

BRIGHTON & HOVE CITY COUNCIL

CABINET

4.00PM 9 DECEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Also in attendance: Councillors Mitchell (Opposition Spokesperson), Kitcat (Opposition Spokesperson) and Watkins (Opposition Spokesperson)

Other Members present: Councillors Hawkes and Phillips

PART ONE

113. PROCEDURAL BUSINESS

113a Declarations of Interest

113a.1 There were none.

113b Exclusion of Press and Public

113b.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).

113b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 131 onwards.

114. MINUTES OF THE PREVIOUS MEETING

114.1 **RESOLVED** - That the minutes of the meeting held on 11 November 2010 be approved as a correct record.

115. CHAIRMAN'S COMMUNICATIONS

115.1 The Chairman noted that the meeting would be webcast.

- 115.2 The Chairman reported that Councillor David Smart had passed away. A minutes silence was held for all in attendance to remember Councillor Smart. The Chairman reported that a further minutes silence would be held at the Council meeting on 16 December.
- 115.3 The Chairman noted that students were demonstrating across the country and within the city about university tuition fees. She urged those involved to protest responsibly without causing harm to people, property, businesses or public buildings.
- 115.4 The Chairman advised that Stronger Communities and Community Safety were priority areas for the Administration and that the council listened carefully to the concerns of protesters, to the needs of communities and the demands of the economy and always endeavoured to respond appropriately.
- 115.5 The Chairman praised staff and volunteers for their actions during the recent snowy weather; a sense of community and determination combined with improved arrangements for road clearance and provision of grit meant that the city was able to keep moving.
- 115.6 The Chairman reported that the Ofsted assessment for children in the city had been received and identified a lot of good practice. It reported that the large majority of services, settings and institutions inspected were good or had improved. However, Ofsted had commented that the city's secondary schools were not improving quickly enough despite good advice from the council to schools; a commission would be established to begin addressing this with the help of Professor Michael Fielding, formerly of the University of London Institute of Education, with the intention of establishing Brighton & Hove as a Learning City and attracting the best practitioners to work with the city's schools.

116. ITEMS RESERVED FOR DISCUSSION

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

117. PETITIONS

- 117.1 There were none.

118. PUBLIC QUESTIONS

- 118.1 The Chairman reported that one public question had been received.
- 118.2 Ms Stephanie Powell asked the following question:

“Can you tell us at what date, at the VERY latest, will we see the service specification and the equalities impact assessment for the Connexions service? Uncertainty is resulting in confusion amongst young people, their parents and carers, and the general public. It is also causing stress to staff.”

118.3 Councillor Brown gave the following response:

“I do understand your concerns and we do have a proposed timetable. Senior managers will meet with trade unions on Wednesday 5 January to discuss service re-design and proposals. Senior managers will meet with all affected staff on to launch formal consultation beginning on Thursday 6 January and then there will be a minimum of 30 days consultation, closing on Monday 7 February 2011.”

118.4 Ms Powell asked the following supplementary question:

“Bearing in mind that staff are leaving and there is a recruitment freeze on employing new staff and we might not be able to meet our statutory requirements, are you getting a regular report on where we are in danger of being unable to deliver our statutory services?”

118.5 Councillor Brown gave the following response:

“I get very regular reports on a weekly basis.”

119. DEPUTATIONS

119.1 There were none.

120. LETTERS FROM COUNCILLORS

120(a) Letter - Support Services for Victims of Sexual Violence

120a.1 A letter was received from Councillor Phillips concerning a recent scrutiny panel on Support Services for Victims of Sexual Violence, whose recommendations would be considered by the Cabinet in a report later on the agenda.

120a.2 Councillor Phillips explained that she was generally pleased with the final recommendations agreed by the scrutiny panel, of which she was a member, however, she requested that the Cabinet instruct the Chief Executive to write to the Government to request yearly ring-fenced funding to support the work of organisations that supported victims of sexual violence.

120a.3 The Chairman stated that the scrutiny panel had approached the sensitive subject in an appropriate and serious manner. All Members must accept that the process was democratic and respect the final recommendations of the panel; it was not appropriate for individual Members to ask for the panel's recommendations to be altered.

120a.4 **RESOLVED** – That the letter be noted.

120(b) Letter – Public Realm in Brighton and Hove

120b.1 A letter was received from Councillor Kennedy, writing on behalf of the Culture, Tourism and Enterprise Overview and Scrutiny Committee (CTEOSC), concerning recommendations from the Public Space Public Life Study in relation to the public realm in Brighton and Hove.

120b.2 The Chairman advised that Councillor Kennedy had sent her apologies and requested that a written response to her letter be provided.

120b.3 **RESOLVED** – That the letter be noted.

121. WRITTEN QUESTIONS FROM COUNCILLORS

121.1 There were none.

122. NOTICES OF MOTION

122.1 There were none.

123. BUDGET UPDATE & BUDGET STRATEGIES 2011/12

123.1 The Cabinet considered a report of the Director of Finance updating Members on the latest budget position and budget strategies for 2011/12 in anticipation of the Local Government Finance Settlement.

123.2 Councillor Young reported that a full budget package could not yet be considered by the Cabinet because the Local Government Finance Settlement had yet to be announced; details of the Schools Settlement and specific grants were also required. She announced that a council tax freeze would be proposed, attracting a £3 million grant from the Government.

123.3 Councillor Mitchell stated that the report did not provide any new information and was concerned that the proposals did not reflect the new structure of the council. She made the following comments in relation to the proposals:

- Cost cutting and job losses were alluded to in the report, but not clearly identified.
- Proposals in relation to Brightstart Nursery were misleading and had been published prior to the completion of the consultation period.
- Services for children and young people would be significantly affected; council-run youth centres should be protected and cuts to youth offending services should be reconsidered.
- The Communications Team had identified savings of £160,000 had been identified, but no detail had been provided. The team was also recruiting a new Head of Press despite a recruitment freeze.

Councillor Mitchell stated that the proposals were based on assumptions and that further detail was required.

123.4 The Chairman advised that it would have been irresponsible to formulate a budget until details of the financial settlement were received from Government. She explained that the Director of Finance had advised the Cabinet that it was appropriate to follow the directorate structure for the forthcoming budget. She added that the council was committed to ensuring youth services were delivered in best possible way.

- 123.5 Councillor Young stated that the move to strategic commissioning would result in budget savings through increased joint working and that vacancies would be managed to prevent job losses, which would only be a last resort.
- 123.6 Councillor Kitcat thanked officers for providing a report, despite the current uncertainty. He echoed Councillor Mitchell's concerns in relation to Brightstart Nursery and stated that job losses would follow from the reduction in transport projects. He was also concerned that the personalisation agenda would deliver the savings proposed in Adult Social Care.
- 123.7 In response to comments from Councillor Kitcat, the Chairman advised that the council must be careful about make significant savings within Culture & Enterprise, not only because of the effect on the council's revenue, but on the whole of the city's economy.
- 123.8 Councillor Theobald stated that it was important not to worry staff and the public unnecessarily before the financial settlement was received. He invited the Opposition Groups to put forward alternative savings suggestions so that the choices could be debated at Budget Council in March.
- 123.9 In response to comments about Brightstart Nursery, the Director of Finance confirmed no decision would be made by the Cabinet at this stage; the report contained initial budget strategies only and those proposals would change following receipt of further financial information. Only Full Council had the authority to agree the budget following formal recommendation from the Cabinet in the New Year.
- 123.10 Councillor Watkins stated that he would comment further once the final proposals were published, but raised concerns over the effect of the council structural arrangements on the budget process and advised that Members must play a role in monitoring it.
- 123.11 Councillor Fallon-Khan reported that the Administration had prioritised financial responsibility, achieving savings of £10 million in each of the last three years and being awarded 4 stars by the Audit Commission without burdening taxpayers and that approach would continue.
- 123.12 Councillor Norman advised that work on the personalisation agenda was continuing and that savings would be realised through a multitude of measures and in conjunction with the Value for Money Programme.
- 123.13 In response to comments from Councillor Kitcat, Councillor Young explained that the first two rounds of the Value for Money Programme focussed on identifying quick and easy savings; the next round would focus on harder to reach savings in service areas that had not yet been targeted.
- 123.14 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the high level assessment of the implications of the CSR on the national funding position for local government as set out in paras 3.1-3.6 be noted.

- (2) That it be noted that an addendum to the report setting out the anticipated resources available to the Council was not published because the Local Government Finance Settlement was not issued prior to 9 December 2010.
- (3) That the principles on which the General Fund Revenue Budget for 2011/12 is being prepared as set out in para 3.12 be considered and agreed.
- (4) That the proposed approach for using reserves as part of a balanced financial strategy to deal with the Council's uniquely challenging financial position for 2011/12 as set out in para 3.17 be considered and agreed.
- (5) That the initial budget strategies for each service, developed on the basis of the original financial planning assumptions as set out in Appendix 2, be considered and noted.
- (6) That it be noted that those outline budget strategies will be subject to significant revision and update once the Council's resource position is more clearly understood.

124. HALF YEAR PROGRESS SUMMARY ON THE 2008-11 LOCAL AREA AGREEMENT (LAA) 2010/11 AND Q2-10 ORGANISATIONAL HEALTH REPORT

- 124.1 The Cabinet considered a report of the Strategic Director, Resources concerning Local Area Agreement (LAA) performance information to the end of September 2010 information regarding the organisational robustness ('health') of some key council operations.
- 124.2 Councillor Mitchell noted the reduction in repeat incidences of domestic violence, which demonstrated positive work between the council and partner organisations. She also highlighted the reduction in first time entrants to the Youth Justice System and effect of proposed cuts to services aimed at improving this.
- 124.3 In response to a query from Councillor Mitchell concerning ongoing monitoring of performance following the abolishment of LAA monitoring by central government, the Chairman advised that the council, along with its partners, would be considering what approach would benefit the city as whole and that this work would begin shortly.
- 124.4 Councillor Simson added that the council was also working with the Community and Voluntary Sector to determine how outcomes would be measured.
- 124.5 In response to a question from Councillor Kitcat, the Chairman explained that Cabinet Members would continue to monitor targets across departments resulting in no gap in performance data.
- 124.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That progress against the 2008-11 Local Area Agreement and the council's current organisational health be noted.

- (2) That it be noted that changes to National Performance Arrangements have been announced by Government; specifically, that LAA performance will no longer be monitored centrally and that the Performance Reward Grant previously attached to targets has been removed.
- (3) That it be noted that this will be the final LAA, the burden of which has been removed from local authorities.
- (4) That Cabinet Members continue to review areas of poor performance and review progress against related Action Plans in greater detail at their Cabinet Member Meetings.
- (5) That officers be instructed to ensure that the Local Strategic Partnership and Public Service Board (and their thematic partnerships) receive the Delivery Plan detailing indicators that are off track, to ensure that actions are taken to meet targets.

125. RESPONSE TO THE RECOMMENDATIONS OF THE ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE AD-HOC PANEL ON SUPPORT SERVICES FOR VICTIMS OF SEXUAL VIOLENCE

125.1 The Cabinet considered a report of the Strategic Director, Communities concerning the executive response to the recommendations of the Environment & Community Safety Overview & Scrutiny Committee Ad-Hoc Panel on Support Services for Victims of Sexual Violence.

125.2 Councillor Simson thanked the Members of the scrutiny panel for their work, and noted that it had taken place parallel to a national programme considering 'Violence Against Women and Girls' and at the same time as a local programme called 'Inspire', which involved women's services across the city working with female offenders. The first strategic commissioning pilots were initiated during this time to consider domestic violence, and drugs and alcohol, which often had an impact on sexual violence.

Councillor Simson advised that strategic commissioning arrangements for sexual violence were now in place and that many of the other recommendations in the report had already been taken forward or were being considered through joint working between the council, the Community and Voluntary Sector and other organisations across the city.

125.3 Councillor Brown welcomed the report and advised that sexual violence was a priority issue within Children's Services. The Children & Young People's Trust Board would receive a presentation on sexual violence and consider the scrutiny panel's report in more detail at their meeting in January 2011. Children's Services work programmes for 2011 would also be mindful of the recommendations.

Councillor Brown explained that the statutory Safeguarding and Child Protection Service worked directly with individual children, young people and carers to support and protect those affected by sexual and domestic violence.

- 125.4 The Chairman invited Councillor Watkins, Chairman of the scrutiny panel to present the panel's report.
- 125.5 Councillor Watkins reported that the scrutiny process had been quite traumatic, which was to be expected given the subject, and he paid tribute to the openness of all of those who had contributed. He advised that, in light of the council's new structure, it was important to take a holistic approach and link the panel's findings to work on domestic violence, and that the recommendations must continue to be monitored. He thanked Libby Young, Overview & Scrutiny Support Officer, for supporting the panel throughout the process.
- 125.6 The Chairman praised the work of the scrutiny panel and stated that the prevalence of sexual violence in the city meant that it was vital that the panel's recommendations be closely monitored.
- 125.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the evidence, findings and recommendations of the Environment & Community Safety Overview & Scrutiny Committee and its scrutiny panel in relation to Support Services for Victims of Sexual Violence be noted.
 - (2) That the actions detailed in Appendix 2 in response to the scrutiny panel's recommendations be agreed and in particular that it be noted that the four overarching recommendations made by the scrutiny panel (recommendations A – D) will be responded to within the new Intelligent Commissioning arrangements evolving across the council and partnerships.
 - (3) That a further report be brought to the Cabinet setting out the recommended outcomes and commissioning priorities for sexual and domestic violence incorporating all recommendations from the Scrutiny Panel's report.
 - (4) That, should timetables be aligned, the recommendations be set within the wider policy framework of dealing with 'Violence Against Women and Girls', currently being developed nationally.
- 126. JOINT RESPONSE FROM THE PRIMARY CARE TRUST AND BRIGHTON & HOVE CITY COUNCIL TO THE RECOMMENDATIONS OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE SELECT COMMITTEE ON DEMENTIA**
- 126.1 The Cabinet considered a report of the Director of Adult Social Care & Health and Lead Commissioner, People concerning the joint response from the Primary Care Trust and Brighton & Hove City Council to the recommendations of the Adult Social Care & Housing Overview & Scrutiny Committee Select Committee on Dementia.
- 126.2 Councillor Norman was pleased to report that all the recommendations from the scrutiny panel's report had been included in the Revised Dementia Planning Framework 2010-13.

- 126.3 The Chairman invited Councillor Hawkes, Chairman of the scrutiny panel, to present the panel's report.
- 126.4 Councillor Hawkes thanked thank Kathy Caley, Commissioner for Long Term Conditions and Independence for Brighton & Hove, and Carey Wright, Community Mental Health Team Manager for the Sussex Partnership NHS Foundation Trust, for their invaluable input, in addition to the Members of the Panel and Giles Rossington, Senior Overview & Scrutiny Support Officer. She stated that the panel had tackled a very emotional issue and that services had been transformed with further improvement to follow. She added that this scrutiny panel demonstrated the value to be gained from the council working with its partners to inform the scrutiny process.
- 126.5 Councillor Norman thanked Councillor Hawkes for her commitment to the scrutiny panel and her support for the work undertaken by both the council and its health partners, who had a duty to ensure that advances were made to guarantee appropriate care for all dementia sufferers.
- 126.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the evidence, findings and recommendations of the Adult Social Care & Housing Overview & Scrutiny Committee and its Select Committee on Dementia be noted.
 - (2) That the actions detailed in the response to Select Committee's recommendations (Appendix 2) be agreed, with particular regard to timescales and any constraints identified.

127. AN ACADEMY AT PORTSLADE COMMUNITY COLLEGE

- 127.1 The Cabinet considered a report of the Strategic Director, People updating Members on the proposed Academy at Portslade Community College (PCC).
- 127.2 Councillor Brown reported that confirmation had been received from the Department for Education (DfE) that funding would be made available for the relocation of the sixth form centre on the main school site and that funding for the other work proposed was currently being reviewed.
- She announced that the council was one of four local authorities to receive funding as part of a pilot scheme for Academies.
- 127.3 Councillor Mitchell welcomed the intention to appoint the current Headteacher of PCC as Principal Designate of the Academy and also highlighted the importance of retaining use of the village centre for youth services.
- 127.4 Councillor Alford commended Councillor Brown and the officers involved for negotiating with the sponsor to retain the current Headteacher.
- 127.5 Councillor Kitcat stated that the Green Group remained opposed to Academies and believed that they served to remove schools from their local communities.

- 127.6 Councillor Watkins advised that the Liberal Democrat Group did not fully support the Academy approach, but welcomed the retention of the current Headteacher.
- 127.7 The Chairman stated that the council was committed to offering young people across the city the best educational opportunities possible. She added that a further announcement from the DfE was anticipated prior to the Christmas break.
- 127.8 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Director of Children's Services be authorised to publish the statutory notice necessary to close the predecessor school on 31 August 2011 pending the opening of the new academy on 1 September 2011. (Copy attached at Appendix 1.
 - (2) That agreement be given for further consultation with the community on the proposed Academy alongside publication of the required statutory notice for closure of PCC subject to it becoming an academy.
 - (3) That the Cabinet Member for Children & Young People be authorised to approve the revised Expression of Interest regarding PCC becoming an academy for early submission to the DfE.
 - (4) That the intention of the Aldridge Foundation to appoint Stuart McLaughlin, head of PCC, as Principal Designate of the proposed academy be noted.
 - (5) That the ongoing discussions with the Department for Education (DfE) to partner with the Aldridge Foundation (the lead sponsor) and Brighton & Hove City Council (the co-sponsor) to pilot improved approaches to procurement, design and construction be noted and that it be noted that, if agreed, DfE will provide capital for the construction of a new sixth form on the Chalky Road site as part of plans for the proposed academy at Portslade Community College (PCC).
 - (6) That it be noted that, in addition to capital for the construction of a new sixth form, the DfE is reviewing the PCC site and will allocate additional funding for PCC to become an academy.

128. ACCOMMODATION STRATEGY- IMPLEMENTATION UPDATE

- 128.1 The Cabinet considered a report of the Strategic Director, Resources updating Members on the implementation of the Corporate Accommodation Strategy through the Value for Money transformation "Work styles Project" Phase One and seeking approval for the detailed costs and funding.
- 128.2 Councillor Kitcat welcomed the proposals as positive and creative, but advised that staff would need time to adjust to the changes. He questioned the use of 'thin client' technology and the measures proposed to ensure the robustness of the councils ICT systems.

- 128.3 Councillor Alford explained that the current ICT equipment contract would soon come to an end and that this would present opportunities to consider new ICT solutions and that input from Members was welcomed.
- 128.4 The Chairman stated that she would instruct the Head of ICT to write to Councillor Kitcat with further details of the vision for the council's ICT.
- 128.5 Councillor Watkins stated that Member involvement in the future of the council's ICT systems was important and that this could be achieved through the all party working group.

He advised that the recent scrutiny panel report on staff disabilities must be taken into account when implementing the accommodation strategy because disabled staff will be most affected by changes to working environments.

- 128.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That approval be given for the extra costs for the Workstyles Phase One project to be met from the ICT Fund as shown in the detailed costs in Appendix 2.
 - (2) That approval be given for the early allocation of approximately £290,000 revenue funding from 2011-12 Planned Maintenance Budget to undertake reroofing works to Bartholomew House in February 2011 to prevent further water penetration, with the aim of ensuring that capital and planned maintenance works to Bartholomew House be aligned to enable joined up building works programmes and efficiency savings.

129. SPORTS FACILITIES MANAGEMENT CONTRACT

- 129.1 The Cabinet considered a report of the Strategic Director, Communities concerning the outcome of the procurement process to seek an external operator to manage council sports facilities and seeking approval to award the contract.
- 129.2 Councillor Mitchell welcomed the award of the contract to a social enterprise and thanked the Strategic Director, Communities for providing assurances about Freedom Leisure and their relationship with their staff. She also welcomed the terms stipulated in relation to the King Alfred Leisure Centre.
- 129.3 Councillors Kitcat and Watkins also welcomed the proposals.
- 129.4 In response to comments from Councillor Watkins about the importance of keeping the redevelopment of the King Alfred a high priority, the Chairman confirmed that it remained one of the Administration's top priorities and that the contract was specific about the King Alfred for that very reason.
- 129.5 In response to a question from Councillor Kitcat, Councillor Smith confirmed that in-house management was considered, but that awarding the contract to a not-for-profit organisation offered greater financial benefits.

129.6 Councillor Simson explained that work had been undertaken to encourage social enterprises and not-for-profit organisations to bid for contracts with the council.

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

(1) That the contract be awarded to Freedom Leisure to manage the following council sports facilities for an initial period of ten years (with an option to extend by up to a further five years) commencing 1 April 2011:

- Prince Regent Swimming Complex & Old Slipper Baths
- Withdean Sports Complex
- Moulsecoomb Community Leisure Centre
- Stanley Deason Leisure Centre
- St Luke's Swimming Pool
- Saunders Park, The Level and Seafront Paddling Pools
- King Alfred Leisure Centre, Hove Lagoon Paddling Pool and Kingsway Multiplay

130. ICT HARDWARE & SERVICES SUPPLIER CONTRACT FOR 2011-2014 (3 YEARS)

130.1 The Cabinet considered a report of the Strategic Director, Resources seeking approval to tender for the ICT Hardware & Services Supplier Contract for 2011–2014.

130.2 In response to a question from Councillor Kitcat, Councillor Alford confirmed that operating software only would be included in the contract.

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

- (1) That approval be given for the tendering of an ICT Hardware Supplies and Services contract for a three year period with the option to extend for twelve months at the Council's discretion.
- (2) That delegated authority be granted to the Head of ICT, in consultation with the Leader and the Member for Central Services, to award the contract to the successful bidder following evaluation and recommendations of the evaluation team and to determine whether to award the twelve month extension when such consideration becomes due.

PART TWO SUMMARY

131. PART TWO MINUTES OF THE PREVIOUS MEETING

131.1 **RESOLVED** - That the Part Two minutes of the meeting held on 11 November 2010 be approved as a correct record.

132. SPORTS FACILITIES MANAGEMENT CONTRACT

129.8 The Cabinet considered a report of the Strategic Director, Communities concerning the outcome of the procurement process to seek an external operator to manage council sports facilities and seeking approval to award the contract.

132.1 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the recommendations as detailed in the Part Two confidential report.

133. PART TWO ITEMS

133.1 **RESOLVED** – That items 131 and 132, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.48pm

Signed

Chairman

Dated this

day of