

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 17 FEBRUARY 2011****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

Other Members present: Councillors Hamilton, Hawkes, Kemble, Kitcat and A Norman

PART ONE**151. PROCEDURAL BUSINESS****151a Declarations of Interest**

- 151a.1 Councillor Mitchell declared a personal and prejudicial interest in Item 173, a report of the Strategic Director, Resources concerning Brighton & Hove Estates Conservations Trust, as she Chaired the Trust, and would leave the meeting during consideration of the item.
- 151a.2 Councillor Fallon-Khan declared a personal and prejudicial interest in Item 173, a report of the Strategic Director, Resources concerning Brighton & Hove Estates Conservations Trust, as he was a member of the Trust, and would leave the meeting during consideration of the item.
- 151a.3 The Chairman declared a personal and prejudicial interest in Item 170, a report of the Strategic Director, Place concerning the Open Market Development Proposal, as she had family interests in the market, and would leave the meeting during consideration of the item.
- 151a.4 Councillor Randal declared a personal, but non- prejudicial, interest in Items 167 and 168, joint reports of the Strategic Director, Place and the Director of Finance concerning the Housing Revenue Account Revenue Budget and Capital Programme, as he was a board member of Brighton & Hove Seaside Community Homes Ltd.

151b Exclusion of Press and Public

- 151b.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).
- 151b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 173 onwards.

152. MINUTES OF THE PREVIOUS MEETING

- 152.1 **RESOLVED** - That the minutes of the meeting held on 20 January 2011 be approved as a correct record.

153. CHAIRMAN'S COMMUNICATIONS

- 153.1 The Chairman noted that the meeting would be webcast.
- 153.2 The Chairman announced that the council would be hosting an event would take place in March to consider the future of the city's high streets and work towards understanding the changing needs of consumers and businesses. The council's intention was to work with businesses and residents to deter the 'clone town' effect happening elsewhere.
- 153.3 The Chairman reported that earlier in February the council had hosted an event in relation to plans for the Brighton Station Gateway and that progress was made towards identifying a shared vision for the area, which would offer improvements for visitors and balancing the competing demands of pedestrians, cyclists and vehicles.
- 153.4 The Chairman advised that work on one of her 'Ten in 2010' priorities, Better Homes in the City, was currently focussing on improving housing quality, reducing fuel poverty and minimising CO² emissions. Housing Commissioning had been working with Climate Energy, the council's procured energy managing partner to maximise home energy efficiency investment options for tenants and residents by using Feed-in Tariffs. The Housing Management Consultative Committee would be reporting to tenants on the Home Energy Efficiency Options Appraisal and Feed-in Tariff proposals to offer tenants cheaper electricity and provide the council with an investment funding stream.

In addition Climate Energy had offered the council the opportunity to collaborate in a 'pilot' installation scheme covering the supply and installation of roof mounted photovoltaic systems on various public sector buildings. The pilot proposed to deliver the whole scheme at no cost to the client and manage the lifetime maintenance of the hardware for the period.

Work was underway to assess the potential benefits for the council of the government backed Feed-in Tariff scheme, and was specifically considering whether investment and energy savings could be gained before the Feed-in Tariff is reviewed in April 2012.

153.5 The Chairman advised that the city's three MP's were lobbying the Government in relation to proposed changes to visa arrangements, which could impact directly on the city's language schools and the contribution they made to the local economy and cultural diversity. She thanked the elected representatives for making the city's case.

153.6 The Chairman was pleased to report that Aung San Suu Kyi had been announced as the Director of the Brighton Festival for 2011. She added that the Civic Awareness Commission was working to ensure that cultural activity in the city was co-ordinated to allow for maximum engagement and opportunity, and that there was much to look forward to in the way of celebrations and events in the coming year. The Chairman also congratulated the new chair of the Brighton Fringe Festival on his appointment.

154. ITEMS RESERVED FOR DISCUSSION

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

155. PETITIONS

155. (i) Safeguard Carers' Funding

155.1 Mr Nick Fry presented a petition signed by 318 people calling for the council ring fence funding allocated for carers by the Government. Mr Fry was accompanied Ms Joan Hicks who explained that there were 22,000 carers in Brighton and Hove who collectively saved the city approximately £223m per year without adequate support. She called for the council to give an assurance that carers would receive at least the level of funding allocated to them by the Government.

155.2 The Chairman thanked Mr Fry and Ms Hicks for presenting the petition.

155.3 **RESOLVED** – That the petition be noted and referred to the next Adult Social Care & Health Cabinet Member Meeting.

156. PETITIONS DEBATED AT COUNCIL

156A Save School Sports Partnerships in Our City

156a.1 The Cabinet considered a petition referred following a Full Council debate on 27 January 2011 concerning the future of School Sports Partnerships in the city.

156a.2 The Chairman advised that a Notice of Motion on the same subject had also been debated at the Council meeting and that both items would be responded to under Item 161A.

156a.3 **RESOLVED** – That the petition be noted.

157. PUBLIC QUESTIONS

157.1 The Chairman reported that three public questions had been received, but that question (a) had been withdrawn by the questioner.

157.2 Ms Maggie O'Connor asked the following question:

"The statutory duties still in force and currently delivered through Connexions IAG staff are:

- * (a) the Education and Skills Act 2008
- * (b) The Employment and Training Act 1973
- * (c) Section 139 of the Learning and Skills Act 2000 and the SEN code of practice

Please tell us which specific delivery tasks will no longer be undertaken for each of the following groups of young people who:

- a) are NEET
- b) have Learning Difficulties or Disabilities
- c) attend schools and colleges?

The new configuration could deny residents their legal entitlement and leave the City Council open to litigation."

157.3 Councillor Brown gave the following response:

"The report the Cabinet will consider this evening carefully identifies the current legal duties of IAG staff and how these duties will change and develop under the Education Bill, currently being considered by Parliament, which had its second reading on 8 February.

The proposed service redesign will allow the council to meet all its existing statutory duties towards all of the groups of young people you have identified and also help position schools and the council to be ready for the new duties imposed on schools by the Education Bill when that becomes law. Thus, the remodelled service being proposed has been the subject of careful legal advice and, if approved, we are confident it will meet all our legal obligations."

157.4 Ms O'Connor asked the following supplementary question:

"In the light of parents and special needs support groups are already expressing deep concern about the proposed dramatic reduction in service, that the local is still required to support young people with special needs and write Section 139 assessments up to the age of 25, that at present there are almost four full-time dedicated staff working in special schools only; how will young people with special needs in mainstream schools and colleges receive their statutory entitlement given that the proposal is for four LDD advisors to deal with approximately 4,000 special needs young people across the city?"

157.5 Councillor Brown gave the following response:

“As I’m sure you know, we have increased the number of staff from the earlier proposals having listened to the staff and there are four PAs who will be working with SEN young people. We’re also putting some extra help into the schools to get them to prepare for the fact that it will be their duty to do IAG advice for young people in future.”

157.6 Mr Mark Fleming asked the following question:

“The 26.01.11 Scrutiny committee stressed the importance of early intervention to reduce the number of children in care. Proposed 50% cuts in Education Welfare Service will seriously reduce the chance for early intervention from this frontline service. In the last academic year, there were 1077 referrals to EWS; without early intervention, many referrals would go to social care and be dealt with in a more costly and inefficient way with implications for safeguarding children. Savings involved in reducing EWS are likely to be outweighed by the increased number of children taken into care. How can this obvious contradiction be justified?”

157.7 Councillor Brown gave the following response:

“The proposed 50% reduction in funding for the Education Welfare Service will result in a staff reduction of approximately 35%, not 50%. While Education Welfare Officers play a significant role in safeguarding through early intervention work related to school attendance, there is no evidence available to confirm that this work actually reduced the number of children taken into care.

Within the redesigned School and Community team operational delivery to schools, families, to children and young people would be organised through school-based community clusters in order to maintain a fully integrated community based service at the point of delivery. This model protects front line delivery to children, young people and families, especially the most vulnerable. There will be a clear focus on prevention through use of the Common Assessment Framework (CAF) and Team Around the Family (TAF); and this in addition to continued capacity building of school staff through schools and clusters to identify and address problems early.

Linked to this is our decision to preserve SureStart, as we recognise early intervention, not just early in terms of case work, but also at an early age.

The proposals outline a different model of service for the Education Welfare Service; it is proposed that Education Welfare Officers will no longer have a specific time allocation for each school, but will focus on specific support to schools in categories and schools where the data demonstrates they have poor attendance. In addition, the Education Welfare Service on interventions for targeted families, where attendance is a significant issue, through the CAF and the TAF. Future interventions will feature much more strongly Teams Around the Child (TAC), which will reduce duplication in effort and ensure that the child and their family sit at the heart of all our interventions.”

157.8 Mr Fleming asked the following supplementary question:

“How much do schools know about this consultation and have their wishes been taken into account?”

157.9 Councillor Brown gave the following response:

“We always consult with schools on matters that affect them.”

158. DEPUTATIONS

158.1 There were none.

159. LETTERS FROM COUNCILLORS

159.1 There were none.

160. WRITTEN QUESTIONS FROM COUNCILLORS

160.1 The Chairman reported that five written questions had been received from Councillor Kitcat.

160.2 Councillor Kitcat had submitted the following question:

“At the Council meeting 16th December 2010, Cllr Alford replied to my question in item 50(d) about media monitoring stating that:

"However, we now use an agency called Meltwater to monitor online news sources. The cost for 2011/12 will be £3,250, around half the annual cost we were incurring by monitoring print publications."

Yet an invoice dated 08/11/10, number 196845 and stamped received by BHCC on 14th January 2011 shows that the council is paying £1,762.50 for the "Guardian Digital Archive". The customer is marked as "15301/Brighton & Hove CC".

Why was this cost not included in Cllr Alford's response to my question in December 2010? And why, if as Cllr Alford stated that "Meltwater monitors 130,000 online news sources" is the Council spending £1,762.50 on access to the Guardian's news stories which surely must be covered by the Meltwater service and anyway is freely available via their website?"

160.3 Councillor Alford had circulated the following response:

“This cost was not included in my previous response because it does not relate to media monitoring and is nothing to do with the communications team. The invoice was sent in error to the council and should have been submitted to City College.

I have no idea how Councillor Kitcat obtained the invoice since it has not been received by the council's finance team. The council has not paid this invoice and has no record of ever paying this supplier.”

160.4 Councillor Kitcat asked the following supplementary question:

“In relation to the Communications department, the papers here show only an £11,000 efficiency saving and in the context of the efficiency saving that services affecting vulnerable people need to make, does the Cabinet feel this is an adequate saving?”

160.5 The Chairman deemed that the supplementary question was not relevant to the original question.

160.6 Councillor Kitcat had submitted the following question:

“Could the Leader explain why her administration, unlike Councils up and down the country including Kirklees and Lewisham, does not permit opposition councillors and the public access to the line-by-line budget?”

160.7 The Chairman had circulated the following response:

“The Council’s budget book for 2010/11 was published on the council’s website many months ago and gives clear information to anyone who wishes to read it about how the council spends its money. The detailed budget proposals for 2011/12 are on this agenda today.

All expenditure of over £500 is now publicly available on our website, allowing unprecedented scrutiny of Council spending.”

160.8 Councillor Kitcat asked the following supplementary question:

“It is normal practice in most councils for Members of all parties to take part in the setting of that budget in private; given the fact that Conservative Members are no longer on scrutiny panels and you don’t seek to include opposition party Members in budget setting, are you afraid of cross party working or are you just not very good at it?”

160.9 The Chairman gave the following response:

“In relation to scrutiny; we lost a Member just before Christmas and unfortunately we have a number of Members that have either been in hospital or are seriously ill. I don’t think your point about us not taking part in scrutiny is relevant; all people succumb to illnesses and I hope that you don’t experience the same circumstances within your Group.

Your second question around procedure; when I was an opposition councillor I didn’t have access to half of the information that you are able to obtain. Now it is far more open and transparent, but it is not procedure to publish the full budget book. I know you will be going through the budget line by line for Budget Council.”

160.10 Councillor Kitcat had submitted the following question:

“Why were Cabinet Members - or the Leader - not present at all Scrutiny meetings examining their Budget proposals?”

160.11 The Chairman had circulated the following response:

“Wherever possible, Cabinet members attended the scrutiny meetings examining their budget proposals. This was not possible in all cases – for example, Cllr. Theobald was in hospital when ECSOSC took place. I was not invited to any of the meetings.”

160.12 Councillor Kitcat asked the following supplementary question:

“Why did no councillor from the Administration attend OSC?”

160.13 The Chairman gave the following response:

“Unfortunately one of our Cabinet Members was rushed into hospital, and I wasn’t asked to attend. I take your point, but there are exceptional circumstances that are sometimes unavoidable.”

160.14 Councillor Young advised that she had been unable to attend the Overview & Scrutiny Commission meeting because of her employed work as an accountant, but that she had offered to attend if the meeting was rearranged for a different date.

160.15 Councillor Kitcat had submitted the following question:

“Does the Leader really believe that the provision made in her budget for commissioning community development work is adequate to support the needs of deprived communities across the city?”

160.16 The Chairman had circulated the following response:

“Yes.”

160.17 Councillor Kitcat asked the following supplementary question:

“Can you back up your short answer? In the budget papers the Impact Assessment does raise risks with regard to Community Development work; so what facts are you basing your assertion on?”

160.18 The Chairman gave the following response:

“We have gone right across the Community & Voluntary Sector and have had many detailed discussions. We are quite confident and we have the Impact Assessment, which does have the information about risk and equalities and all the other information that you require.”

160.19 Councillor Kitcat had submitted the following question:

“Has the administration considered the joint impact on vulnerable individuals of BHCC service cuts and national government cuts, such as changes in the Disability Living Allowance? What evidence is there of this and can it be made public to allow a full scrutiny of the budget?”

160.20 The Chairman had circulated the following response:

“Has the administration considered the joint impact on vulnerable individuals of BHCC service cuts and national government cuts, such as changes in the Disability Living Allowance? What evidence is there of this and can it be made public to allow a full scrutiny of the budget?”

160.21 Councillor Kitcat asked the following supplementary question:

“Can you point out where the Disability Living Allowance is specifically addressed in your Equality Impact Assessment?”

160.22 Councillor Norman gave the following response:

“There has been an ongoing consultation on this subject, which finished on 14 February and when those conclusions are arrived at we’ll be able to give you further information.”

161. NOTICES OF MOTION

161A Maintain the Brighton & Hove Schools Sports Partnership "Sport for All"

161a.1 The Cabinet considered the following Notice of Motion proposed by Councillor Mitchell:

“This council notes with concern the attempts by the Secretary of State for Education, Michael Gove, to abolish the 450 School Sports Partnerships in the country that include the Brighton & Hove Schools Sports Partnership based at Dorothy Stringer School that now stands to lose its previous funding of £320,000 per annum to run the Partnership.

The council further notes that government funding for school sports has been reduced with short-term funding from the Department for Education ending between 2011 – 2013.

The council reaffirms its support for the work of the Partnership and its Sports Co-ordinators that, through its involvement with all LEA schools, has significantly increased participation in sport, dance and healthy activities with thousands of Brighton and Hove young people taking part in activities provided by the additional 64 sporting clubs organised by the Partnership.

It particularly acknowledges and values the commitment from the 1,000 Volunteer Sports Leaders within the programme, both adults and year 10 and year 11 students.

It notes the comments of local Headteachers who have praised the work of the Partnership for its sharing of expertise and advice and who have seen how regular sporting activity has helped to raise educational attainment in their schools.

The council recognises that regular participation in enjoyable, varied sporting activity can improve the health and well being of young people and provide a positive outlet for competitive physical exercise and behaviour.

It acknowledges the success of this year's School Sports Festival that involved 19,000 of the city's young people.

Within the reduced funding regime this council requests the Cabinet to commit to:

1. Taking the lead, along with organisations such as Brighton & Hove Albion FC, Sussex Cricket Club, South East Dance and local gymnastic clubs, to ensure that access to the variety of sporting and other activities currently on offer to the city's young people does not diminish and that where possible budgets, premises, transport and expertise can be shared; and
2. Working quickly and pro-actively with all its schools, including Primary Schools, and local sports leaders, with the aim of maintaining a Brighton & Hove Schools Sports Partnership based on the ethos of 'Sport for All'.

The Council further requests the Chief Executive to write to the Secretary of State for Education highlighting the success of the Brighton and Hove School Sports Partnership and asking that he reconsiders his decision to reduce its funding."

162a.2 The Chairman invited Councillor Mitchell to speak to the motion.

162a.3 Councillor Mitchell stated that the Full Council had agreed the Notice of Motion and asked what proactive work was being undertaken in respect of the points raised.

162a.4 Councillor Brown advised that officers were in talks with schools to achieve the best outcomes for school sports provision. She noted that the government would be giving money to each secondary school to fund a PE teacher one day a week to work with each cluster of primary schools. She advised that meetings had taken place with Brighton & Hove Football Club and the Cricket Club, who both worked with schools and the wider community, and that the council's Sports Development workers would continue to provide support to sustain and enhance sports provision. The main aim was to better co-ordinate sports provision across the city.

162a.5 In response to a question from Councillor Mitchell, Councillor Brown confirmed that discussions were still taking place with regard to specific provision within the budget for sports development targeted at schools with the aim of maintaining the additionality built up by the School Sports Partnership.

162a.6 Councillor Randall noted that the Extended Schools Programme did not cover all schools within the city and that a number of facilities within schools, which remained closed through school holidays, could be used by children across the city.

162a.7 Councillor Brown advised that use of school facilities had been improved and that the council would continue to build in this.

162a.8 **RESOLVED** –

- (1) That the Notice of Motion be noted.
- (2) That report be brought to the Cabinet concerning sports provision in the city.

162. TARGETED BUDGET MANAGEMENT (TBM) 2010-11 MONTH 9

- 162.1 The Cabinet considered a report of the Director of Finance concerning the council's revenue and capital forecast outturn position as at month 9.
- 162.2 In response to a question from Councillor Mitchell concerning proposals for a coach and lorry park in the city, the Chairman advised that possible sites were being identified and that she would write to Councillor Mitchell once more information was available.
- 162.3 Councillor Brown welcomed the work undertaken within Children's Services to reduce the overspend in their budget.
- 162.4 The Chairman thanked the finance officers and officers within individual departments for the significant work on achieving the position stated within the report.
- 162.5 **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 2 to 6, be approved

163. CONNEXIONS SERVICE

- 163.1 The Cabinet considered a report of the Strategic Director, People concerning the proposed redesigned provision for Brighton & Hove City Council to continue to fulfil its statutory responsibilities to provide a Connexions Service which provides a package of support for young people aged 13-19 years and up to 25 years for young people with Learning Difficulties / Disabilities / Special Educational Needs (LDD/SEN).
- 163.2 Councillor Brown explained that amendments had been made to the original proposals following consultation with staff and that the retention of 13.5 full time equivalent (FTE) posts was proposed, with the intention to redeploy remaining staff. The aim was to achieve a citywide integrated service.
- 163.3 Councillor Mitchell raised a number of concerns in relation to the future of independent advice for young people and stated that cuts to the service were too large and the redesign would not be adequate, despite responsibilities being passed to schools. She noted that the service would focus those most in need of help and queried how others

would access similar advice. She also noted that the Education Bill had not yet become law and that legal judgements were outstanding in other areas where local authorities had made changes to their Connexions services.

- 163.4 Councillor Randall highlighted concerns in relation to the impact of additional responsibilities being transferred to schools and the ongoing support for young people with special educational needs (SEN) in light of reduced resources. He stated that early intervention was essential for young people and that it was unwise to make significant cuts to the service at a time when unemployment amongst young people was rising.
- 163.5 Councillor Brown advised that the redesigned service would focus on those most in need, but that there would still be support for young people with SEN. Early intervention and prevention remained a high priority and schools would be able to provide the necessary advice with support from the council.
- 163.6 Councillor Mitchell requested a written breakdown of how the available funding would cover the redesign and staffing costs, and how the council proposed to fund schools to provide careers guidance for students when the statutory duty was introduced.
- 163.7 Councillor Fallon-Khan noted a number of misleading articles in the media in relation to the Connexions Service and the detrimental impact on staff and service users.
- 163.8 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the proposed model for a redesigned Connexions Service outlined in the report be approved.

164. GENERAL FUND REVENUE BUDGET & COUNCIL TAX 2011/12

- 164.1 The Cabinet considered a report of the Director of Finance concerning the council's 2011/12 General Fund Revenue Budget proposals.
- 164.2 In response to a query from Councillor Theobald concerning parking income, the Director of Finance explained that the information in Appendix 6 related to the Medium Term Financial Strategy and represented future predictions based on financial modelling.
- 164.3 The Chairman thanked finance officers for the significant amount of work put in to preparing the budget report. She noted that the report had been published two days late, but that the settlement announcement from Government had been delayed and the process was more complex than in the past. She highlighted the proposed 1% reduction in council tax and a number of projects for which funding had been released, including the refurbishment of Portslade Town Hall and £0.5m for youth services.
- 164.4 Councillor Mitchell stated that the lack of time afforded to local authorities by the Government to set their budgets was unacceptable and allowed little time for opposition councillors to consider the Administration's proposals in detail. She welcomed the protection of a number of key areas, but raised concerns about the

overall stability of the budget, including the risks associated with using equal pay reserves while equal pay issues remained outstanding. She questioned proposals to spend £1.1m on removing a cycle lane in light of significant cuts to services for vulnerable people, and stated that she anticipated more redundancies after the local elections in May.

- 164.5 The Chairman noted that the previous Administration had chosen not to deal with the equal pay issues and that the current Administration had taken significant steps to reach a resolution. She acknowledged Councillor Mitchell's concerns and stated that the budget had been signed off as financially sound by the council's Section 151 Officer as required. In relation the removal of the cycle lane in Grand Avenue and the Drive, she advised that it was not sufficiently utilised by cyclists and that its removal was justified.
- 164.6 Councillor Young advised that proposals to use reserves were designed to give something back to taxpayers during the difficult financial climate. She explained that there were currently 204 vacant posts within the council at a cost of £4.6m, and that it was preferable to delete those posts instead of making someone redundant.
- 164.7 Councillor Smith congratulated officers and Cabinet colleagues for their work over the past four years to mitigate the financial difficulties faced by the council and achieve a balanced budget despite a number of scare stories in the press. He stated that services for residents had increased through significant investment in schemes, such as the King Alfred Leisure Centre and the Brighton Centre, and that this would continue through the new budget proposals.
- 164.8 Councillor Hamilton raised concerns about the reliability of the budget in relation to the current and future rate of inflation and stated that a council tax reduction at this time would make the budget setting process more difficult in future years and was not appropriate when significant cuts were being made to services. He noted in particular the impact on schools of having to take on more responsibilities with less total funding.
- 164.9 The Chairman invited Sally Polanski, Chief Executive of the Community & Voluntary Sector Forum (CVSF), to address the Cabinet.
- 164.10 Ms Polanski welcomed the opportunity to put forward the comments and concerns of CVSF's 550 member organisations and advised that the CVSF commended the number of proposals including the re-ringfencing of Supporting People, Homelessness Prevention and Carers Grants, additional funding for Youth Services and Community Safety Services, sensible use of reserves, eg. to ensure transition for services undergoing significant change or affected by grant changes, and the ongoing commitment to the principle of protecting as far as possible the contribution made by the C&VS.

She advised that concerns remained about the full impact of proposed service changes and made the following comments:

- It was important to be aware of the findings of recent judicial reviews, which found in favour of appeals to decisions taken to cut services without there having been a

thorough Equality Impact Assessment; when would full EIAs take place for those services whose future was subject to the decision of the Full Council?

- Multi-agency impact assessments would be needed to understand the impact of multiple cuts on the communities.
- Providers (external and council) would be required to manage inflation within their budgets, and this would impact on the quality of service provision.

Ms Polanski highlighted five service areas where specific concern remained:

1. Community Safety – the extent of cuts to funding and the resulting impact on communities.
2. Connexions service redesign – the future of voluntary sector Connexions posts and the ongoing role of the voluntary sector in providing support to young people who are not in education, employment or training (NEET) or at risk of becoming NEET, which was in part dependent on the outcome of the youth services review.
3. Youth services – £500,000 allocated for the transition period while the youth services review was completed, but further clarity was needed on the actual budget for the services going forward and the process and timeframe for the redesign of the services and allocation of the transition funding.
4. Early Intervention Grant – more information was needed on where the grant was being invested how the short fall would be tackled.
5. Adult Social Care (ASC) – the expectation that contractors would shoulder cuts in ASC may result in an adverse affect on services and a drop in service quality and safeguarding risks. Some voluntary sector providers would not be able to achieve the necessary economies of scale and risked going out of business. There was no evidence alongside the savings anticipated through personalisation and serious concern remained about the adequacy of development work undertaken to prepare for the change in the independent providers' market and the potential for impact on service users.

164.11 Councillor Brown advised that no guarantees could be given in relation to voluntary sector Connexions posts because of the internal council redundancies. No cuts were currently proposed for youth services and opportunities for the CVS were anticipated following the completion of the youth services review.

164.12 The Chairman added that the purpose of the youth services review was to connect all of the youth service provision across the city. It was hoped that proposals would come forward in September and the CVS would be involved throughout the process.

164.13 Councillor Simson highlighted the council's commitment to working with the CVS and noted the intention to continue both the small grants and three-year grants programmes.

164.14 Councillor Norman stated that the budget proposals provided protection for frontline ASC services and that personalisation targets had already been exceeded. Officers were continuing to work hard to bring providers on board and also to ensure that the best safeguarding position possible was in place.

164.15 Councillor Randall questioned whether the level of savings anticipated through personalisation were achievable and stated that the money lost through the reduction

in council tax would be better spent on services for vulnerable people. He welcomed the retention of the Supporting People funding, but expressed concern in relation support in future years for people with mental health problems. He also noted the £50,000 reduction in funding for community safety and stated that it should not impact on drug prevention work in the city.

- 164.16 In response to comments from Councillor Hamilton in relation to residents' parking permits, Councillor Theobald advised the proposals represented a 7% reduction. He added that frontline services that mattered to residents, such as parks and CityClean, had been protected and value for money had been achieved through schemes like refurbishment of The Lanes car park.
- 164.17 The Chairman reported that Sussex Police Authority voted in favour of freezing their element of the council tax, but that Councillor Duncan, the council's representative on the Police Authority, voted against this. She advised that the Bank of England had predicted that inflation would soon decrease and that the Administration would continue to take care when spending taxpayers' money, while also protecting more jobs than many other local authorities.
- 164.18 Councillor Fallon-Khan stated that it was important to take the national financial situation seriously and recognise the impact it has had on people's lives. He added that frontloading simply meant that inevitable cuts would be made now instead of in the future.
- 164.19 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That, subject to 2.3 below, the 2011/12 General Fund Revenue Budget proposals be recommended to Council, including:
 - A 1% reduction in the Brighton & Hove element of the council tax.
 - The 2011/12 budget allocations to services as set out in appendix 1.
 - The council's net General Fund budget requirement for 2011/12 of £231.0m.
 - The commitments and reinvestments as set out in paragraph 3.49 including a reduction in the cost of residents parking permits and funding for free swimming for the under 11's.
 - The budget savings package as set out in appendix 10.
 - The value for money savings as set out in appendix 11.
 - The corporate budgets of £20.5m.
 - The contingency budget of £3.7m as set out in table 6.
 - The reserves allocations as set out in appendix 5 and paragraph 3.32.
 - The borrowing limit of £367m for the year commencing 1 April 2011.
 - The annual Minimum Revenue Provision statements as set out in appendix 8.
 - The prudential indicators as set out in appendix 9 to this report.
 - (2) That the Medium Term Financial Strategy budget and resource projections for 2011/12 to 2014/15, as set out in appendix 6, be noted.
 - (3) That it be noted that supplementary information needed to set the overall council tax will be provided for the budget setting Council, as listed in paragraph 4.5.

165. CAPITAL RESOURCES & CAPITAL INVESTMENT PROGRAMME 2011/12

165.1 The Cabinet considered a report of the Director of Finance concerning the council's 2011/12 Capital Resources and Capital Investment Programme proposals.

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

(1) That the following be recommended to Council:

- The Capital Investment Programme for 2011/12 and note the estimated resources in future years as detailed in appendix 1.
- To allocate £0.5m resources in 2011/12 for the Strategic Investment Fund for the purposes set out in paragraph 3.26.
- To allocate £0.5m for the ICT fund.
- To allocate £1.0m for the Asset Management Fund.
- The potential use of council borrowing as set out in table 5.

166. HOUSING REVENUE ACCOUNT BUDGET 2011/12

166.1 The Cabinet considered a joint report of the Strategic Director, Place and the Director of Finance concerning the Housing Revenue Account (HRA) Forecast Outturn for 2010/11 as at month 9 and the proposed Budget for 2011/12.

166.2 The Cabinet Member for Housing praised the Head of Housing Management & Social Inclusion and the Head of Finance, Business Engagement for their work on the HRA.

166.3 Councillor Randall acknowledged that improvements had been made, but that there was still much to do. In light of the recently published HRA Government consultation and the information on prudential borrowing, it appeared that the proposed new subsidy system would be beneficial. He noted the ongoing problems of high private sector rents and waiting lists for council housing.

166.4 The Chairman advised that the council had slipped out of housing subsidy as a result of the “no” decision in the housing stock transfer vote and that the new Government proposals would provide the council with more money to invest in its housing stock. She stated that the Administration was committed to improving tenants' homes and consulting with tenants at all times.

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

(1) That Council be recommended to:

- (a) Approve the budget for 2011/12 as shown in Appendix 1.
- (b) Approve individual rent increases and decreases in line with rent restructuring principles as determined by the Government.
- (c) Approve the changes to fees and charges as detailed in paragraph 3.17 to 3.26.

167. HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2011-2014

- 167.1 The Cabinet considered a joint report of the Strategic Director, Place and the Director of Finance concerning the 2011/12 capital programme for the Housing Revenue Account (HRA) and a provisional capital programme 2012/13 and 2013/14.
- 167.2 Councillor Randall welcomed proposals within the programme, but remarked that they were only small initiatives in light of the significant housing shortage within the city and the 50% reduction in the Government's capital housing programme; housing associations (HAs) were finding it increasingly difficult to provide housing in key schemes.
- 167.3 The Chairman stated that HAs were set up using public money and possessed assets that could be used to raise money. She commended the loft conversion and extension programmes that enabled people to achieve additional space whilst staying in their homes and communities.
- 167.4 Councillor Caulfield explained that when registered social landlords (RSLs) had sufficient funds they did not build housing that fitted the needs of the city; the Government proposals meant that the council would be able to build affordable family homes and RSLs should consider how they could utilise their assets to contribute.
- 167.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the capital programme budget of £30.697 million and financing for 2011/12, as set out in paragraph 4.1, be approved.

168. DEVELOPER CONTRIBUTIONS - INTERIM GUIDANCE

- 168.1 The Cabinet considered a report of the Strategic Director, Place concerning interim guidance on when and how Developer Contributions are sought in relation to development proposals.
- 168.2 Councillor Simson welcomed the proposals, which she felt would tackle frustrations about the use of developer contributions in areas other than the arts. She also welcomed the widening of the definition in relation to sports, recreation and play space.
- 168.3 Councillor Mitchell welcomed the interim guidance and plans to produce a supplementary planning document (SPD). She highlighted the expectation to seek affordable housing on a development site, but raised concerns about the flexibility available in relation to this.
- 168.4 The Chairman advised that developers had not always been able to provide affordable housing on-site while maintaining a viable development; the interim guidance offered flexibility to ensure that affordable housing was provided, but on alternatives sites when necessary.

- 168.5 Councillor Smith explained that it was important for the whole city to be able to benefit from developer contributions in areas other than the arts.
- 168.6 Councillor Caulfield stated that RSLs were not the only method of providing affordable housing; good quality affordable housing would be forthcoming if flexibility was afforded to developers to achieve a viable development by building affordable housing off-site.
- 168.7 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Interim Guidance on Developer Contributions (Attached as Appendix 1 – Supporting Documents) for: Affordable Housing, Local Employment and Training; Education; Open Space and Transport and travel, be approved until such time that it is replaced by an Infrastructure and Developer Contributions Supplementary Planning Document that will be informed by new legislation.
- 169. AN ACADEMY AT PORTSLADE COMMUNITY COLLEGE: UPDATE AND OUTCOME OF THE FORMAL CONSULTATION STAGE**
- 169.1 The Cabinet considered a report of the Strategic Director, Place concerning the proposed development of an Academy on the Portslade Community College site.
- 169.2 Councillor Mitchell commented that the report did not refer to discussions about the future of the Village Centre and continuing provision of the existing youth and community services.
- 169.3 Councillor Brown advised that the importance of the services had been recognised and highlighted the complex nature of funding. She explained that discussions were ongoing in relation to the library, the youth services review would consider the future of the Village Centre and the leisure centre was continuing to be funded; the Aldridge Foundation was committed to maintaining and expanding the community services available.
- 169.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That progress since the Cabinet report of 9th December 2010 be noted.
 - (2) That the outcome of the statutory stage of consultation undertaken between 20th December 2010 and 31st January 2011 be noted.
 - (3) That, taking into account the requirements of the Education and Inspections Act 2006, the statutory guidance contained in the document entitled 'Closing of a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies' and the responses to consultation, conditional approval be given to close Portslade Community College on 31st August 2011 to enable the immediate opening of an academy on the same site the following day.

(This approval is conditional upon the making of an agreement under Section 482(1) of the Education Act 1996 for the establishment of an Academy. This condition must be met by 30th June 2011.)

- (4) That authority be delegated to the Director of Children's Services to submit a feasibility study to the Department for Education (DfE) to enable the project to move into the Implementation Stage.
- (5) That agreement be given to the setting up of an academy on the site of Portslade Community College from September 2011.

170. OPEN MARKET DEVELOPMENT PROPOSAL

- 170.1 The Cabinet considered a report of the Strategic Director, Place seeking approval to appropriate the council land at the Open Market site for planning purposes, subject to a planning decision and in line with the Development Agreement for the Open Market scheme proposal.
- 170.2 The Chairman had declared a personal and prejudicial interest and left the meeting during consideration of the report. Councillor Simson chaired the meeting for the duration of the item.
- 170.3 Councillor Mitchell queried whether work must begin before the end of March in order not to jeopardise the funding available for the affordable housing.
- 170.4 The Strategic Director, Place advised that Hyde Housing Association had confirmed that the funding was still in place, but remained subject to the scheme achieving planning consent at the Planning Committee meeting on 23 February. He confirmed that the Homes and Communities Agency (HCA) had made a commitment to make approximately £4.2m available from the current three-year programme.
- 170.5 Councillor Fallon-Khan noted that a number of concerns had been raised and that more information was needed in relation to delivery and access times to the market, noise issues, temporary stalls and the increase in residential units. He requested that the decision be deferred to allow more time to examine the issues raised and suggested that a Special Cabinet meeting be arranged.
- 170.6 Councillor Caulfield noted concerns about the funding for the affordable housing, but advised that the market would not be sustainable under the proposed conditions.
- 170.7 Councillor Randall questioned why such fundamental issues had not been highlighted before and expressed concern about the HCA funding.
- 170.8 Councillor Simson noted that concerns had been highlighted since the publication of the Planning Committee agenda and the traders had legitimate concerns that needed to be addressed in order to guarantee the future of the market.
- 170.9 The Head of Law explained that, except for the Planning Committee meeting on 23 February, the decision on the report under consideration would be the final opportunity for Member involvement in the scheme. He advised that a short deferral was possible,

providing it did not prejudice the situation with regard to the HCA funding and associated timetable.

170.10 Councillor Simson stated that a Special Cabinet meeting would be required for the decision to be made following further consideration on the concerns highlighted.

170.11 Councillor Theobald suggested that the Cabinet meet after consideration of the issues by the Planning Committee.

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

- (1) That, having considered the information and the reasons set out in the report, the Cabinet **decided that the consideration of the item be deferred to a Special Meeting of the Cabinet to be arranged as soon as possible so as not to prejudice the council's ability to conclude agreements before 15 March 2011.**

171. **PATCHAM COURT FARM SITE – LONG LEASEHOLD DISPOSAL FOR COMMERCIAL DEVELOPMENT**

171.1 The Cabinet considered a report of the Strategic Director, Resources concerning bids for the disposal of Patcham Court Farm Site, following re-marketing by the appointed agents.

171.2 The Chairman reported that a letter had been received at 11.30am that day with regard to the proposed disposal and that it was necessary to note the recommendations and move into the Part Two private session to continue the debate.

171.3 The Head of Law confirmed that the contents of the letter would need to be taken into account when the recommendations were voted upon and that it was therefore necessary to move into Part Two.

171.4 Councillor Theobald stated that he was pleased to see progress in relation to the site and that a hotel development was appropriate for the site.

171.5 **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:
 - (a) The disposal of the site to Bidder A on a long lease of 125 years at a premium for a mixed hotel and office development subject to planning.
 - (b) Continuing discussions with Bidder B or any of the other bidders, or other parties which may come forward, in the event that the terms are not concluded.

Note: Following the Part Two debate the Cabinet agreed the recommendations within the report as detailed above and that the Part Two resolution (which was identical to the Part One recommendations) be included in the public part of the minutes.

PART TWO SUMMARY

172. PATCHAM COURT FARM SITE – LONG LEASEHOLD DISPOSAL FOR COMMERCIAL DEVELOPMENT

172.1 The Cabinet considered a report of the Strategic Director, Resources concerning bids for the disposal of Patcham Court Farm Site, following re-marketing by the appointed agents.

172.2 **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 and amended during the Part Two confidential debate.

173. BRIGHTON & HOVE ESTATES CONSERVATIONS TRUST

173.1 The Cabinet considered a report of the Strategic Director, Resources concerning Brighton & Hove Estates Conservations Trust.

173.2 Councillors Fallon-Khan and Mitchell had declared personal and prejudicial interests and left the meeting during consideration of the report.

173.3 **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.

174. PART TWO ITEMS

174.1 The Cabinet considered whether or not any of the above items should remain exempt from disclosure to the press and public.

174.2 **RESOLVED** – That items 173 and 174, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 7.40pm

Signed

Chairman

Dated this

day of

