

11 October 2012

This record relates to Agenda Item 54

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: TARGETED BUDGET MANAGEMENT
(TBM) 2012/13 MONTH 5

AUTHOR: NIGEL MANVELL, JEFF COATES

THE DECISION

- (1) That the forecast outturn position for the General Fund, which was an underspend of £1.453m be noted;
- (2) That the forecast outturn for the Housing Revenue Account (HRA), which was an underspend of £0.720m be noted;
- (3) That the forecast outturn position on the Capital Programme be noted;
- (4) That the following changes to the Capital Programme as detailed below be approved:
 - (i) The budget re-profiling and budget variations as set out in Appendix 2 to the report;
 - (ii) The carry forward of slippage into the 2013/14 Capital Programme, to meet on-going commitments on these schemes as set out in Appendix 2 to the report;
 - (iii) The new schemes as set out in Appendix 3 to the report.
- (5) That the Acting Director of Finance be granted delegated authority, following consultation with the Chair of the Policy & Resources Committee, to approve the purchase and installation of new cremators and additional mercury abatement plant up to a value of £1.806m procured directly through an OJEU compliant route; and
- (6) That the carbon budgets update as set out in Appendix 5 to the report be noted.

REASON FOR THE DECISION

Budget monitoring is a key element of good financial management, which is necessary in order for the council to maintain financial stability and operate effectively.

The capital budget changes are necessary to maintain effective financial management.

DETAILS OF ANY ALTERNATIVE OPTIONS

The provisional outturn position on council controlled budgets is an underspend of £1.453m. Any underspend at year-end would release one off resources that could be used to aid budget planning for 2013/14. Any overspend at year-end would need to be funded from general reserves which would then need to be replenished to ensure that the working balance did not remain below £9.000m.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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11 October 2012

This record relates to Agenda Item 55

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ANNUAL SURVEILLANCE REPORT

AUTHOR: JO PLAYER

THE DECISION

- (1) That the continued use of covert surveillance as an enforcement tool to prevent and detect crime and disorder investigated by its officers, providing the activity is in line with the revised Policy and Guidance and the necessity and proportionality rules are stringently applied be approved;
- (2) That the surveillance activity undertaken by the authority since the report to Committee in June 2012 as set out in Appendix 1 to the report be noted;
- (3) That the findings of the Office of the Surveillance Commissioners' audit of the authority in June 2012 be noted; and
- (4) That the publication and use of the revised policy and Guidance document as set out in Appendix 2 to the report be approved.

REASON FOR THE DECISION

It is essential that officers are able to use the RIPA powers where necessary and within the new threshold, but only after excluding all other methods of enforcement. An authorisation will only be given by the relevant 'Authorising Officer' following vetting by the 'Gatekeeper'; therefore it is unlikely that the powers will be abused. From 1st November there will be the additional safeguard that a magistrate will also need to 'sign off' any application that falls within the RIPA regime.

The implementation of the Annual review and quarterly oversight has made the whole process transparent and demonstrates to the public that the correct procedures are followed.

DETAILS OF ANY ALTERNATIVE OPTIONS

The only alternative is to curtail the use of RIPA, but this is not considered an appropriate step.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 56

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: TENANT SCRUTINY

AUTHOR: KAREN AMSDEN

THE DECISION

- (1) That the establishment of a Tenant Scrutiny Panel in Brighton & Hove, with the terms of reference set out in Appendix A to the report with effect from December 2012 be agreed;
- (2) That the Head of Housing be granted delegated powers to:
 - (i) after consultation with the Chair of the Housing Committee and tenant representatives as he/she considers appropriate, appoint the selection panel for the appointment of Members of the Tenant Scrutiny Panel;
 - (ii) after consultation with the Monitoring Officer, the Chair of Housing Committee and relevant tenant representatives, agree the code of conduct that would apply to Members of the Tenant Scrutiny Panel;
 - (iii) take any steps necessary or incidental to the establishment and continued operation of the Tenant Scrutiny Panel, including the power to make transitional arrangements as he/she thinks fit.
- (3) That the role of the Overview & Scrutiny Committee be noted, including the powers regarding scrutiny and call-in are not affected by these proposals although the existence of the Panel and its work will be a factor taken into account in deciding what issues the committee reviews.

REASON FOR THE DECISION

Registered social housing providers are now expected to support tenants to develop and implement opportunities for their involvement and empowerment. A key component of this is to support the formation and activities of Tenant Scrutiny Panels.

Establishing a TSP is also a priority within the council's corporate plan.

DETAILS OF ANY ALTERNATIVE OPTIONS

The Tenant Innovation Group considered a number of issues and alternatives in making its recommendations as to the model it would like to see progressed. Proposals have been further developed after research into good practice at a national level.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:

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CALL-IN FOR SCRUTINY

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11 October 2012

This record relates to Agenda Item 57

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ARMED FORCES COMMUNITY
COVENANT

AUTHOR: CLAIR HOPKINS, MARY EVANS

THE DECISION

- (1) That the Brighton & Hove Community Covenant attached as Appendix 1 to the report be approved;
- (2) That the establishment of a Military Civil Partnership Board to support the Brighton and Hove Armed Forces Community be approved; and
- (3) That the re-launch of the Brighton & Hove Heroes Welcome campaign to show support to British Armed Forces personnel in the city be approved.

REASON FOR THE DECISION

Reasons for recommendations are documented throughout the process for developing the Brighton & Hove Community Covenant and are outlined in this report & supported by the attached appendices.

DETAILS OF ANY ALTERNATIVE OPTIONS

No other options have been considered this is a voluntary Covenant to be signed up to by public bodies, local businesses and voluntary organisations, in conjunction with the Armed Forces.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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11 October 2012

This record relates to Agenda Item 58

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: INSTALLATION OF AUTOMATIC METER
READING (AMR) EQUIPMENT TO
ELECTRICITY, GAS, WATER & HEAT
METERS

AUTHOR: ANGELA DYMOTT

THE DECISION

That the Head of Property and Design be authorised to approve the procurement and award of:

- (i) A contract with a term of five years for the purchase and installation of AMR equipment to all Priority 1 and 2 sites for water, gas, electricity and heat metered supplies to schools, common ways of housing flats and other corporate buildings through the existing Government Procurement Services framework agreement at an estimated initial cost of up to £500,000 with subsequent annual data collection charges estimated at £60 per meter per annum (up to £50,000 per year) for five years; and
- (ii) A contract with a term of five years for the provision of a suitable AMR monitoring software tendered using an open procedure in order to maximise the benefits of the AMRs including consumption monitoring, high consumption alerts and web-based 'live' information available to schools and building users. The cost of the contract for the AMR monitoring software is included in 1 (i) above.

REASON FOR THE DECISION

This report proposes the purchase and installation of Automated Meter Reading (AMR) equipment into a prioritised list of council buildings and the procurement of AMR monitoring software to increase the accuracy and timeliness of our consumption data.

The benefits of this approach are detailed in **Appendix C** and in summary include:

- The ability to target future energy efficiency schemes on the worst performing buildings ensuring investment is targeted to priority buildings and areas,
- Provides an early warning on changes to consumption allowing early intervention,
- Assessing the success or otherwise of energy efficiency projects providing essential feedback for inclusion in future schemes,
- Improved forecasting of energy and water budgets,
- Compliance with CRC requirements with an auditable history of consumption at each AMR site,
- Improved accuracy of Display Energy Certificate (DEC) reporting and
- By providing a user web portal to their consumption data on a virtually live

basis, building staff and occupants will be encouraged to make consumption savings including school children as an aid to the curriculum.

DETAILS OF ANY ALTERNATIVE OPTIONS

Do Nothing Option – Maintaining the status quo will result in continuing inaccurate water and energy consumption monitoring based predominantly on estimated billing. This will mean that our baseline data remains of poor quality potentially leading to poor budget management and overspends, unreliable assessment of future energy efficiency measures and an inability to target resources at the worst performing buildings. Water leaks will remain difficult to identify promptly resulting in higher than necessary bills and substantial water wastage.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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11 October 2012

This record relates to Agenda Item 59

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: VOLUNTARY DEDICATION OF LAND
UNDER THE CROW ACT

AUTHOR: ANGELA DYMOTT

THE DECISION

(1) That the dedication of land identified below as public access land into perpetuity under procedures set out in the CRoW Act be authorised:

- 1. Land at Ditchling Road (37.07 hectares)
- 2. Patcham Court (Patcham Court Valley) (96.32 hectares)
- 3. Patcham Court (Scare Hill & Tegdown North) (178.58 hectares)
- 4. Land at Plumpton (27.29 hectares).

REASON FOR THE DECISION

Under the council's City Downland Estate Policy it is the aim to significantly expand the amount of access land adjacent to the urban areas of Brighton & Hove. This supports the corporate plan and the council's priorities for a sustainable City protecting and enhancing the City's natural environment through the promotion of the City's Downland Estate to enable a healthier City, encourage adult participation in sport and active recreation and support ecotourism. In addition the City Downland Estate Policy promotes expansion of the amount of access land adjacent to the urban areas of Brighton & Hove for citizens and visitors to enjoy and experience. The council's managing agents, Smiths Gore have negotiated terms for 3 new leases (totalling 311.97 hectares) to include public open access. In addition open access is being permitted on land held under an existing lease by Plumpton College (27.29 hectares).

In order to protect the public rights of access into perpetuity it is recommended that the land identified in part 2.1 of this report be dedicated voluntarily under the provisions of the CRoW Act.

DETAILS OF ANY ALTERNATIVE OPTIONS

It is possible for the land identified to remain as permissive open access land without the CRoW Act dedication. This would allow the public access to be restricted in the future should new policies support a different approach.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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11 October 2012

This record relates to Agenda Item 60

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ACCELERATED WORKSTYLES

AUTHOR: ANGELA DYMOTT

THE DECISION

- (1) That the options appraisals for accelerated workstyles and the two possible future options as set out in the report at Section 3 be noted;
- (2) That the Strategic Director Place be granted delegated authority to carry out soft market testing and further development of the detailed business case, design, initial consultations and preparatory works to test out for the preferred options; and
- (3) That the Strategic Director Place be instructed to report back to Policy & Resources Committee on the outcome of the measures described in (2) above.

REASON FOR THE DECISION

The Council is committed to continuing the successful Workstyles programme modernising the council's business delivering many benefits that include customer improvements, financial savings and incentives for further financial savings through improved service delivery, large productivity savings and a significant reduction to the council's carbon footprint. More work needs to be done on the preferred future options but it is important that we are open and transparent about the work done so far so that our understanding can inform our choices on the best way forward. We welcome feedback and challenge to the recommendations and are open minded to any other ideas for consideration.

DETAILS OF ANY ALTERNATIVE OPTIONS

A large amount of work has been done to help us understand the options open to the council to accelerate the workstyles programme ranging from do nothing to the shortlisted four options outlined in the report. Options 1 and 2 have been ruled out as they do not make good business sense. Options 3 and 4 present the council with future possibilities that need to be tested out properly with staff, the market, planning assumptions, financial assumptions, analysis and efficiencies. We also need to understand the potential advantages of a more integrated approach.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services
Signed:



CALL-IN FOR SCRUTINY

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11 October 2012

This record relates to Agenda Item 61

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: CORPORATE PROCUREMENT OF
ENERGY - NON HALF HOURLY
ELECTRICITY (SUB 100KW)
CONTRACT COMMENCING APRIL 2013

AUTHOR: ANGELA DYMOTT

THE DECISION

- (1) That the Head of Property and Design be authorised to approve the procurement and award of a contract for a maximum period of four years for the Council's non half hourly (sub 100kW) electricity supply from 100% renewable sources through a flexible framework agreement offered by a Central Purchasing Body (CPB) following a Request for Information (RFI) evaluation process;
- (2) That the options available for the purchase of electricity on 'Standard', '100% Renewable' or 'Green Certified' electricity tariffs and approves the continuing minimum requirement for a '100% Renewable' tariff be noted;
- (3) That the Head of Property and Design be authorised to procure a 'Green Certified' supply of non half hourly (sub 100kW) electricity only if such a supply is available through the successfully evaluated CPB and at no additional cost to the 100% Renewable tariff; and
- (4) That a waiver of Contract Standing Order 12.6 to enable the contract to be entered into but not as a deed, provided that it is in a form agreed by the Head of Law be approved.

REASON FOR THE DECISION

This report seeks approval to undertake a Request for Information (RFI) process with Central Purchasing Bodies for the Council's non half hourly (sub 100kW) electricity supply contract that ends on the 31st March 2013. The report outlines alternative procurement and framework options, including information on renewable and green tariffs, and seeks delegated powers to enable expedient contract placement in order to maximise value for money within the volatile energy market.

DETAILS OF ANY ALTERNATIVE OPTIONS

Section 3.0 of this report describes the alternative option of procuring electricity direct with a utility company. However the risk of market volatility is reduced by opting for procurement through a Central Purchasing Body which is also considered to represent best value for money due to economies of scale and the CPB's purchasing power.

Section 4.0 describes the options for procuring electricity supplies through an alternative 'Standard' or 'Green Certified' tariff. A 'Standard' tariff does not support

any 'renewable' activity in the market place. A 'Green Certified' tariff will offer additional renewable activities which may include payment into a green fund to support additional renewable generation or carbon off-setting (depending on the supplier) however the availability of such a supply will often result in a unit price premium and supply through the preferred CPB procurement route is limited and therefore may not be available.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:

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11 October 2012

This record relates to Agenda Item 62

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: COMMUNITY RIGHTS UNDER
LOCALISM ACT 2011

AUTHOR: ELIZABETH CULBERT

THE DECISION

- (1) That the introduction of the Community Right to Challenge and the Community Right to Bid and the new rights they afford to local communities be noted;
- (2) That a window of opportunity for expressions of interest under the Community Right to Challenge as set out at paragraph 3.13 of the report be approved;
- (3) That the proposed procedure for administering an expression of interest under the Community Right to Challenge as set out in Appendix 1 to the report, including delegation to the relevant Strategic Director or Director the assessment of timescales for determining expressions of interest, within a minimum and maximum time period of 6 to 26 weeks be approved;
- (4) That the Head of Property and Design and to the Head of Law be granted delegated authority to take all steps necessary to comply with the statutory obligations placed on the Council in relation to the Community Right to Bid, including authority to determine appeals and claims for compensation; and
- (5) That officers be instructed to publicise details of the Community Right to Challenge and the Community Right to Bid on the Council's website, and in Town Halls and libraries, including how to submit expressions of interests and nominations.

REASON FOR THE DECISION

The Localism Act 2011 requires an authority to determine how it will meet the requirements for a 'Community Right to Challenge' and the 'Community Right to Bid.'

DETAILS OF ANY ALTERNATIVE OPTIONS

The council is required to identify a process of how it would treat any applications made under the 'Community Right to Challenge' or 'Community Right to Bid' and could have chosen alternative arrangements to those proposed.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 63

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: NOMINATION OF MEMBER TO SERVE
ON PROPOSED COASTAL WEST
SUSSEX STRATEGIC PLANNING
BOARD

AUTHOR: MIKE HOLFORD

THE DECISION

That Councillor MacCafferty as Deputy Leader of the City Council be nominated as the City Council's representative to serve on the Coastal West Sussex Strategic Planning Board.

REASON FOR THE DECISION

The City Council is required to co-operate effectively with other local authorities to consider development needs that extend across its boundaries. This approach is required to demonstrate the soundness of the City Plan. Membership of the Coastal West Sussex Strategic Planning Board is one way of meeting these objectives and demonstrating that the duty to co-operate has been met.

DETAILS OF ANY ALTERNATIVE OPTIONS

An alternative would be not to attend the Coastal West Sussex Strategic Planning Board. Alternative methods of co-operation are likely to be more time consuming and ponderous.

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 64

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: SHARED SERVICES: REQUEST FOR
SCRUTINY REVIEW

AUTHOR: TOM HOOK

THE DECISION

That officers be requested to bring a report to the next meeting of the committee outlining the work that was being undertaken in relation to the possibility of sharing services and the options available in regard to the introduction of shared services, taking into account the request submitted to the Overview & Scrutiny Committee by Councillor Theobald.

REASON FOR THE DECISION

N/a

DETAILS OF ANY ALTERNATIVE OPTIONS

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 65

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: NOMINATION OF A REPRESENTATIVE
FOR THE FIRE AUTHORITY

AUTHOR: MARK WALL

THE DECISION

That Councillor Duncan be nominated as the Council's sixth representative to the Fire Authority in place of Councillor Summers.

REASON FOR THE DECISION

N/a

DETAILS OF ANY ALTERNATIVE OPTIONS

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 66

RECORD OF DECISION

SUBJECT: ITEMS REFERRED FOR COUNCIL

AUTHOR:

THE DECISION

No items from the agenda were referred to the next Council meeting.

REASON FOR THE DECISION

N/a

DETAILS OF ANY ALTERNATIVE OPTIONS

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 67

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ACCELERATED WORKSTYLES -
EXEMPT CATEGORY 3

AUTHOR: ANGELA DYMOTT

THE DECISION

That the options appraisals for accelerated workstyles and the two possible future options as set out in the report at Section 3 and Appendix A be noted.

REASON FOR THE DECISION

As detailed in the Part One Decision Record (Item 60).

DETAILS OF ANY ALTERNATIVE OPTIONS

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 68

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: APPOINTMENT OF CHIEF EXECUTIVE

AUTHOR: MARK WALL

THE DECISION

- (1) That the Council be recommended to:
- (i) Appoint Ms Penny Thompson as Chief Executive and Head of Paid Service;
 - (ii) Approve the salary for the post to be set at £150K per annum; and
 - (iii) Approve the appointment to be effective on 12th November 2012 subject to the transitional arrangements referred to in paragraph 3.5 of the report; and
- (2) That the Director of Adult Social care (in her capacity as the Director with interim responsibility for Human Resources) and after consultation with the Leader of the Council, be authorised to take all steps necessary or incidental to implementation of the appointment, including any detailed terms or administrative arrangements that may be outstanding.

REASON FOR THE DECISION

The appointment of the Chief Executive and Head of Paid Service requires Council approval on the recommendation of a committee of the Council.

DETAILS OF ANY ALTERNATIVE OPTIONS

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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11 October 2012

This record relates to Agenda Item 69

RECORD OF DECISION

SUBJECT: PART TWO MINUTES – EXEMPT
CATEGORY 3

AUTHOR: MARK WALL

THE DECISION

The minutes of the last meeting held on the 12th July and the Special Meeting held on the 6th September were approved as a correct record of the meeting.

REASON FOR THE DECISION

DETAILS OF ANY ALTERNATIVE OPTIONS

Proper Officer:

Date: 12 October 2012

Mark Wall, Head of Democratic Services

Signed:



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