE DECISION

- (1) That the report of the Interim Director of Finance & Resources for the calculation of the council's tax base for the year 2009/10 be approved.
- (2) That the Collection Rate increases by 0.1% to 98.1% and that an additional budget allocation of £52,000 from 2009/10 is made to the Revenues Service to achieve this increase generating a net saving of £50,000.
- (3) That pursuant to the Interim Director of Finance & Resources report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amounts calculated by Brighton & Hove City Council as its council tax base for the year 2009/10 shall be as follows:-
- (4) For Brighton and Hove whole – 92,511.63
- (5) For the Royal Crescent Enclosure Committee – 30.29
- (6) For the Hanover Crescent Enclosure Committee – 40.35
- (7) For the Marine Square Enclosure Committee – 78.63
- (8) For the Parish of Rottingdean – 1,488.25
- (9) 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 its special expenses.

## REASON FOR THE DECISION

It is a requirement of the Local Government Finance Act 1992 and regulations made thereunder that the tax base is calculated for the purpose of setting the Council Tax in 2009/10 before 31st January 2009.

## DETAILS OF ANY ALTERNATIVE OPTIONS

There are no alternative options as the council has a requirement to set the council tax base.

## OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

## CONFLICTS OF INTEREST

None

## CONFIRMED AS A TRUE RECORD:

**We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision**

### Date:

15 January 2009

### Decision Maker:

Councillor Mary Mears  
Leader of the Council

### Signed:



### Proper Officer:

15 January 2009

Mark Wall, Head of Democratic Services

### Signed:



## SCRUTINY

Note: This decision will come into force at the expiry of 5 working days from the date of the meeting at which the decision was taken subject to any requirement for earlier implementation of the decision.

*Or: This decision is urgent and not subject to call-in (date of CE's agreement to urgency of decision).*

### Call-In Period

**15-22 January 2009**

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)

Decision No: CAB – 61 15/01/09

KEY

Forward Plan No: CAB 2197

This record relates to Agenda Item 151 on the agenda for the Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	ENVIRONMENT
<b>SUBJECT:</b>	COMMUNITY STADIUM
<b>AUTHOR:</b>	CHRIS MORTIMER

### **THE DECISION**

- (1) That Cabinet approves the council entering into an Agreement for Lease with The Community Stadium Ltd and the University of Brighton under the terms set out in the Part 2 report.
- (2) That Cabinet agrees that authority for discharging the Funding Condition in the Agreement for Lease be delegated to the Director of Finance and Resources and the Assistant Director of Finance (section 151 officer) in consultation with the Leader of the Council.
- (3) That Cabinet agrees in principle (subject to any S123 consent required) a lease of the Stadium site to The Community Stadium Ltd on substantially the terms set out in the Part 2 report.
- (4) That Cabinet notes the decision of Policy and Resources Committee in September 2007 that the council will support the Community Stadium scheme so far as is consistent with not directly funding the project.

### **REASON FOR THE DECISION**

This report seeks approval to land transactions which have been contemplated since the principle of the new stadium at Falmer was first established. Its recommendations are in the context of decisions taken by the council in 2003 which formed the basis for the public inquiries and the planning permission granted by the Secretary of State in July 2007.

**DETAILS OF ANY ALTERNATIVE OPTIONS**

The second public inquiry exhaustively examined alternative sites for the football stadium and concluded that Falmer was the only suitable site.

**OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

**CONFLICTS OF INTEREST**

None

**CONFIRMED AS A TRUE RECORD:**

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**Date:**

15 January 2009

**Decision Maker:**

Councillor Mary Mears  
Leader of the Council

**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



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**Call-In Period**

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Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in (*if applicable*)

Decision No: CAB – 62 15/01/09

KEY

Forward Plan No: CAB 7220

This record relates to Agenda Item 152 on the agenda for the Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	FINANCE & RESOURCES
<b>SUBJECT:</b>	INTEGRATED WASTE MANAGEMENT SERVICES CONTRACT (IWMSC) - ACQUISITION OF SITE AT PEBSHAM HASTINGS AND LEASING ARRANGEMENTS UNDER THE WASTE PFI
<b>AUTHOR:</b>	RICHARD BUTLER, ANGELA DYMOTT

### **THE DECISION**

- (1) That Cabinet approve and authorise the Director of Finance & Resources and Assistant Director Property & Design to enter into the following agreements :-
- (2) The acquisition of a leasehold interest, jointly with ESCC, in land at Pebsham between Bexhill and Hastings
- (3) To grant, jointly with ESCC, an underlease to South Downs Waste Services Ltd (SDWS Ltd) to build and operate a waste transfer station, recycling facility and additional waste plant as required.

## **REASON FOR THE DECISION**

- (1) Under the Joint Working Arrangements (JWA) the two councils have agreed to enter a Deed establishing Trusts for each of the waste sites. The JWA sets out the basic requirements for the Trusts and the arrangements for ultimate disposal in the event that the councils agree that they no longer wish to use one or any of the sites for waste purposes.
- (2) Under the waste agreement the two councils share control of the sites. The combination of this requirement and the fact that the various sites across the county were owned by various parties, Council and private, has resulted in somewhat complex leasing arrangements to put the councils, as nearly as possible on an even footing in terms of their interests in each of the sites.
- (3) Accordingly, Cabinet authorisation is needed to enable the Council to jointly take a lease of the site with ESCC. In addition, given the terms of the sub lease to Veolia, or their nominated subsidiary, Cabinet Approval is also necessary to enable a sublease to be granted.
- (4) Negotiations for the Pebsham site were in stalemate for several years but early in December Hastings Borough Council relaxed its stance to enable agreement of a reasonable transaction which met all the objectives of the Integrated Waste Management Services Contract. The other waste facilities being developed in Brighton & Hove and across East Sussex are aimed at meeting local demand whilst addressing specialist requirements for a wider area at particular sites such as the Energy from Waste facility at Newhaven. In this way the object is to provide an integrated range of waste facilities to meet the requirements of the main waste producing areas both now and into the future. This is vital to meet Government targets and to address the imminent loss of local landfill sites as they reach capacity. The site at Pebsham is an important link in the chain to deal with waste transfer and materials recycling for the eastern part of the County.

## **DETAILS OF ANY ALTERNATIVE OPTIONS**

A number of options were assessed for an eastern site during the study period from 1997 to 2003 and the Pebsham site, which was already the subject of an ESCC lease, was considered to be the best available. During the subsequent protracted negotiations whilst other solutions were considered the inescapable conclusion was that Pebsham offered the best solution in terms of size, location and given its existing status as a waste site.

## **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None



**CONFLICTS OF INTEREST**

None

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**Date:**

15 January 2009

**Decision Maker:**

Councillor Mary Mears  
Leader of the Council

**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



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**Call-In Period**

**15-22 January 2009**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 63 15/01/09

KEY

Forward Plan No: CAB 2874

This record relates to Agenda Item 153 on the agenda for the Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	STRATEGY & GOVERNANCE
<b>SUBJECT:</b>	AWARD OF CONTRACT FOR NEW HR/PAYROLL SYSTEM
<b>AUTHOR:</b>	SHAUN RAFFERTY

### **THE DECISION**

(1) To note the contents of the report and the information provided in the sister paper on Part B of the Agenda.

(2) It is recommended that cabinet approve the award of the contract to “contractor A” following the outcome of a tender submission and formal presentation.

2.3 That the five year contract, with an optional extension of up to a further two years, commences as soon as legal clarifications have been concluded.

### **REASON FOR THE DECISION**

- (1) Following a tender process in line with both EU and council regulations the preferred contractor has shown through their tender submission and subsequent presentation that they are the company which has provided most evidence to support their ability to deliver on this contract.
- (2) The contract will support a number of the council’s priorities in both better use of public money through use of resources, protecting the environment by eliminating paper and other resources, reducing inequality through improved management information for monitoring and informing strategy.

**DETAILS OF ANY ALTERNATIVE OPTIONS**

(1) The business case and options appraisal presented in March 2008 considered the merits and risk of retaining existing systems compared with procuring a new integrated HR/Payroll system. An updated business case is attached within the Part B report. One of the council's key HR systems will only be supported by the existing supplier in the short-term and the risk of maintaining and developing the current systems is high.

(2) The option of outsourcing has not been preferred on the strategic view that the benefits to be delivered by a new system can be realized with the service "in-house" and thus all of the benefits retained for the council tax payer. Experience of several recent HR outsourcing ventures elsewhere in the UK strongly suggests that organisations should make their functions cost effective before any consideration of other options.

**OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

**CONFLICTS OF INTEREST**

None

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15 January 2009

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**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



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**Call-In Period**

**15-22 January 2009**

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)

Decision No: CAB – 64 15/01/09

Forward Plan No:

This record relates to Agenda Item 154 on the agenda for the Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	STRATEGY & GOVERNANCE
<b>SUBJECT:</b>	REVIEW OF CABINET MEMBER FUNCTIONS FOR COMMUNITY SAFETY
<b>AUTHOR:</b>	ABRAHAM GHEBRE-GHIORGHIS

### **THE DECISION**

- (1) That the proposed transfer of community safety functions delegated to the Cabinet Member for Environment as detailed in the report, to the Cabinet Member for Community Affairs, Inclusion and Internal Relations be agreed;
- (2) That the Head of Law be authorised to make the necessary amendments to the Council's Constitution.

### **REASON FOR THE DECISION**

These are set out in paragraphs 3.2.1-3.2.3 of the report.

### **DETAILS OF ANY ALTERNATIVE OPTIONS**

The retention of the existing arrangements was considered, but for reasons set out in the report, the proposed changes will enable a more effective discharge of Council functions regarding Community Safety.

### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

### **CONFLICTS OF INTEREST**

None

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**Date:**

15 January 2009

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Leader of the Council

**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 65 15/01/09

KEY  
PART TWO

Forward Plan No: CAB 2197

This record relates to Agenda Item 155 on the agenda for the  
Decision-Making

## **RECORD OF CABINET DECISION**

**DECISION-MAKER:** CABINET

**PORTFOLIO AREA:** ENVIRONMENT

**SUBJECT:** COMMUNITY STADIUM

**AUTHOR:** CHRIS MORTIMER

### **THE DECISION**

- (1) That Cabinet approves the council entering into an Agreement for Lease with The Community Stadium Ltd and the University of Brighton under the terms set out in paras 3.6 - 3.10 of this report subject to an acceptable indemnity being given to the council against liability in the event that the agreement is determined.
- (2) That Cabinet agrees that authority for confirming to the University of Brighton that the Funding Condition in the Agreement for Lease has been satisfied be delegated to the Director of Finance and Resources and the Assistant Director of Finance (section 151 officer) in consultation with the Leader of the Council.
- (3) That Cabinet agrees in principle (subject to any S123 consent required) a lease of the Stadium site to The Community Stadium Ltd on substantially the terms set out in Annex B and that authority to enter into the Lease be delegated to the Director of Environment (advised by the Assistant Director Property and Design) in consultation with the Cabinet Member for Enterprise, Employment and Major Projects.
- (4) That Cabinet agrees in principle the disposal to The Community Stadium Ltd of the land shown on plan at Annex D and that agreement to the terms of the disposal be delegated to the Director of Environment (advised by the Director of Finance and Resources and the Assistant Director Property and Design) in consultation with the Cabinet Member for Enterprise, Employment and Major Projects.

## REASON FOR THE DECISION

This report seeks approval to land transactions which have been contemplated since the principle of the new stadium at Falmer was first established. Its recommendations are in the context of decisions taken by the council in 2003 which formed the basis for the public inquiries and the planning permission granted by the Secretary of State in July 2007.

## DETAILS OF ANY ALTERNATIVE OPTIONS

The second public inquiry exhaustively examined alternative sites for the football stadium and concluded that Falmer was the only suitable site.

## OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

## CONFLICTS OF INTEREST

None

## CONFIRMED AS A TRUE RECORD:

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Councillor Mary Mears  
Leader of the Council

### Signed:



### Proper Officer:

15 January 2009

Mark Wall, Head of Democratic Services

### Signed:



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**15-22 January 2009**

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Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)

Decision No: CAB – 66 15/01/09

KEY  
PART TWO

Forward Plan No: CAB 7220

This record relates to Agenda Item 156 on the agenda for the  
Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	FINANCE & RESOURCES
<b>SUBJECT:</b>	INTEGRATED WASTE MANAGEMENT SERVICES CONTRACT (IWMSC) - ACQUISITION OF SITE AT PEBSHAM, HASTINGS AND LEASING ARRANGEMENTS UNDER WASTE PFI
<b>AUTHOR:</b>	ANGELA DYMOTT, RICHARD BUTLER

### **THE DECISION**

- (1) That Cabinet approve and authorise the Director of Finance & Resources and Assistant Director Property & Design to enter into the following agreements :-
- (2) The acquisition of a leasehold interest, jointly with ESCC, in land at Pebsham between Bexhill and Hastings
- (3) To grant, jointly with ESCC, an underlease to South Downs Waste Services Ltd (SDWS Ltd) to build and operate a waste transfer station, recycling facility and additional waste plant as required.

## **REASON FOR THE DECISION**

Under the Joint Working Arrangements (JWA) the two councils have agreed to enter a Deed establishing Trusts for each of the waste sites. The JWA sets out the basic requirements for the Trusts and the arrangements for ultimate disposal in the event that the councils agree that they no longer wish to use one or any of the sites for waste purposes.

Under the waste agreement the two councils share control of the sites. The combination of this requirement and the fact that the various sites across the county were owned by various parties, Council and private, has resulted in somewhat complex leasing arrangements to put the councils, as nearly as possible on an even footing in terms of their interests in each of the sites.

Accordingly, Cabinet authorisation is needed to enable the Council to jointly take a lease of the site with ESCC. In addition, given the terms of the sub lease to Veolia, or their nominated subsidiary, Cabinet Approval is also necessary to enable a sublease to be granted.

Negotiations for the Pebsham site were in stalemate for several years but early in December Hastings Borough Council relaxed its stance to enable agreement of a reasonable transaction which met all the objectives of the Integrated Waste Management Services Contract. The other waste facilities being developed in Brighton & Hove and across East Sussex are aimed at meeting local demand whilst addressing specialist requirements for a wider area at particular sites such as the Energy from Waste facility at Newhaven. In this way the object is to provide an integrated range of waste facilities to meet the requirements of the main waste producing areas both now and into the future. This is vital to meet Government targets and to address the imminent loss of local landfill sites as they reach capacity. The site at Pebsham is an important link in the chain to deal with waste transfer and materials recycling for the eastern part of the County.

## **DETAILS OF ANY ALTERNATIVE OPTIONS**

The second public inquiry exhaustively examined alternative sites for the football stadium and concluded that Falmer was the only suitable site.

## **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

## **CONFLICTS OF INTEREST**

None

**CONFIRMED AS A TRUE RECORD:**

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**Date:**

15 January 2009

**Decision Maker:**

Councillor Mary Mears  
Leader of the Council

**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



**SCRUTINY**

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**Call-In Period**

**15-22 January 2009**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 67 15/01/09

KEY  
PART TWO

Forward Plan No: CAB 2874

This record relates to Agenda Item 157 on the agenda for the  
Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	STRATEGY & GOVERNANCE
<b>SUBJECT:</b>	AWARD OF A CONTRACT FOR A NEW HR/PAYROLL SYSTEM
<b>AUTHOR:</b>	SHAUN RAFFERTY

### **THE DECISION**

To note the contents of additional procurement information, the business case and options appraisal in considering the paper “Procurement of a new HR system” on Part A of this Agenda.

### **REASON FOR THE DECISION**

- (1) Following a tender process in line with both EU and council regulations the preferred contractor has shown through their tender submission and subsequent presentation that they are the company which has provided most evidence to support their ability to deliver on this contract.
- (2) The contract will support a number of the council’s priorities in both better use of public money through use of resources, protecting the environment by eliminating paper and other resources, reducing inequality through improved management information for monitoring and informing strategy.

**DETAILS OF ANY ALTERNATIVE OPTIONS**

The business case and options appraisal presented in March 2008 considered the merits and risk of retaining existing systems compared with procuring a new integrated HR/Payroll system. An updated business case is attached within the Part B report. One of the council's key HR systems will only be supported by the existing supplier in the short-term and the risk of maintaining and developing the current systems is high.

The option of outsourcing has not been preferred on the strategic view that the benefits to be delivered by a new system can be realized with the service "in-house" and thus all of the benefits retained for the council tax payer. Experience of several recent HR outsourcing ventures elsewhere in the UK strongly suggests that organisations should make their functions cost effective before any consideration of other options.

**OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

**CONFLICTS OF INTEREST**

None

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Councillor Mary Mears  
Leader of the Council

**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



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**Call-In Period**

**15-22 January 2009**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 68

KEY  
PART TWO

Forward Plan No: N/A

This record relates to Agenda Item 158 on the agenda for the  
Decision-Making

## **RECORD OF CABINET DECISION**

<b>DECISION-MAKER:</b>	CABINET
<b>PORTFOLIO AREA:</b>	STRATEGY & GOVERNANCE FINANCE & RESOURCES
<b>SUBJECT:</b>	EQUAL PAY
<b>AUTHOR:</b>	KATIE OGDEN

### **THE DECISION**

- (1) That the Cabinet notes the contents of the attached report and endorses the decision of the Governance Committee of 13th January 2009 (that will be reported to the Cabinet at 15th January meeting) and agreed the recommendations as per the report.
- (2) That the Cabinet (as the Executive body) recommends to Council approval of the recommendations as contained within the report.

### **REASON FOR THE DECISION**

As identified in the report

### **DETAILS OF ANY ALTERNATIVE OPTIONS**

None

### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

### **CONFLICTS OF INTEREST**

None



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**Date:**

15 January 2009

**Decision Maker:**

Councillor Mary Mears  
Leader of the Council

**Signed:**



**Proper Officer:**

15 January 2009

Mark Wall, Head of Democratic Services

**Signed:**



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Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*