

**BRIGHTON & HOVE CITY COUNCIL****CABINET****4.00PM 23 SEPTEMBER 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

**Other Members present:** Councillors

**PART ONE****54. PROCEDURAL BUSINESS****54a Declarations of Interest**

54a.1 There were none.

**54b Exclusion of Press and Public**

54b.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).

54b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of Item 73 onwards.

**55. MINUTES OF THE PREVIOUS MEETING**

55.1 **RESOLVED** - That the minutes of the meeting held on 22 July 2010 be approved as a correct record.

**56. CHAIRMAN'S COMMUNICATIONS**

- 56.1 The Chairman noted that the meeting would be web cast both online and at Jubilee Library.
- 56.2 The Chairman welcomed everyone back after the summer break, and welcomed those who were watching the meeting at Jubilee Library as part of the Democracy Day event.
- 56.3 The Chairman stated that many of the reports for consideration focused on finance.
- 56.4 The Chairman was pleased to report that Brighton & Hove Seaside Community Homes had formally responded to the council's offer in setting up a housing Local Delivery Vehicle. This would give the council a capital receipt and additional investment to help refurbish housing stock. The Chairman thanked the Board for the hard work which had been undertaken to reach this position. A report would come to a future meeting of Cabinet to advise on progress made on reaching a deal with the funders.
- 56.5 The Chairman congratulated Democratic Services for achieving their ISO award. Democratic Services worked hard to support Members through coordinating paperwork for meetings, supporting member development and arranging events such as Democracy Day.
- 56.6 The Chairman congratulated the organisers and winners of the recent Sussex Eco Awards.

**57. ITEMS RESERVED FOR DISCUSSION**

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

**58. PETITIONS**

- 58.1 A petition had been due to be presented, but at the request of the petitioner had been deferred.

**59. PUBLIC QUESTIONS**

- 59.1 There were none.

**60. DEPUTATIONS**

- 60.1 There were none.

**61. LETTERS FROM COUNCILLORS**

- 61.1 There were none.

**62. WRITTEN QUESTIONS FROM COUNCILLORS**

- 62.1 The Chairman reported that one written question had been received:

62.2 Councillor Hamilton had submitted the following question:

“It is frequently stated that there is a large unskilled workforce in this country. What training and courses leading to career pathways are available to unskilled council employees in order that they may have the opportunity to improve their prospects and aspirations of career development, and are there any plans to increase this provision?”

62.3 Councillor Hamilton was unable to attend the meeting, officers would respond in writing.

### **63. NOTICES OF MOTION**

63.1 There were none.

### **64. TARGETED BUDGET MANAGEMENT (TBM) MONTH 4**

64.1 The Cabinet considered a report of the Director of Finance & Resources setting out the revenue and capital forecast outturn position as at month four.

64.2 Councillor Mitchell welcomed the Value for Money Programme, particularly the Re-enablement Strategy. Councillor Mitchell noted with concern the overspend in Communications, which had occurred for the second year running. The purchase of new gritters was welcomed. The loss of the play building funding was regretted, and was concerned that consultants had been paid £70k but there wasn't sufficient fund to pay for a new playground.

64.3 The Chairman noted the concerns about the budget for Communications, explaining that previously Communications had been part of the Environment Directorate and the current administration had taken the decision to make Communications a corporate team. This change had impacted on the budget, but would bring savings in the long term.

64.4 Councillor Randall noted the overspend in Area Integrated Working, which was mainly due to use of agency social work staff and an increase in court fees. Council Randall asked how long agency staff were employed for, and whether those who jobs were at risk could be moved to those positions where agency staffed were used. The Housing Culture and Enterprise Directorate had a new budget of £300,000 to recommission 46 HRA dwellings and Councillor Randall asked for more information about the timetable for that. It was noted that the mobile library would be replaced and asked if the new library could be as green as possible. Councillor Randall was concerned that when events such as Burning of the Clocks were held, the organisers would be responsible to pay for the loss of parking revenue. The Chairman offered a written response on the final point.

64.5 Councillor Watkins was pleased to note that new gritters were being purchased that would be able to manoeuvre up steep and narrow roads.

64.6 Councillor Young stated that agency staff would not be used and where possible staff would be retrained to undertake other positions.

- 64.7 Councillor Caulfield referred to the budget of £3000k for the 46 properties and stated that surveys had been completed and the budget available should be sufficient to undertake the work needed to ensure the properties could be put back into use.
- 64.8 Councillor Brown stated that agency staff were only used in exceptional circumstances. There had been a shortage in social workers, but a number of new social workers had recently been employed. The increase in court fees was difficult, but it was necessary on occasion to take court proceedings and the fees had to be paid.
- 64.9 Councillor Theobald stated the Events Team dealt with events such as Burning of the Clocks and the matter would be referred to them and they would respond to Councillor Randall.
- 64.10 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the provisional outturn position for the General Fund be noted.
  - (2) That the provisional outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2010/11 be noted.
  - (3) That the changes to the capital programme, as set out in appendices 3, 4, and 5, be approved.

**65. RESPONSE TO THE RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMISSION'S CLIMATE CHANGE ADAPTATION SCRUTINY PANEL**

- 65.1 The Cabinet considered a report of the Acting Director of Strategy & Governance responding to the recommendations of the report of the Overview & Scrutiny Commission's Climate Change Adaptation Scrutiny Panel, including how the city could increase its preparedness for extreme weather events made more likely by climate change.
- 65.2 Professor Gordon MacKerron who chaired the scrutiny panel, was unable to attend the meeting but he provided a written statement to accompany the report which tabled.
- 65.3 Councillor Mitchell was delighted that Cabinet would, in principle, be agreeing the recommendations of the Panel. Some of the recommendations would need to be worked though but they were practical tools which would help the council.
- 65.4 Councillor Randall thanked the Panel for their report and commended Recommendation 8. Councillor Randall asked when the Adaptation Test would be used.
- 65.5 Councillor Alford said that the Adaptation Test would be looked at to ensure that the implementation of it was do-able and would help local businesses.
- 65.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the recommendations of the report from OSC be noted and the work of the scrutiny panel be acknowledged.
- (2) That further work in respect of the recommendations from the OSC, which fall beyond the remit of the Cabinet, be taken forward through the Brighton & Hove Strategic Partnership and the City Sustainability Partnership.

## 66. IMPROVING BRIGHTON CENTRE ECONOMIC IMPACT

- 66.1 The Cabinet considered a report of the Acting Director of Culture & Enterprise concerning proposals for re-designs for the front of the Brighton Centre recommended in order to improve the economic impact of the venue.
- 66.2 The Chairman commended the excellent work of the in house design team.
- 66.3 Councillor Simson thanked the officers on behalf of the Community and Voluntary Sector. Redundant equipment had been donated to many Third Sector organisations.
- 66.4 Councillor Mitchell stated that the Brighton Centre was a business hub and was key to the local economy. In requesting information as to the timescale for a replacement she noted the efforts the Labour administration had made to maximise its potential.
- 66.5 The Leader questioned Councillor Mitchell's comments and noted that the previous administration had announced that the Brighton Centre was being closed down and replaced, which was not the case, and had led to a loss of business for the Centre. The Leader noted that the current economic downturn had impacted on the ability to replace the Centre, but it remained a priority.
- 66.6 Councillor Randall stated that the changes were an improvement, but a new Centre was needed.
- 66.7 Councillor Watkins welcomed the changes, in particular the new seats.
- 66.8 Councillor Smith stated that SEEDA had previously committed 16m funding towards a new centre, but the funding had been withdrawn.
- 66.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That an allocation of £350,000 towards improvement works in order to deliver intermediate employment benefits to the city during the currently difficult economic climate, to be funded as indicated in paragraph 3.10 of this report, be approved.
  - (2) That officers be instructed to review the funding strategy in the medium term financial strategy to ensure that the level of the Brighton Centre re-development reserve is adequate in future years to support the proposed development.

**67. WAIVERS OF CONTRACT STANDING ORDERS**

67.1 The Cabinet considered a report of the Director of Finance & Resources concerning all waivers authorised under Contract Standing Orders 18.2 & 18.3 compared to previous financial years.

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

- (1) That the action taken to reduce the number of waivers by more than 50% since 2007/08 be endorsed and the information set out in table 1 and the appendices be noted.

**68. CONTRACT FOR THE PROVISION OF MODERN RECORDS STORAGE SERVICES TO BRIGHTON & HOVE CITY COUNCIL**

68.1 The Cabinet considered a report of the Director of Finance & Resources seeking approval for the tendering of a contract for the provision of a Modern Records Management service and seeking to reduce the cost of the current service while mitigating legal risks to the Council.

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

- (1) That the tendering of a contract for the provision of a Modern Records Management service for a period of 3 years with an option to extend for 2 further years be approved.
- (2) That delegated authority be given to the Director of Finance & Resources to determine whether joint procurement with neighbouring authorities would be financially advantageous to the council at this time.

**69. RECRUITMENT ADVERTISING MARKETING & COMMUNICATIONS CONTRACT**

69.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval to contract jointly with East Sussex County Council and Sussex Police Authority for the provision of Advertising Marketing & Communications Services in order to negotiate more favourable terms of quality and cost in relation to the placement of recruitment adverts, public notices and media advertising.

69.2 Councillor Randall felt that the partnership with procurement was good, but suggested that some savings would be achieved through advertising on the internet rather than in papers.

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

- (1) That Brighton & Hove City Council enter jointly into tendering and letting a contract in conjunction with East Sussex County Council and Sussex Police Authority (the

Consortium) for the provision of Advertising Services and that the contract be for a period of five years with an option to extend for a further two years.

- (2) That, following a full European tender process, delegated authority be given to the Head of Human Resources to award the contract on behalf of the Consortium.

## **70. RESPONSE TO THE RECOMMENDATIONS MADE BY THE STAFF DISABILITIES SCRUTINY PANEL**

70.1 The Cabinet considered a report of the Acting Director of Strategy & Governance responding to the findings and recommendations of the Staff Disabilities Scrutiny Panel.

70.2 Councillor Watkins thanked Cabinet for accepting the recommendations of the Panel. The Council had excellent equality policies and it had been an interesting scrutiny panel to be involved in. The Disabled Workers Forum would be asked to ensure that agreed recommendations were carried out. Councillor Watkins wanted to remind everyone that 5<sup>th</sup> October 2010 as Disabled Workers Information Day and an event was being held at Hove Cricket Ground.

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

- (1) That the contents of the report be noted.
- (2) That important role played by the Occupational Health Service in promoting disability equality be noted.
- (3) That the formal response to each of the Scrutiny Panel's recommendations and planned actions as set out in Appendix 2 be agreed.

## **71. OLD MARKET TRUST**

71.1 The Cabinet considered a report of the Director of Finance & Resources concerning urgency action taken by her in accordance with Part 7.2 A 7(2) of the constitution ("Urgency Powers") in relation to the Old Market Trust.

71.2 Councillor Watkins said that local residents were sad that this had happened. In future, when that amount of money was involved, a member of the Council should sit on the board of trustees.

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

- (1) That the urgency action taken be noted.

## **72. SURVEILLANCE POLICY**

72.1 The Cabinet considered a report of the Director of Finance & Resources apprising Members of activities undertaken utilising powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the June 2010 and to confirming that the activities were

authorised in line with the necessity and proportionality rules and the council's priority of fair enforcement of the law.

72.2 Councillor Mears stated that a further report would come to Cabinet in November.

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

- (1) That the continued use of covert surveillance and the accessing of communications data as an enforcement tool to prevent and detect all crime and disorder investigated by its officers, providing the necessity and proportionality rules are stringently applied, be approved.
- (2) That the surveillance activity undertaken by the authority since the last report to Cabinet in June be noted.

### **PART TWO SUMMARY**

#### **73. PART TWO MINUTES OF THE PREVIOUS MEETING**

73.1 **RESOLVED** - That the Part Two minutes of the meeting held on 22 July 2010 be approved as a correct record.

#### **74. PART TWO ITEMS**

74.1 **RESOLVED** – That item 73, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of