

Decision No: CAB11 – 10/07/2008

Forward Plan No: CAB 2179

This record relates to Agenda Item 37 on the agenda for the Decision-Making

RECORD OF CABINET KEY DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	FINANCE & RESOURCES
SUBJECT:	TARGETED BUDGET MANAGEMENT (TBM) MONTH 2
AUTHOR:	NIGEL MANVELL

THE DECISION

- (1) That the forecast outturn for the General Fund, Section 75 Partnerships and Housing Revenue Account (HRA) for 2008/09 as at month 2 be noted.
- (2) That Directorates with forecast overspends will develop financial recovery plans, which will be included in the next report to Cabinet (Month 6 – September).
- (3) That a contribution of £0.300 million to Contingency from the saving on the Insurance contract renewal be agreed.
- (4) That a contribution of £0.150 million to the Risk Management Reserve, also from the saving on the Insurance contract renewal, be agreed.
- (5) That the forecast outturn position on the capital budgets as at month 2 be noted.
- (6) That the new capital schemes as set in Appendix 4 of the report be approved.
- (7) That the capital budget changes as set out in 3.14 and 3.15 and the budget re-profile as set out in Appendix 5 of the report be approved.

REASON FOR THE DECISION

Budget monitoring is a key element of good financial management, which is necessary in order for the council to maintain financial stability and operate effectively.

The proposed budget allocations and capital budget changes are necessary to maintain effective financial management.

DETAILS OF ANY ALTERNATIVE OPTIONS

The proposed allocations to Contingency and the Risk Management Reserve, if not made, would reduce the forecast overspend. However, both allocations are deemed to be financially prudent in terms of the overall financial position of the council.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

The decision-maker(s) did not declare a personal or prejudicial interest in the matters set out in the report.

CONFIRMED AS A TRUE RECORD:

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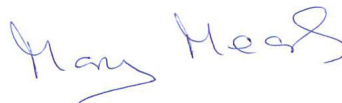
Date:

10 July 2008

Decision Maker:

Councillor Mary Mears
Leader of the Council

Signed:



Proper Officer:

10 July 2008

Mark Wall, Head of Democratic Services

Signed:



SCRUTINY

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Or: This decision is urgent and not subject to call-in (date of CE's agreement to urgency of decision).

Call-In Period
12-17 July

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB12 – 10/07/2008

Forward Plan No: CAB 2175

This record relates to Agenda Items 38 and 44 on the agenda for the Decision-Making

NOTE: Part of this report was subject to paragraph (3) of schedule 12A to the Local Government Act 1972 and therefore considered in closed session.

RECORD OF CABINET KEY DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	FINANCE & RESOURCES
SUBJECT:	CORPORATE ENERGY PROCUREMENT - GAS CONTRACT
AUTHOR:	ANGELA DYMOTT

THE DECISION

- (1) That a contract is awarded to the best gas bid, via the most beneficial procurement route following appraisal and recommendations from the council's energy adviser.
- (2) That the current OJEU procurement route continues whilst options are retained to place a contract through the most beneficial procurement route
- (3) That the Director of Finance & Resources be given delegated powers, following consultation with the Cabinet member, Leader, and Opposition Spokesperson to award the contract and take all other steps necessary for the implementation of the proposals.
- (4) That the Director of Adult Social Care and Housing be authorised to increase gas heating service charges for council tenants to reflect the increase in contract prices from 1st October 2008.

REASON FOR THE DECISION

The main grounds for the recommendations that are sought are to allow the council to benefit from the best price available within a volatile market where prices are held for a maximum of 24hrs.

To enable the council to procure flexibly and take advantage of potential to aggregate it's portfolio to achieve favourable unit costs.

DETAILS OF ANY ALTERNATIVE OPTIONS

As it is essential that the Gas contract is renewed, by the 30th September 2008 and market volatility has been established alternatives to delegation of powers are limited. Therefore all alternative options relate to the procurement route once powers have been delegated and these are listed below.

Continuation of solo OJEU route to meet timetable. A number of options are being pursued to ensure that best value can be achieved.

Dual fuel – This option would allow the council to tie up of both fuel supplies Electricity/ Gas with the same supplier (E-On) who will then provide a discount below market rate.

Trigger product - Index linked option this option can be very flexible by enabling the council to buy gas at a set trigger price points each month/quarter as with all flexible options there can be great advantages in a market that is going down as well as up, however it is more difficult to achieve any great benefit when the market trend is up month on month.

Winter tracker – This is an option where a daily allocation is applied during the winter months to each site – initially 80% of volume is purchased up front and the rest is purchased as required if the site exceeds allocation. At the end of the year this is tabulated and a refund or an invoice is sent depending on the usage during that year.

Aggregated procurement with other local authorities.

East Sussex County Council had intimated that there were possibilities to aggregate our portfolios and purchase as a consortium, however following East Sussex County Council report they intend to postpone this for at least a year. B&HCC could place a one year contract with a supplier and align in 2009 however, it is likely that the unit price would be higher over this year. Alternatively B&HCC could utilise the 12 month extension clause within the current contract.

Procurement via OGC route

The key benefit of procurement via the OGC framework route is speed and an implied saving through bulk purchasing. However the current OGC gas supply framework list consists of one supplier. This lack of competition is likely to have a negative effect on price especially as supplier fees will be loaded into the unit price. This route also attracts an extra administration fee. However it is worth retaining this option should the tenders returned prove unfavourable.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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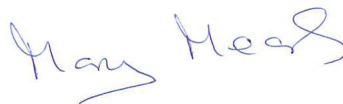
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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB13 – 10/07/2008

Forward Plan No: CAB2169

This record relates to Agenda Item 24 on the agenda for the Decision-Making

RECORD OF CABINET KEY DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA: STRATEGY & GOVERNANCE

SUBJECT: ANNUAL PERFORMANCE REPORT
2007 / 2008

AUTHOR: BARBARA GREEN

THE DECISION

(1) To approve the Annual Performance Report 2007-08, subject to a small amount of statistical information to be collected and included.

REASON FOR THE DECISION

Statutory requirement under the Local Government Act 1999 and Circular 03/2003.

DETAILS OF ANY ALTERNATIVE OPTIONS

None.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB14 – 10/07/2008

Forward Plan No: CAB 2171

This record relates to Agenda Item 40 on the agenda for the Decision-Making

RECORD OF CABINET KEY DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	STRATEGY & GOVERNANCE
SUBJECT:	RISK & OPPORTUNITY MANAGEMENT STRATEGY & PROGRAMME 2008-2011
AUTHOR:	JACKIE ALGAR

THE DECISION

- 1) Cabinet approve the ROM Strategy (Appendix 1) & ROM Programme (Appendix 1.A)
- 2) Cabinet delegate authority to the Risk & Opportunity Manager and officer ROM Champion to alter the ROM Toolkit as necessary

REASON FOR THE DECISION

The ROM Strategy contains a package of ROM elements, the strategy itself (Appendix 1) and a yearly delivery plan of actions (Appendix 1.A) to enable & demonstrate to decision makers how effectively ROM is embedded in council activities and across its partnership working.

As the ROM Toolkit will be continually updated as a result of developments, needs and user feedback, delegated authority is sought for the Risk & Opportunity Manager to alter it as necessary and refer to the Risk Officer Champion.

DETAILS OF ANY ALTERNATIVE OPTIONS

The council could decide to remain with a renewed version of the existing Risk Management Strategy (which focuses on negative risks) instead of approving a Risk & Opportunity Management Strategy. This would not address the Audit Commission's recommendation (ref. R5) in the Use of Resources Audit Judgments 2007 that

"The council should review its risk management arrangements to overtly consider how it deals with positive risks as well as negative ones".

The council could decide not to have any approved Risk & Opportunity Management Strategy or Risk Management Strategy but this would not satisfy the Audit Commission in the Use of Resources assessment.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB15 – 10/07/2008

Forward Plan No: CAB2175

This record relates to Agenda Item 41 on the agenda for the Decision-Making

RECORD OF CABINET KEY DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ENVIRONMENT
SUBJECT:	REVISED LOCAL DEVELOPMENT SCHEME FOR THE LOCAL DEVELOPMENT FRAMEWORK
AUTHOR:	LISA MARSHALL

THE DECISION

- 1) That the Cabinet approves the revised Local Development Scheme for submission to the Secretary of State, subject to minor changes to the Waste and Minerals DPD timetables and minor non-material alterations that may be made in consultation with the Director of Environment and the Cabinet Member for Environment.
- 2) That the Cabinet approve that the Local Development Scheme should be brought into effect following approval by the Secretary of State

REASON FOR THE DECISION

To ensure that there is an up to date timetable for preparing development plan documents in accordance with government guidance. In addition, to ensure that minor changes can be made, in consultation with the Cabinet Member for Environment, without the need for the document to return to Cabinet.

Should the LDS be agreed by the Secretary of State there would be no requirement for the document to return to Cabinet for adoption

DETAILS OF ANY ALTERNATIVE OPTIONS

The main alternative options considered and evaluated in preparing the LDS relate to the type of local development documents to be prepared over the next three years, how they will be resourced, prioritised and when the key stages will be undertaken. The proposed timetable is considered the best option with the resources available.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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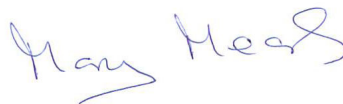
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Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB16 – 10/07/2008

Forward Plan No: CAB2167

This record relates to Agenda Item 42 on the agenda for the Decision-Making

RECORD OF CABINET KEY DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	FINANCE & RESOURCES
SUBJECT:	CONSULTATION OF THE FUTURE OF FALMER HIGH SCHOOL AND PROPOSALS FOR THE DEVELOPMENT OF AN ACADEMY ON THE SCHOOL SITE
AUTHOR:	LORRAINE O'REILLY

THE DECISION

- 1) To note the progress since the Policy & Resources Committee Meeting of 6 March 2008.
- 2) To consider the outcome of the informal stage of consultation undertaken between 19 May and 4 July 2008 shown at Appendix 3 of the report.
- 3) That based on the outcomes of that consultation, to approve the next stage of the procedure and authorise the Director of Children's Services to publish the statutory notice on 1 September 2008 for the closure of Falmer High School in August 2010.

REASON FOR THE DECISION

Given the opportunity afforded both to pupils and the local community and the substantial capital investment that will be made by the DCSF together with the sponsor's endowment and in the light of the outcomes of the informal consultation and the Government's directives on BSF, Members are asked to approve the publication of the statutory notice by the Director of Children's Services on 1st September 2008.

DETAILS OF ANY ALTERNATIVE OPTIONS

Officers and the Lead Member of the CYPT have considered the alternatives to improve not only the outcome for pupils (which have improved considerably over the last few years but which fall short of the 30% benchmark for GCSEs when including English and Maths) and the possibility of rebuilding the current school.

The Council does not enter the Building Schools for the Future (BSF) Programme until 2015. Although the DCSF recently announced a reconsideration of the

programme, they have also made clear that local authorities would be expected to widen parental choice and take action to develop Academies, Trust or Federated Schools. Given this, the improvements at Falmer High School so far and the unpredictability of any future BSF programme, officers consider that the Academy offers the best option for the pupils and the local community and the site.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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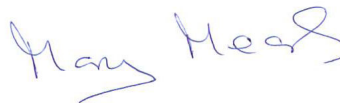
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10 July 2008

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Call-in Procedure completed (*if applicable*)

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB17 – 10/07/2008

Forward Plan No: N/A

This record relates to Agenda Item 43 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA: STRATEGY & GOVERNANCE

SUBJECT: ESTABLISHMENT OF A CABINET COMMITTEE ON SUSTAINABILITY

AUTHOR: THURSTAN CROCKETT

THE DECISION

1) To approve the establishment of a Sustainability Cabinet Committee in accordance with the terms of reference attached to the report.

REASON FOR THE DECISION

N/A

DETAILS OF ANY ALTERNATIVE OPTIONS

N/A

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB19 – 10/07/2008

Forward Plan No: CAB2394

This record relates to Agenda Item 45 on the agenda for the Decision-Making

NOTE: This report was subject to paragraphs (3 & 5) of schedule 12A to the Local Government Act 1972 and therefore considered in closed session.

RECORD OF CABINET KEY DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	CULTURAL SERVICES
SUBJECT:	BLACK ROCK DEVELOPMENT
AUTHOR:	DAVID FLEMING

THE DECISION

- 1) To note the progress made in the last 12 weeks by Brighton Arena Ltd in reaching final terms with a new lead investor for the Black Rock Development project.
- 2) To reconfirm a 5 month extension to the Long Stop Date in the Development Agreement with Brighton Arena Limited originally approved by Policy & Resources Committee at their meeting on 3 April 2008, to allow the Developer to secure final terms with their lead investor and thereby enable a planning application to be made.

REASON FOR THE DECISION

The report recommends that the council offer a further extension of time to Brighton Arena Limited to complete negotiations with their new lead investor in order to secure the Brighton International Arena project on the Black Rock site and to submit a planning application.

Skating is very much part of the city's and the regional sporting strategy and the proposed facility fulfils the demand for serious ice sports, community use and entertainment, as well as contributing to the rejuvenation of the seafront.

The development at the Black Rock site also aims to satisfy the specific requirements for an international standard ice rink, a multifunctional 8,000-11,000 seater arena and a public ice rink, whilst providing an integrated master plan for this prominent seafront site.

In a climate in which it is very difficult to deliver commercially deliverable leisure

schemes, Brighton Arena Limited are in the process of trying to achieve both a commercial viable scheme and one which also delivers very considerable community benefits to the city.

For the reasons outlined above, the opportunity for appropriate development of the Black Rock site is best served by continuing to work with the council's current preferred developer.

DETAILS OF ANY ALTERNATIVE OPTIONS

To bring to an end the Development Agreement with Brighton Arena Limited would have certain direct implications. There is no reserve bidder for the site, which means that if the council wanted to develop the site itself, it would need to start all over again. This would be likely to result in a derelict prominent seafront site for a number of years, no guarantee of a preferable scheme being brought forward in the medium to long term and no guarantee of a project which can deliver the equivalent community benefits offered by the Brighton International Arena scheme. In the current economic climate it may well be that the advice offered would be not to remarket the site at this time. Nevertheless it remains an option available to the council.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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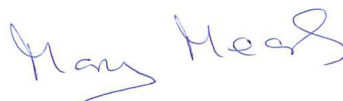
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Proper Officer:

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB20 – 10/07/2008

Forward Plan No:N/A

This record relates to Agenda Item 45A on the agenda for the Decision-Making

NOTE: This report was subject to paragraphs (3 & 5) of schedule 12A to the Local Government Act 1972 and therefore considered in closed session.

This matter was the subject of a late report because the necessity for it had only recently become apparent, in the light of the ongoing litigation with NCP.

This matter was urgent because awaiting the next Cabinet cycle (in September) would be prejudicial to the ongoing litigation.

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ENVIRONMENT
SUBJECT:	NCP CAR PARKS
AUTHOR:	AUSTEN HUNTER

THE DECISION

- 1) To re-confirm the decision made by Policy & Resources on 29th November 2007 that the Council seeks the return of unfettered control four of the five named car parks (being Regency Square, High Street, Trafalgar/Blackman Street, Oxford Court), with the express intention of operating those four car parks in house, pursuant to section 30(1) paragraph 30(g) of the Landlord & Tenant Act 1954.
- 2) To re-confirm the decision made by Policy & Resources on 29th November 2007 that the Council seeks the return to its unfettered control the Carlton Hill car park either for the purposes as set out in 2.1 above or for the purposes of forming part of the Circus Street redevelopment, pursuant to section 30(1) paragraph 30(f) of the Landlord & Tenant Act 1954.
- 3) That the Cabinet Note the progress of negotiations with NCP.

REASON FOR THE DECISION

Recommendations.1 and.2 are necessary to expressly confirm the Council's intentions in respect of the five car parks.

Recommendation 3 is for Cabinet to note only.

DETAILS OF ANY ALTERNATIVE OPTIONS

The relative merits of continued litigation or early settlement are set out in the Financial and Legal Implications sections.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-In Period
12-17 July 2008

Date of Call-in (*if applicable*) (*this suspends implementation*)

Brighton & Hove City Council

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)