

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 8 DECEMBER 2011****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Randall (Chair), Bowden, Davey, Duncan, Jarrett, Kennedy, J Kitcat, Shanks, Wakefield and West

Also in attendance: Councillors G. Theobald, Mitchell, Janio and A. Norman.

Other Members present: Councillor Robins.

PART ONE**126. PROCEDURAL BUSINESS****(a) Declarations of Interest**

126.1 There were none.

(b) Exclusion of Press and Public

126.2 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).

126.3 **RESOLVED** – That the press and public be not excluded from the meeting.

127. MINUTES OF THE PREVIOUS MEETING

127.1 **RESOLVED** - That the minutes of the meeting held on 10th November 2011 be approved as a correct record.

128. CHAIR'S COMMUNICATIONS

128.1 The Chair noted that the meeting would be webcast and that with the forthcoming Westbourne By-election on the 22nd December reminded Members of the need to abide by the rules of purdah.

- 128.2 The Chair informed the meeting that he had attended an event to mark World aids Day on the 1st December, the Survivor's Network 21st Birthday on the 25th November, as well as marking 'White Ribbon Day.'
- 128.3 The Chair stated that the Cabinet would be formally submitting its budget proposals for 2012/13 at the present meeting, which was an unprecedented event as it was a full three months earlier than such proposals had been released before. He had welcomed the high level of involvement across the city in commenting on the proposals and stated that the Administration was open to further comment during the budget process.
- 128.4 The Chair noted that three city council Interreg bids had been approved along with one from the University of Brighton which was a great result for the city. He also noted that there was to be an embargo on city centre roadwork's from the 12th December to the 4th January, except for emergencies and those at the junction of Viaduct Road and Ditchling Road.
- 128.5 Finally he drew Members attention to the deferral of Item 145 on the agenda, Flamer Released Land which it was hoped would be brought to the a meeting early in the New Year.

129. ITEMS RESERVED FOR DISCUSSION

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

130. PETITIONS

- 130.1 The Chair noted that there were three petitions to be presented and invited Ms. Scott to come forward and present her petition.
- 130.2 Ms. Scott thanked the Chair and presented her petition which asked that the proposed extension for four forms of entry at Westdene Primary School in September 2012 should not go ahead. She stated that 176 people had signed the on-line petition and a further 452 had signed the paper petition, giving a total of 628. She asked that the petition be taken into account during the consultation process and that the school be kept as a three form entry rather than increasing pressures on staff, parents, children and the local environment.
- 130.3 The Chair thanked Ms. Scott for attending the meeting and invited Mr. Wade to present his petition which was in support of the proposed extension of Westdene Primary School.
- 130.4 Mr. Wade thanked the Chair and stated that he had a petition signed by 78 people in favour of the proposed extension, which he felt would enable local people to access the school and thereby reduce the school-run and provide greater access.
- 130.5 The Chair thanked Mr. Wade for attending the meeting and stated that both petitions would be taken into consideration as part of the consultation process and a report on the outcome would be brought to a meeting in the New Year.

- 130.6 The Chair invited Councillor Robins to present his petition.
- 130.7 Councillor Robins thanked the Chair and presented a petition signed by 493 residents requesting action to be taken to address the shortfall of junior school places in Portslade.
- 130.8 The Chair thanked Councillor Robins for attending the meeting and stated that the petition would be taken into consideration as part of the consultation process and a report on the outcome would be brought to a meeting in the New Year.

131. PUBLIC QUESTIONS

- 130.1 The Chair noted that there were no public questions.

132. DEPUTATIONS

- 132.1 The Chair noted that no deputations had been submitted.

133. LETTERS FROM COUNCILLORS

- 133.1 The Chair noted that there were no letters from councillors.

134. WRITTEN QUESTIONS FROM COUNCILLORS

- 134.1 The Chair noted that no written questions had been submitted by councillors.

135. NOTICES OF MOTION

- 135.1 The Chair noted that there were no notices of motion.

136. TARGETED BUDGET MANAGEMENT (TBM) 2011/12 MONTH 7

- 136.1 Councillor J. Kitcat introduced the report and stated that the position at month 7 was good with an underspend of £292k being forecast. He noted that this was out-performing the position of similar years and thanked officers for their work.
- 136.2 Councillor Mitchell noted the improved position and also offered her congratulations to officers; however she also noted that there were still significant pressures in the Children & Young People's budget i.e. children in care and the need for additional school places and delays in lift works.
- 136.3 The Chair accepted that the figures for children in care were unusually high and stated that it was hoped to bring together a specialist team covering all agencies who could then work with families to seek to address their difficulties.
- 136.4 Councillor Wakefield accepted that there had been some delays under the HRA with regard to the improvements to lifts in council blocks but it was hoped that matters could now progress more speedily.

- 136.5 Councillor A. Norman referred to appendix 1 to the report and queried the level of over spend in relation to risk management.
- 136.6 Councillor J. Kitcat stated that the situation was being reviewed and further work was being done in regard to the central budgets.
- 136.7 The Chair noted the comments and put the recommendations to the vote.
- 136.8 **RESOLVED:**
- (1) That the provisional outturn position for the General Fund with an underspend of £0.292m be noted;
 - (2) That the forecast outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2011/12 be noted;
 - (3) That the provisional outturn position on the Capital Programme be noted; and
 - (4) That a change to the Capital Programme in relation to the new schemes, variations and slippage as set out in Appendices 1 and 2 to the report be approved.

137. BUDGET UPDATE AND SAVINGS 2012/13

- 137.1 The Chair introduced the report and stated that he believed there had been an open and transparent process with community involvement in bringing forward the budget proposals that were before the Cabinet and which sought to maintain front-line services and protect people.
- 137.2 Councillor J. Kitcat stated that the budget proposals had been made public earlier than ever before and had been subject to wide consultation across the city. The council faced a difficult situation in respect of the cuts being implemented by the Government and reductions in grant funding, however he believed that the proposals set out a fair and balanced budget that could be taken forward. The proposed council tax increase of 3.5% was equal to an additional 57p a week for the average home, which was one of the lowest increases being proposed. He was aware of the argument that the council tax freeze offered by the Government should be taken advantage of, however it would result in increased savings being required and a significant council tax increase in 2013. He stated that the council was in a difficult position and had to be realistic, however should alternative proposals be put forward which were viable then the administration was willing to take them on board and consider them.
- 137.3 Councillor A. Norman noted the final comment and stated that there were a number of cuts being proposed to service areas such as the Youth Offending Team and the Music Service which were a cause of concern. She did not accept the position put forward by the Administration and argued that a council tax freeze could be utilised and used to benefit some of the services being affected.
- 137.4 Councillor Mitchell stated that she was concerned about the budget proposals and felt that they did not address the challenges faced by the authority or go far enough to

ensure that the council would be a viable position in the future. She noted that council's were being warned that they would face another six years of austerity and therefore needed to take difficult decisions now. She stated that the Labour & Co-operative Group was prepared to the work with the Leader of the Council and the Chief Executive to tackle the situation and approve an agreed budgetary framework. There was a need to protect front-line services and she questioned lack of joined up thinking for the provision of services and queried how and when the intelligent commissioning process would come into effect. She believed that it would be beneficial to freeze council tax and take the funding on offer from the Government.

137.5 Councillor G. Theobald stated that he believed the funding on offer from the government should be accepted and council tax frozen for 2012/13. He did not accept the views of the Administration that it would require further savings and a higher increase in 2013. He referred to the District Auditor's report which stated that the council's overall costs remained high compared to other authorities and suggested that these should be tackled as a priority.

137.6 Councillor Shanks stated that the funding to schools was being altered by the government and grants reduced which required a review of the level of support that the council could provide. The music service would retain its direct government grant but was having to look at its fees and charges in order to help to meet the loss of funding from the council. There would still be a music service and should alternative proposals be made then they could be considered.

137.7 Councillor J. Kitcat stated that there was still more work to do in terms of the capital budget and further changes were likely but he could not see how having a council tax freeze would benefit the residents of the city in the long-term. There was a need to look at how the council worked and work was in hand to enable greater flexibility, partnership working and sharing of accommodation etc...

137.8 The Chair noted the comments and moved the recommendations.

137.9 **RESOLVED:**

- (1) That the updated forecasts for resources and expenditure for 2012/13 and 2013/14 be noted;
- (2) That the principles set out in appendix 1 to the report be agreed as a guide to the response made by officers to the consultation on technical reforms to council tax;
- (3) That the indicative allocations of one-off resources for 2012/3 set out in table 1, subject to the identification of sufficient further one-off resources to fund the proposed allocations be agreed;
- (4) That the revised savings targets for 2012/13 and 2013/14 be noted and the budget strategies and detailed savings proposals as detailed in appendix 4 to the report be agreed;
- (5) That the update on the HRA budget set out in paragraph 3.55 to the report be noted;

- (6) That the summary Capital Investment Programme as set out in paragraphs 3.65 and 3.66 and appendix 5 to the report be noted; and
- (7) That the submission of a detailed programme to the February Cabinet meeting be noted.

138. CITY PERFORMANCE PLAN AND BHCC ORGANISATIONAL HEALTH 6 MONTHLY REPORT

- 138.1 Councillor J. Kitcat introduced the report which outlined the agreed Performance and Risk Management Framework and gave a six-month update on the City Performance Plan. Councillor Kitcat noted that positive progress had been made since the new framework had been adopted.
- 138.2 The Chair noted that the City Performance Plan was owned by the Brighton & Hove Strategic Partnership and had been discussed at the Local Strategic Partnership.
- 138.3 Councillor Mitchell welcomed the report and stated that she agreed with the direction of travel as outlined.
- 138.4 Councillor G. Theobald welcomed the report and noted that there were still a large number of indicators to be met and hoped that it would not mean a loss of focus in the long-term.
- 138.5 **RESOLVED:**
 - (1) That the good progress made in the City Performance Plan (CPP) report (Appendix 1) and the CPP Performance Indicator headline report (Appendix 2) be noted;
 - (2) That the Organisational Health Report be noted;
 - (3) That the future activity, and also the barriers outlined in the CPP appendix 1 in areas of concern be noted;
 - (4) That it be agreed that Cabinet Members would review any areas of poor performance and/or discuss progress of action plans with the relevant thematic partnership;
 - (5) That it be noted that the CPP was being developed in an interim year and would be subject to regular review, in order to ensure that it adequately fulfilled local requirements and accountabilities;
 - (6) That it be noted that agreed targets for key indicators were not available for the CPP; and
 - (7) That account be taken of the new local accountabilities which had resulted from central government requirements being changed and many accountabilities being devolved to the local area, in line with the Localism agenda.

139. COMMUNITY DEVELOPMENT STRATEGY & NEIGHBOURHOOD GOVERNANCE

139.1 Councillor Duncan introduced the report which detailed the revised approach to the Council's Community Development Strategy. He stated that he was delighted to point out that there was no intention to reduce expenditure on community development and that it was intended to enable communities to have an input/influence over the decisions that affected them.

139.2 Councillor Mitchell noted that there had been a number of reports on the subject and stated that she felt that there was still some need of clarity in regard to how things would operate. She also queried how groups or areas would be identified to become the pilots and who would provide the budget.

139.3 Councillor Duncan stated that there was a consultation process which was currently ongoing and it was hoped to bring a report to the March Cabinet meeting which would outline the results and the funding arrangements.

139.4 RESOLVED:

- (1) That the Community Development Strategy as set out in Appendix 1 to the report be endorsed;
- (2) That the importance of a corporate approach to the work be noted and that the Strategic Director: Communities, be requested to work with Commissioners and Heads of Delivery Units to deliver the approach;
- (3) That the Community Development Strategy be recognised as a key delivery mechanism of the City's Community Engagement Framework;
- (4) That the clear relationship between community development and effective delivery of neighbourhood governance arrangements be recognised, and particularly that a whole city approach is essential be noted; and within that, that a clear emphasis be placed upon deprived neighbourhoods and communities of interest likely to be most marginalised or excluded; and
- (5) That the decision on the appointment of providers to meet the needs arising from the Community Development Strategy be delegated to the Strategic Director; Communities to deliver agreed programmes of work.

140. PORTSLADE ALDRIDGE COMMUNITY ACADEMY : PROGRESS TO DATE AND SUBMISSION OF FINAL BUSINESS CASE AND DESIGN AND BUILD CONTRACT

140.1 Councillor shanks introduced the report, concerning the progress to date of the Portslade Aldridge Community Academy project and stated that she wished to move an amendment to the recommendations as circulated.

140.2 Councillor Davey formally seconded the amendment.

140.3 RESOLVED:

- (1) That the current progress status of the Portslade Aldridge Community Academy project be noted;
- (2) That the submission of the Final Business Case to Partnerships for Schools be agreed; and
- (3) That the required suite of documents, including the Design & Build Contract, Development Agreement, Commercial Transfer Agreement, short-term Leases and documentation required in connection with an electricity substation be entered into;
- (4) That the Strategic Director; People be authorised to agree any outstanding issues; and
- (5) That the Head of Law, after consultation with the Strategic Director; People be authorised to prepare and execute all the necessary documents and settle any outstanding legal issues.

141. WASTE MANAGEMENT STRATEGY REVIEW

- 141.1 Councillor West introduced the report which outlined the revised waste management strategy and the intention to put it out for consultation before being brought back to Cabinet for final approval. He noted that recycling rates were falling and that the revised strategy had ambitious targets to be met by 2025. He also wished to thank the officers involved for their work in preparing the revised strategy.
- 141.2 The Chair noted that he had attended a recent meeting of the SE7 Procurement Group at which Kent County Council had submitted a paper on waste management being regarded as a resource which was a different way of approaching the matter and recommended it to officers.
- 141.3 Councillor Mitchell welcomed the report and the opportunities to work with the private sector on a number of matters. She felt that whilst some of the targets were ambitious they were achievable and hoped that they could be supported. She also queried paragraph 3.15 third and fourth bullet points and the findings at paragraph 3.19 of the report.
- 141.4 Councillor West stated that there was only so much waste that people wanted to store in their own gardens and the proposed collection was another strand to that and would be trailed in areas where collections could be made easily.
- 141.5 Councillor Janio expressed concern over the findings at paragraphs 3.9 and 3.13 and questioned whether the recycling of waste in suburban areas would be beneficial. He also argued that the lifecycle analysis could not be justified and questioned the expenditure of half a million.

141.6 Councillor J. Kitcat noted that the £0.5m was one-off funding and that it was hoped the recycling and composting would make a difference, with the dry recycling providing more energy.

141.7 **RESOLVED:**

- (1) That permission to consult on the revised Municipal Waste Strategy as set out in Section 4 of the report be granted and that on completion of the consultation the revised strategy be brought back to the Cabinet for approval;
- (2) That the evidence base which has been collated to inform the development of a food waste trial be noted;
- (3) That the submission of a bid for Interreg funding for 50% of the costs of a food waste trial in 2013/14 be approved in principle;
- (4) That it be noted that should funding be required in 2012/13 to meet Interreg timescales for (3) above, a further report identifying sources finance would be brought to Cabinet;
- (5) That it be agreed officers should pursue further potential funding streams for food waste collections, including Interreg funding and Department for Communities and Local Government (DCLG) funding and that the Strategic Director; Place be given delegated authority to submit funding applications in consultation with the Cabinet Member for Environment & Sustainability and the Cabinet Member for Finance;
- (6) That the ongoing emphasis on waste minimisation, focussing particularly on food waste and continuing to work with the Food Partnership be noted; and
- (7) That the development of a business case for the collection of commercial waste and recycling be approved.

REFRESH OF THE BRIGHTON & HOVE FOOD STRATEGY

142.1 Councillor West introduced the report and stated that it outlined the refreshed Brighton & Hove Food Strategy which the council was being asked to endorse as one of the partner organisations to the development of the strategy. He noted that it had a number of long-term aims and ambitious objectives and sought to support the Sustainable Community Strategy. He also wished to thank the Food Partnership and officers involved in the revision of the strategy.

142.2 The Chair welcomed the report and stated that he felt a previous councillor, Joyce Edmond-Smith had been at the heart of the process and did a lot of work at the very start to take the idea of a strategy forward and make it the great success that it had become.

142.3 Councillor G. Theobald welcomed the report and supported the Chair's comments and hoped that the aims and objectives would be delivered in due course. He also

suggested that it would be helpful if the Food Partnership sought to develop a working partnership with the National Park Authority.

142.4 Councillor Mitchell welcomed the report and queried whether it was intended to offer any discount to community allotments as was the case for other allotment holders.

142.5 Councillor West stated that he was happy to raise the question of partnership working with the National Park Authority and would provide a written response to Councillor Mitchell on the question of community allotments.

142.6 **RESOLVED:**

(1) That the overall strategy as outlined in appendix 1 to the report be endorsed and commits to the actions identified under the remit of the city council as detailed in appendix 2 to the report;

(2) That the role that food plays in meeting the citywide outcomes outlined in the strategy, as detailed in appendix 3 to the report be acknowledged; and

(3) That the importance of the Food Partnership as the organisation that drives forward the delivery of the Food Strategy and action plan be recognised.

143. FEED IN TARIFF CONSULTATION RESPONSE

143.1 Councillor J. Kitcat introduced the report which outlined the proposed response to the Government's consultation on the revised Feed-in-Tariff (FIT) scheme for new solar photovoltaic installations.

143.2 Councillor Mitchell welcomed the report and stated that she was happy to support the proposed response and be a joint signatory to the letter.

143.3 Councillor G. Theobald queried what progress had been made on the installation of solar panels on the council buildings that had been previously agreed.

143.4 Councillor J. Kitcat stated that there was a need to complete the OJU process and to take account of the financial model based on the government's current proposals; however matters were being progressed as fast as possible.

143.5 **RESOLVED:** That the planned response to the Government, as set out in appendix A to the report be agreed.

144. SURVEILLANCE POLICY

144.1 Councillor Kitcat introduced the report which provided a summary of the activities that had been undertaken utilising the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the last report to Cabinet in September 2011. He also noted that recommendation 2.3 should be amended to approve the revised policy guidance and its publication.

144.2 **RESOLVED:**

- (1) That the continued use of covert surveillance as an enforcement tool to prevent and detect all crime and disorder investigated by officers be approved, provided the activity was in line with the revised Policy and Guidance and the necessity and proportionality rules were strictly applied;
- (2) That the surveillance activity undertaken by the authority since the report to Cabinet in September 2011 as set out in appendix 1 to the report be noted;
- (3) That the revised Policy and Guidance document as set out in Appendix 2 to the report be approved and published accordingly.

145. FALMER RELEASED LAND

145.1 The item had been deferred.

146. WORK STYLES PHASE TWO

146.1 Councillor J. Kitcat introduced the report which sought the approval of funding of the Phase Two Workstyles transformation programme. He stated that this was a vital piece of work which was key to reducing the council's carbon footprint and enabling new ways of working, improving the working environment for council staff and accessibility to services for residents.

146.2 Councillor G. Theobald stated that he fully supported the rationalisation approach.

146.3 Councillor Mitchell stated that she supported the project but asked for clarification with regard to paragraph 2.2 and whether it was 1a Major Place, Whitehawk or 1a Major Close, Hollingdean, as she was concerned it would not see the closure of the Housing Office in Manor Place.

146.4 The Chair noted that at the SE7 Group meeting the importance of working with partner and third sector organisations had been raised in regard to taking account of accommodation needs and availability to ensure the best provision of services to residents. He also noted that the recommendation at 2.2. should refer to Manor Close and not Manor Place.

146.5 RESOLVED:

- (1) That the funding of Phase Two of the Workstyles Programme business case as set out in the financial implications paragraph 6.1 of the report be approved;
- (2) That the disposal of properties at 251 and 253 Preston Road, Locks Hill, Carden Hill, 1a Major Close and the relinquishing of leases at Hove Park Mansions, Ovest House and Haversham House South and North be approved; and
- (3) That the option of accelerating the remaining Workstyles phases be noted and that it be agreed a paper outlining the options be brought back to the Cabinet in the New Year.

147. PROCUREMENT OF PARKING SERVICES

- 147.1 Councillor Davey introduced the report which sought approval for the competitive tendering process for the provision of parking enforcement services which were due to expire on the 31st December 2012. He noted that there was currently a period of rapid change for parking services including the provision of facilities to pay by phone, new pay & display machines as well as a reduction in the number of pay & display machines.
- 147.2 Councillor Mitchell noted the report and asked that consideration be given to including the provision of pay & display machines that provided change.
- 147.3 Councillor Davey gave an assurance that the best deal available would be sought and such considerations as the ability to provide change would be taken into account.

147.4 RESOLVED:

- (1) That the tendering of parking enforcement services contracts, with the option to contract for the provision of a cashless parking service be approved; and
- (2) That a further report be presented to the Cabinet in due course to consider the outcome of the tender process and the award of the contract.

148. PART TWO MINUTES OF THE PREVIOUS MEETING

- 148.1 **RESOLVED** - That the Part Two minutes of the meeting held on 10th November be approved as a correct record.

149. PART TWO ITEMS

- 149.1 The Cabinet considered whether or not the above item should remain exempt from disclosure to the press and public.
- 149.2 **RESOLVED** – That item 148, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of