

**BRIGHTON & HOVE CITY COUNCIL****CABINET****2.30PM 9 DECEMBER 2009****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

**Also in attendance:** Councillors Hawkes (Opposition Spokesperson), Watkins (Opposition Spokesperson) and Randall (Opposition Spokesperson)

**Other Members present:** Councillors Hamilton, Taylor, Smart, Oxley and Marsh

**PART ONE****120. PROCEDURAL BUSINESS****120a Declarations of Interests**

120a.1 There were none.

**120b Exclusion of Press and Public**

120b.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).

120b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 138 onward.

**121. MINUTES OF THE PREVIOUS MEETING**

121.1 **RESOLVED** - That the minutes of the meeting held on 12 November 2009 be approved as a correct record.

**122. CHAIRMAN'S COMMUNICATIONS**

- 122.1 The Chairman noted that the meeting would be web cast.
- 122.2 The Chairman reported that the Cabinet decision in relation to the Three Year Grants Programme had been called in for scrutiny. The Overview and Scrutiny Commission had not recommended a full scrutiny of the report and the decision had now been implemented. The Commission had made some additional recommendations and these would be implemented. All groups and organisations affected by the delay caused by the 'call in' had been contacted.
- 122.3 The Chairman reported that the city had recognised World Aids day on 1 December 2009. The city marked the event with a series of information events, fundraisers and memorial services. The Council remained committed to combating the disease and remembering those whose lives had been affected.
- 122.4 The Chairman announced that roadworks in the city would be suspended over the Christmas period for the second year running to give the local economy a boost. She thanked those responsible for making the city centre look festive.
- 122.5 The Chairman announced the ten priorities that the Council would be working to deliver over the coming year (for details see web cast):
1. Better Homes
  2. Stronger Communities
  3. Civic Renewal
  4. World Class City
  5. Community Safety
  6. Positive Futures
  7. City Circle
  8. First Class Education
  9. Sustainable City
  10. Sustainable Economy

**123. ITEMS RESERVED FOR DISCUSSION**

- 123.1 The Chairman explained that Item 135 Response to the report of the Environment & Community Safety Overview & Scrutiny Committee on 'Older People and Community Safety' would be brought forward on the agenda to be considered after Item 130.
- 123.2 **RESOLVED** – That all items be reserved for discussion.

**124. PETITIONS**

- 124.1 There were none.

**125. PUBLIC QUESTIONS**

- 125.1 There were none.

**126. DEPUTATIONS**

126.1 The Chairman reported that one deputation had received from Saltdean Residents' Association, which related to Item 130 Administrative Boundary Review – Saltdean, and that she intended to take both items together (see Item 130).

126.2 **RESOLVED** – That the deputation be noted.

**127. LETTERS FROM COUNCILLORS**

127.1 There were none.

**128. WRITTEN QUESTIONS FROM COUNCILLORS**

128.1 There were none.

**129. NOTICES OF MOTION**

129.1 There were none.

**130. ADMINISTRATIVE BOUNDARY REVIEW - SALTDEAN**

130.1 The Cabinet considered a report of the Director of Strategy & Governance concerning issues relating to a possible administrative boundary review of the Saltdean area (for copy see minute book).

130.2 Mr O'Connor presented a deputation on behalf of Saltdean Residents Association (SRA). He explained that the SRA had been disappointed by the Governance Committee's decision not to commit to a conducting a survey. He welcomed the Council's support, but contended that it did not provide the Boundary Committee with sufficient evidence to persuade them that a boundary review was necessary.

130.3 The Chairman explained that she understood the strength of feeling from the SRA. She noted that the Council had been working with the SRA and had no objections to conducting a survey, but that the timing of it would be key given the imminent changes to the Boundary Committees' working practices.

130.4 Councillor Oxley, Chairman of the Governance Committee, addressed the Cabinet and explained that since the last meeting of the Governance Committee the Boundary Committee had been approached for further information as regards the weight that might be afforded a survey conducted by a local authority. The Boundary Committee had not yet developed comprehensive guidance concerning how an area would be selected for review and how any review would be carried out; it was likely to require an evidence base, but the type of evidence was not yet clear. Councillor Oxley explained that it would be advisable to wait until the guidance was published before carrying out a survey; once available, the Council could work with Lewes District Council and East Sussex County Council to conduct a survey if it was necessary.

- 130.5 Mr O'Connor stated that if no guidance had been issued, the Council should encourage the Boundary Committee to use surveys as their prescribed approach. He asked that the recommendations in the report be amended to reflect a firm commitment to conducting a survey.
- 130.6 The Chairman stated that she was happy to make a firm commitment to carrying out a survey at the appropriate time whilst being mindful of any guidance published by the Boundary Committee.
- 130.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Saltdean Residents' Association's request for an administrative boundary review of the Saltdean area be supported, and officers be instructed to write to the Boundary Committee for England strongly supporting the request and asking for the review to be expedited; and
  - (2) That Cabinet notes Saltdean Residents' Association's request for the council to conduct a local referendum or survey on the matter and, ~~whilst understanding the rationale for the request, does not proceed with the proposal for the reasons set out in the report~~ agrees to conduct a survey at the appropriate time, with due regard to any guidance on the exercise of administrative boundary reviews published by the Boundary Committee for England (or successor body), and to the desirability of conducting any such survey in association with Lewes District Council and East Sussex County Council.
  - (3) That the decision on (1) and (2) be reported to Council, for information.
  - (4) That the decision on (1) and (2) be communicated to Lewes District Council and East Sussex County Council, also for information.

### **131. BUDGET UPDATE AND DIRECTORATE BUDGET STRATEGIES FOR 2010/11**

- 131.1 The Cabinet considered a report of the Director of Finance & Resources detailing latest budget information, including the budget strategies for each service (for copy see minute book).
- 131.2 The Chairman advised that it was vitally important to protect council tax payers as much as possible, but also to increase investment in priority areas. She added that stories in relation to cuts to services were unhelpful and distressing to service users and their families.
- 131.3 Councillor Hamilton stated that he looked forward to the full debate at Council in February. He made the following comments:
- In relation to national indicators, the proposed 2.5% increase in council tax was not in line with the rate of inflation. It would be difficult for the Administration to adhere to previously stated positions.
  - The efficiencies proposed for the Children & Young People's Trust were too severe; it was difficult to see how they would be met, particularly in relation to home-to-school transport

- The proposals showed that funding coming in for education services would be diverted to cover other services
- Proposals to introduce 'systems thinking' were likely to result in staff cuts

He added that given the pressures evident from the 2010/11 budget, it was clear that circumstances would be more difficult for the following year when the Council would have to make even more savings.

- 131.4 The Chairman explained that the Administration's proposals reflected the need for long-term financial planning, which would ultimately improve the Council's financial stability.
- 131.5 Councillor Randall accepted that the proposals had to be produced in a difficult economic climate. The Green Group were working on their own proposals, which would focus on protecting frontline services, reducing inequalities to create a fairer city and supporting the orderly transformation of Brighton and Hove in to a low carbon city. He added that he was pleased that there were no plans to close the supported employment facility at Castleham.
- 131.6 Councillor Brown explained that Children's Services faced the challenge of making efficiency savings whilst dealing with increasing demands on services. The criteria for home-to-school transport would be reviewed, in addition to procurement for the service. She stated that continuing to protect vulnerable children was the first priority for the directorate.
- 131.7 Councillor Watkins requested that Members be provided with a copy of the Leader's 10 priorities as it would make the budget proposals clearer. He also added his concern to the pressure on Children's Services.
- 131.8 Councillor Fallon-Khan advised that the Administration was committed to financial responsibility and would not allow the tax payer to suffer. The Council would be driving efficiencies that would result in improvements for both the organisation and the city. Councillor Fallon-Khan thanked officers for their support for the new way of working on budget proposals.
- 131.9 Councillor Young stated that, despite that change to the economic climate, the Administration had adhered to the promise made when they were elected in relation to keeping the rate of council tax low.
- 131.10 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the latest budget projections and the key budget issues for future years be noted.
  - (2) That the reserves allocations set out in paragraphs 3.4 and 3.5 of the report be considered and agreed.
  - (3) That the risk provisions set out in table 4 of the report be considered and agreed.

- (4) That the budget strategies for each service as set out in appendix 1 to the report be considered and agreed.

**132. LOCAL AREA AGREEMENT & ORGANISATIONAL HEALTH: 09/10 MID YEAR PERFORMANCE**

- 132.1 The Cabinet considered a report of the Director of Strategy & Governance concerning latest performance against Local Area Agreement indicators and the Council's organisational health indicators (for copy see minute book).
- 132.2 In response to remarks from Councillors Hawkes and Randall the following comments were made:
- **NI130 direct payments:** work in relation to this target was heading in the right direction;
  - **NI135 support for carers:** a ringfenced grant existed for providing respite care. Carrying out the required number of carer assessments would be a challenge, but it was expected that the target would be reached. Personalisation represented the biggest change in social care for many years and the Personalisation Board was working hard to achieve targets.
  - **NI154 new additional homes provided:** the Council had submitted a bid to the Homes and Communities Agency (HCA) to build new additional council homes and expected to hear the outcome in the New Year. The Council was also looking at pockets of land on HRA land and considering putting in bids to the HCA to build on them. Registered Social Landlords had come forward wanting to provide new family housing in the city, but were encountering problems at the planning stage.
  - **L14 reduce the number of suicides:** the information in relation to the number of suicides was from 2005-2007; the NHS possessed more up to date data that showed an improvement.
- 132.3 Councillor Randall noted the improvements to NI158 percentage of non-decent council homes and NI171 new businesses started.
- 132.4 Councillor Kemble stated that the Council actively encouraged new business start-ups and added that vacancy rates were low in comparison to the national average.
- 132.5 Councillor Smith reported positive performance in relation to L21 community engagement in local libraries and L22 number of school children on organised museum visits. He added that a number of projects across the city were contributing to L4 improving the Visitor Economy.
- 132.6 Councillor Theobald also reported positive performance in relation to NI47 the number of people killed or seriously injured in road traffic accidents and NI95c levels of graffiti.
- 132.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That it be noted that the impact of the recession is being seen more clearly on the Council's progress against economic outcomes and that increased effort and attention is required to ensure that the Council met as many of its commitments as possible by the end of 2009/10.
- (2) That all Cabinet Members continue to review any areas of poor performance on the LAA or Corporate Plan priorities and progress on the action plans in greater detail at future Cabinet Members Meetings.
- (3) That Cabinet instructs Officers to make sure that the Local Strategic Partnership/Public Service Board and thematic partnerships receive the full delivery plan on indicators that are off track to ensure that actions are taken to reach the targets.

### **133. ADULT SOCIAL CARE ANNUAL PERFORMANCE ASSESSMENT**

- 133.1 The Cabinet considered a report of the Director of Adult Social Care & Housing concerning the Council's Annual Performance Assessment for adult social care (for copy see minute book).
- 133.2 The Chairman and Councillor Norman thanked officers for their hard work in achieving an improved performance rating for the past year and advised that this was in no way linked to budget proposals for the forthcoming year despite reports in the media.
- 133.3 Councillor Randall stated that there was legitimate concern as to whether the standard achieved could be maintained under new budget proposals. He also noted that there had been concern voiced nationally about the work of the Care Quality Commission.
- 133.4 Councillor Hawkes congratulated officers on the assessment. She noted that the Council needed to ensure that best use was made of Community & Voluntary Sector Forum links and that the Safeguarding Strategy was fully accessible to people funding their own social care.
- 133.5 Councillor Norman advised that safeguarding was a high priority and that the Council was working hard on personalisation.
- 133.6 Councillor Watkins added his thanks to officers and to Councillor Norman for making improvements to a challenging service area. He added that the standard would be difficult to maintain in the anticipated economic climate.
- 133.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Annual Performance Assessment be noted.
  - (2) That the Improvement Plan be approved.

**134. HOUSING MANAGEMENT REPAIRS, REFURBISHMENT & IMPROVEMENT STRATEGIC PARTNERSHIP SUPER CENTRE PROPOSAL**

- 134.1 The Cabinet considered a joint report of the Director of Adult Social Care & Housing and the Director of Finance & Resources concerning proposals for a Housing Management Repairs, Refurbishment & Improvement Strategic Partnership Super Centre (for copy see minute book).
- 134.2 Councillor Randall welcomed the proposals and commented that it was a concept he had long supported. He hoped that a learning centre could be included in the building and added that the Council should push further in terms of procurement to secure additional savings.
- 134.3 In response to questions from Councillor Hawkes, Councillor Caulfield made the following comments:
- The internal layout of the building had not been finalised, there was capacity for a police base and discussions with the police were ongoing.
  - The proposals would initially be funded from HRA reserves, but would be built into the capital programme and included as part of the 30 year business plan.
  - Mears Limited had been chosen as the preferred bidder because tenants were impressed by their proposals. They would provide at least 200 apprenticeships, support social enterprise and the local community and tenants as a whole. It was hoped that the centre would become a community hub.
- 134.4 The Chairman stated that tenants had been asking for a Super Centre for some time and that the proposals would offer a visible and accountable base for services.
- 134.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet gives authorisation for the council to take a lease for 20 years of Unit 1, Fairway Trading Estate, Eastergate Road, Brighton subject to agreement of detailed terms to be approved by the Director of Finance & Resources.
  - (2) That Cabinet gives approval for the funding of the refurbishment costs of the Super Centre from HRA general reserves as set out in paragraph 3.11.

**135. RESPONSE TO THE REPORT OF THE ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE ON 'OLDER PEOPLE AND COMMUNITY SAFETY'**

- 135.1 The Cabinet considered a report of the Director of Environment detailing the Cabinet response to the scrutiny review of 'Older People and Community Safety' (for copy see minute book).
- 135.2 The Chairman welcomed Councillor Marsh to the meeting. She thanked Councillor Marsh for chairing the scrutiny panel and commended the panel's report.



- 135.3 Councillor Simson reported that the scrutiny panel's report had been welcomed by the Community Safety Forum and its members looked forward to the seeing the implementation plan taken forward.
- 135.4 Councillor Marsh stated that she was pleased that the scrutiny panel's recommendations would be taken forward in conjunction with the Council's partner organisations. She thanked the Partnership Community Safety Team and in particular the Head of Community Safety. Councillor Marsh also thanked the Head of Housing Management and Mr. Jim Baker, who first raised the issue. She reported that an information booklet would be published as part of the implementation plan and that this would be accessible to all older people. She hoped that the Council would work with the business community to encourage increased social spaces and day time activities for older people. She added that monitoring of progress against the implementation plan would be key.
- 135.5 In relation to recommendation 10 of the implementation plan Councillor Randall advised that the Council should be working more closely with LGBT and HIV/AIDS groups as the number of older people affected had increased. He also noted the increased problem of abuse against older people.
- 135.6 Councillor Watkins commended the report to the Cabinet in his capacity as a member of the scrutiny panel. He advised that monitoring of progress against the implementation plan would be key.
- 135.7 Councillor Caulfield explained that recommendation five of the implementation plan was partly addressed by the local lettings plans for over 50s in council housing and sheltered schemes. She requested that the recommendation be considered by the Housing Management Consultative Committee to allow tenants the opportunity to comment.
- 135.8 Councillor Simson confirmed that progress against the implementation plan would be monitored closely. She added that the Council was supportive of any third sector groups providing support to vulnerable groups.
- 135.9 **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 Older People and Community Safety, be noted.
  - (2) That actions detailed in the implementation plan be agreed.

Note: This item was brought forward at the request of the Chairman and considered following item 130.

**136. MAINTAINING BRIGHTON CENTRE ECONOMIC IMPACT**

- 136.1 The Cabinet considered a report of the Director of Culture & Enterprise concerning proposals for funding to be allocated to maintain the economic impact of the Brighton Centre (for copy see minute book).
- 136.2 The Cabinet and opposition Members agreed that the proposed work was essential to maintaining the economic vitality of the Brighton Centre and continuing to attract businesses to the city.
- 136.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet approves an allocation from the Brighton Centre Re-Development Reserve towards maintenance and operational needs of the existing Brighton Centre in order that the economic impact of the Venue can be maximised up to the point of re-development.
  - (2) That Cabinet instructs officers to continue to reassess the required level of the reserve once the latest feasibility study is completed; and
  - (3) That Cabinet notes the need for the council to build sufficient contributions within the Medium Term Financial Strategy to ensure the level of the Brighton Centre Redevelopment Reserve is adequate to support the development.

**137. HOLLINGBURY AND WATERHALL GOLF COURSES - AWARD OF MANAGEMENT CONTRACT**

- 137.1 The Cabinet considered a report of the Director of Environment concerning the award of the management contract for Hollingbury Park and Waterhall golf courses (for copy see minute book).
- 137.2 Councillor Smith advised that the successful bidder was Mytime Active and that this information could now be released to the press and public.
- 137.3 Councillor Hawkes welcomed the report and added that, as a ward councillor for Hollingdean and Stanmer, she recognised the importance of Hollingbury Golf Course to its surrounding area.
- 137.4 Councillor Randall welcomed the award of the contract to a social enterprise organisation. He praised the inclusion of the Culture, Tourism & Enterprise Overview & Scrutiny Committee in the procurement process and hoped that this approach would become the norm.
- 137.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendation:
- (1) That the tender received from Tender A (Mytime Active) to manage Hollingbury Park and Waterhall golf courses for a period of 10 years commencing 1 April 2010 be approved.

**PART TWO SUMMARY****138. HOUSING MANAGEMENT REPAIRS, REFURBISHMENT & IMPROVEMENT STRATEGIC PARTNERSHIP SUPER CENTRE PROPOSAL**

138.1 The Cabinet considered a joint report of the Director of Adult Social Care & Housing and the Director of Finance & Resources concerning proposals for a Housing Management Repairs, Refurbishment & Improvement Strategic Partnership Super Centre (copy circulated to Members only).

138.2 **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:

**139. MAINTAINING BRIGHTON CENTRE ECONOMIC IMPACT**

139.1 The Cabinet considered a report of the Director of Culture & Enterprise concerning proposals for funding to be allocated to maintain the economic impact of the Brighton Centre (copy circulated to Members only).

139.2 **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.

**140. HOLLINGBURY AND WATERHALL GOLF COURSES - AWARD OF MANAGEMENT CONTRACT**

140.1 The Cabinet considered a report of the Director of Environment concerning the award of the management contract for Hollingbury Park and Waterhall golf courses (copy circulated to members only).

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

**141. PART TWO ITEMS**

141.1 **RESOLVED** – That, subject to the publication of the successful bidder for the management contract for Hollingbury and Waterhall Golf Courses, items 138, 139 and 140, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.44pm

Signed

Chair

Dated this

day of