

**BRIGHTON & HOVE CITY COUNCIL**  
**CENTRAL SERVICES CABINET MEMBER MEETING**

**4.30pm, 18 JANUARY 2010**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Fallon-Khan (Cabinet Member)

**Also in attendance:** Councillor Hamilton (Opposition Spokesperson)

**Other Members present:** Councillors Young, Harmer-Strange and Smart

**PART ONE**

**35. PROCEDURAL BUSINESS**

**35a Declarations of Interest**

35.1 There were none.

**35b Exclusion of Press and Public**

35.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Cabinet Member for Central Services 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).

35.3 **RESOLVED** – That the press and public be excluded from the meeting during the consideration of the Items 48 and 49 in Part 2 of the agenda.

**36. MINUTES OF THE PREVIOUS MEETING**

36.1 **RESOLVED** – That the minutes of the previous meeting held on 12 October 2009 and the Special Meeting held on 7 December 2009 be approved and signed by the Cabinet Member as a correct record.

**37. CABINET MEMBER'S COMMUNICATIONS**

37.1 There were none.

**38. ITEMS RESERVED FOR DISCUSSION**

38.1 All items were reserved by the Cabinet Member.

**39. PETITIONS**

39.1 There were none.

**40. PUBLIC QUESTIONS**

40.1 There were none.

**41. DEPUTATIONS**

41.1 There were none.

**42. LETTERS FROM COUNCILLORS**

42.1 There were none.

**43. WRITTEN QUESTIONS FROM COUNCILLORS**

43.1 There were none.

**44. NOTICES OF MOTIONS**

44.1 There were none.

**45. DISPOSAL OF CEDARS LODGE, CEDARS GARDENS**

- 45.1 The Cabinet Member considered a report of the Director of Finance & Resources concerning the disposal of Cedars Lodge, Cedars Gardens. The report informed the Cabinet Member of the current position in relation to this property and sought approval to dispose of it in the open market whilst keeping retention of some of the garden land (for copy see minute book).
- 45.2 The Head of Law drew attention to the recommendations 2.1 and 2.2 set out in the report. He noted that the said paragraphs did not specify which piece of land would be retained and the amount of money being proposed for ring fencing. In view of this and to avoid possible ambiguities, the Head of Law proposed that an additional recommendation be added to the report, requesting that delegated power be given to the Director of Finance and Resources to make a decision on these matters when the time came to do so.
- 45.3 The Cabinet Member noted the above comments and was agreeable to a further recommendation being added to reflect the advice given above.
- 45.4 **RESOLVED** – That, having considered the information and the reasons set out in the report and those discussed at today's meeting, the Cabinet Member accepted the following recommendations:

- (1) That the disposal of the freehold interest of Cedars Lodge be approved.
- (2) That the retention of some of the garden land and the ring fencing of an amount from the sale receipt to pay for the cost of highways improvements to Cedars Gardens be approved.
- (3) That, with regard to (2) above, the Director of Finance & Resources be granted delegated powers to make a decision on the extent of land to be retained and the amount of money to be ring fenced from the sale receipt.

#### **46. BUILDING MAINTENANCE SURVEYING CONSULTANCY (1ST SEPTEMBER 2005 - 31ST AUGUST 2012)**

- 46.1 The Cabinet Member considered a report of the Director of Finance & Resources concerning the building maintenance surveying consultancy, 1 September 2005 – 31 August 2012 (for copy see minute book).
- 46.2 The Assistant Director, Property & Design, advised that following implementation of the original decision made by the Policy & Resources Urgency Sub-Committee in May 2005 to award a five-year building maintenance consultancy services to education & social care properties with an option for a further two-year extension, there was no provision as to which decision-making body within the council would have the authority to exercise the option. She explained that the report sought to rectify that omission and enable the Director of Finance & Resources to extend this contract up to a maximum of two year extension allowed under the contract subject to continuing performance.
- 46.3 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
  - (1) That the Director of Finance & Resources be granted delegated authority to extend the council's existing building maintenance consultancy contract for education and social care properties for a further period of up to two years.

#### **47. HANGLETON BOTTOM - UPDATE**

- 47.1 The Cabinet Member considered a report of the Director of Finance & Resources which sought permission to test the market and explore the options available to the council through the development of an informal planning brief and marketing exercise for the site (for copy see minute book).
- 47.2 The Cabinet Member noted that the site had been identified in the Local Plan and Waste Local Plan for the provision of waste facilities and that following expressions of interest there was an opportunity to have a mixed-use development. He also noted that any such mixed-use development would need to take account of the highest and latest standards of technological application in terms of the treatment and disposal of waste to ensure it benefited the community as a whole.
- 47.3 The Opposition Spokesperson expressed concern over the fact that the report was not shown as a key decision and referred to the item listed in the Forward Plan as being

deferred and due for consideration in April by the Cabinet. He asked for clarification as he felt that insufficient notice of the item had been given and that the report referred only to North Portslade whereas the item on the Forward Plan listed that all wards would be affected. He suggested that the item should be deferred to the April meeting in accordance with the Forward Plan.

- 47.4 The Head of Law explained that for a matter to be on the Forward plan, it had to satisfy one of the following criteria: (i) that it had a significant impact on two or more wards and (ii) expenditure/savings exceeded £500K. He stated that it was his understanding that the report being considered today was proposing preparatory and preliminary work in relation to the marketing of the site, in order to find out about its potential use. A further report would then be referred to the Cabinet for consideration.
- 47.5 The Head of Law further noted that the recommendations contained in the current report did not commit the council to anything and, therefore, it was his view that the item was not a key decision item at this stage and advised that the Cabinet Member could continue and make a decision on the proposals.
- 47.6 The Assistant Director, Property & Design, concurred with the points made by the Head of Law. She stated that once officers had undertaken the preliminary market testing and had the results of that process, they would have more substantial information to formulate a report for the Cabinet's consideration.
- 47.7 The Opposition Spokesperson noted the clarification provided. He referred back, however, to the published forward plan and noted that the title proposed in the deferred item was very similar to the one in the report recommendations being considered today. He was concerned that the information given in this way was wrong and, therefore, incorrect. He also noted that the report indicated that ward councillors had been advised of the report; however, he had not been consulted about it.
- 47.8 The Head of Law stated that although the titles appeared the same, when looking at the specific information in the report, all that was being proposed was some initial preparatory work. He stated that if no interest was shown from the market testing, the proposal could be abandoned; if interest was shown, it could be taken forward, but that would be a matter for further on in the process. He reiterated that the proposals before the Cabinet Member were not binding the council to anything and, therefore, the item was not considered to be a key decision at this stage.
- 47.9 The Opposition Spokesperson stated that it was a green site and as such he was not happy with the proposed use for commercial and domestic waste and would pursue the matter further.
- 47.10 The Cabinet Member noted the Opposition Spokesperson concerns and comments. However, he believed that there was an obligation to look at the site's potential and explore its possible use. He accepted the clarification given by the Head of Law and noted that the recommendations did not commit the council to any action and therefore did not meet the criteria of key decision and the need to be included on the Forward Plan.

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

- (1) That the approach to marketing and creating an informal planning brief for this council owned site as set out in the report be approved; and
- (2) That it be noted that, following market testing on the basis of an informal planning and development brief, a further report would be prepared setting out the results and future potential options for the redevelopment of the site for the Cabinet's consideration.

**48. PART TWO MINUTES OF THE PREVIOUS MEETING**

48.1 **RESOLVED** – That the Part 2 minutes of the meeting held on 12 October 2009 be approved and signed by the Cabinet Member as a correct record.

**49. HANGLETON BOTTOM - UPDATE [EXEMPT CATEGORY 3]**

49.1 The Cabinet Member considered a report of the Director of Finance & Resources concerning the update of Hangleton Bottom, with additional information considered under Part 2 of the agenda (circulated to Members only).

49.2 The Cabinet Member noted the additional information provided in Part 2 of the agenda in relation to this item.

49.3 **RESOLVED** - That the recommendations set out in Part 1 of the report be approved.

**50. PART TWO ITEMS**

50.1 **RESOLVED** – That Item 49 remains exempt from disclosure to the press and public.

The meeting concluded at 5.00pm

Signed

Cabinet Member

Dated this

day of