

**BRIGHTON & HOVE CITY COUNCIL**

**CABINET**

**4.00pm 18 DECEMBER 2008**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Also in attendance:** Councillor Mitchell

**Other Members present:** Councillors Hawkes and Taylor

**PART ONE**

**121. PROCEDURAL BUSINESS**

**121a Declarations of Interests**

121a.1 Councillor Mears declared a personal and prejudicial interest in items 136 and 138 as she was part of a family business at the open market.

**121b Exclusion of Press and Public**

121b.1 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

121b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 138 onward.

**122. MINUTES OF THE PREVIOUS MEETING**

122.1 **RESOLVED** – That the minutes of the meeting held on 20 November 2008 be approved as a correct record.

**123. CHAIRMAN'S COMMUNICATIONS**

- 123.1 The Chairman noted that the Cabinet meeting was being web cast.
- 123.2 The Chairman explained that just prior to the Cabinet meeting the 'Housing LDV Cabinet Committee' has met to consider a report on the funding options. The Chairman reported that the project, though responding to the consequences of the current global financial situation was progressing.
- 123.3 The Chairman was pleased to note that the council has been short-listed for 'Beacon Status' for the way it worked with partners to manage our night time economy. The result would be announced in March.
- 123.4 The Chairman was pleased that the city centre was clear of road works and that the shops were busy. The Chairman thanked everyone who had helped to make this happen and noted that this was the first time the council had been able to persuade all contractors to cease work during the festive period.
- 123.5 The Chairman commented on Government cessation of funding for Neighbourhood Management and Community Support. But was pleased to note that the administration - with support from the Local Strategic Partnership - was allocating nearly 1.2 million pounds to community support activities across the city for the next two years.
- 123.6 The Chairman was pleased to report that independent Audit Commission had recently improved the councils rating for 'use of resources'. They had judged the council to be performing well in all aspects of our financial management and awarded a Three star rating.
- 123.7 The Audit Commission has recognised that we are driving down overall costs and have robust plans for further savings. They also acknowledged that in areas where we are spending more, such as social care, it's with good reason.

**124. ITEMS RESERVED FOR DISCUSSION**

- 124.1 Items 136 and 137 were reserved by the Cabinet.
- 124.2 Items 131, 132 and 133 were reserved by Councillor Mitchell.
- 124.3 **RESOLVED** – That, with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate.

**125. PETITIONS**

- 125.1 There were none

**126. PUBLIC QUESTIONS**

126.1 The Chairman reported that one public question had been received and welcomed Mr Cope to the meeting.

126.2 Mr Cope asked the about the rationale and reasonableness of recent changes to refuse collections.

126.3 Councillor Theobald gave the following response:

126.4 'We have had to implement changes to refuse routes following the build of the new waste site in Hollingdean. Instead of tipping at Beddingham landfill, our trucks now tip next door to our refuse depot saving a lot of travelling time and allowing crews to finish early. If we did not implement the changes the tax payer would be paying for a very inefficient service.

126.5 The change in refuse routes affected all 121,000 households across the city and of the 16 crews we have, 3 are yet to settle down. So, the majority of crews are working very well.

126.6 Unfortunately one of those crews which has had problems is in your area and I apologise for the disruption you have suffered. We have been working with the crew, and re-jigged some of their work.

The changes were agreed with the union including the timing.'

126.7 Mr Cope then posed the following supplementary question:

126.8 'Why have the collection days been changing from week to week, what effect will this have on collections over the Christmas period and what is the cost of the additional work that has been carried out on Saturdays?'

126.9 Councillor Theobald replied:

126.10 'It is mammoth task to change from 19 collection routes to 16 and I apologise to those people experiencing problems as a result of the 3 routes which are having difficulties. As we have reduced the number of crews, any short term costs to bed in the service is within budget. The long term saving from these changes is just short of £1m for the next financial year.'

**127. DEPUTATIONS**

127.1 There were none.

**128. LETTERS FROM COUNCILLORS**

128.1 There were none.

**129. WRITTEN QUESTIONS FROM COUNCILLORS**

129.1 There were none.

**130. NOTICES OF MOTIONS REFERRED FROM COUNCIL**

130.1 There were none.

**131. 08/09 QUARTER 2 PERFORMANCE REPORT**

131.1 The Cabinet considered a report of the Director of Strategy & Governance that provided information in relation to the performance of the council during Quarter 2 of 08/09 (for copy see minute book).

131.2 The Cabinet Member for Children & Young People shared concerns with Councillor Hawkes across a number of outcomes relating to children and young people; in particular the teenage pregnancy rate, the difficulties seen around young people who are not in education, training or employment (NEET) and child protection issues. She added that these areas were being focussed on and there would be a report at the next Children & Young People's Cabinet Member Meeting on the review of child protection services.

131.3 The Cabinet noted concerns raised by Councillor Mitchell in relation to; the visitor economy, a rise in the number of traffic accidents, providing additional homes and tackling fuel poverty.

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

131.5 That the Cabinet notes

- (1) Progress against the LAA outcomes and arrangements for further reporting and monitoring by partners.
- (2) The frequency of reporting and plans for exception reporting in the annual report, including summarised achievements for the past year and challenges for 09/10.
- (3) Arrangements for monitoring at departmental and divisional level of Departmental and Business Plans, including organisational health and equality indicators.

**132. FURTHER REVISIONS TO THE LOCAL DEVELOPMENT SCHEME FOR THE LOCAL DEVELOPMENT FRAMEWORK 2008-2011**

132.1 The Cabinet considered a report of the Director of Environment that sought approval of the updated Local Development Framework (for copy see minute book).

132.2 Councillor Theobald noted concerns raised by Councillor Mitchell regarding dealing with waste from London. He noted that GOSE were advising on the issue.

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

- (a) To approve the revised Local Development Scheme for submission to the Secretary of State subject to minor alterations that may be made in consultation with the Director of Environment and the Cabinet Member for Environment.
- (b) To agree that the LDS should be brought into effect following approval by the Secretary of State.

### **133. WHITE AIR EXTREME SPORTS FESTIVAL 2009**

133.1 The Cabinet considered a report of the Director of Environment that sought landlord's consent to stage 'White Air Extreme Sports Festival' on Brighton and Hove seafront from the 18 – 20 September (for copy see minute book).

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

- (1) That landlord's consent be granted to stage White Air Extreme Sports Festival on Madeira Drive, Brighton & Hove Seafront from 18th – 20th September 2009. Reference can be made to appendix two for the exact location on Madeira Drive and adjoining beach.
- (2) That officers be authorised to enter into formal agreement with the event organisers and to determine conditions of support as appropriate.

### **134. WORKING RELATIONS WITH THE OLDER PEOPLE'S COUNCIL**

134.1 The Cabinet considered a report of the Director of Strategy & Governance that provided information on the links and working relations between the Council and the Older People's Council (for copy see minute book)

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

- (1) To note the information contained within the report.
- (2) To accept the actions set out in paragraph 3.4.1 of the report.

### **135. REVIEW OF LEARNING DISABILITY SERVICES GOVERNANCE ARRANGEMENTS**

135.1 The Cabinet considered a report of the Director of Adult Social Care & Housing that had been prepared in response to a Green Party amendment regarding constitutional arrangements for the future governance of Learning Disability services (for copy see minute book)

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

- (1) That the Learning Disability services remain the responsibility of the Director of Adult Social Care and Housing in order to execute the statutory responsibilities of the DASS.
- (2) That the Executive Functions remain as they are currently set out in the constitution, thus ensuring continuity of leadership and minimising further change for those stakeholders on the Learning Disability Partnership Board.

### 136. OPEN MARKET DEVELOPMENT PROPOSALS

136.1 The Cabinet considered a report of the Director of Cultural Services that advised on progress made during the past nine months on proposals submitted to develop the Open Market (for copy see minute book).

136.2 Councillor Mears declared a personal and prejudicial interest in the item and left the chamber for the duration of the debate. Councillor Mrs Brown took the Chair for the item.

136.3 Councillor Taylor addressed the Cabinet in his role as Ward Councillor and as a member of the Market Group. He supported the regeneration and welcomed the new housing and covered site. He was pleased to note the recommendations about sustainability performance contained within the report.

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

136.5 That the Cabinet;

- (1) Note the project progress described in section 7 made since the Stage 2 submission received by the council in September 2007.
- (2) Approves the draft Heads of Terms referred to in section 5 and attached to the accompanying part two confidential report as the basis for negotiations of the Development Agreement.
- (3) Approves landowner consent for the project to continue, subject to continued engagement between officers and the Open Market Traders Association and Hyde regarding sustainability issues to seek improved sustainability performance, and that the Director of Cultural Services and the Head of Law negotiate a draft Development Agreement.
- (4) Approves the delegation of authority to approve the Development Agreement to the Director of Cultural Services and the Head of Law in consultation with the Cabinet Member for Enterprise, Employment and Major Projects.

- (5) Delegates authority for approval of the final scheme at RIBA Stage D, and prior to the submission of a planning application, to the Director of Cultural Services in consultation with the Cabinet Member for Enterprise, Employment & Major Projects.
- (6) Agrees that the Open Market Traders Association, supported by council officers, proceed to incorporate a Community Interest Company for the purpose of taking a long term lease on the new market and managing all aspects of the new market.
- (7) Supports council representation of up to 19% on the Board of the Community Interest Company to be incorporated by the Open Market Traders Association and that the Board should be made up as described in paragraph 7.2, point 6 of the report.

**137. PROCUREMENT OF THE CORPORATE BUILDING CLEANING CONTRACT**

137.2 The Cabinet considered a report of the Director of Strategy & Governance that authorisation for the letting of the councils' corporate cleaning contract (for copy see minute book).

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

137.4 That Cabinet approves:

- (1) The re-tendering of the building cleaning contract for a 4 year period with the option to extend by a further 2 years at the council's discretion, in accordance with the tendering timetable included in this report at item 4.2 to enable the new services to commence in October 2009.
- (2) That the Director of Finance and Resources and Assistant Director Property & Design, in consultation with the Cabinet member for Central Services, be given delegated authority to award the contract to the successful bidder following evaluation and recommendations of the evaluation team.

**PART TWO SUMMARY**

**138. OPEN MARKET DEVELOPMENT PROPOSAL**

138.1 The Cabinet considered a report of the Director of Cultural Services that advised on progress made during the past nine months on proposals submitted to develop the Open Market (for copy see minute book).

138.2 Councillor Taylor addressed the Cabinet in his role as Ward Councillor and as a member of the Market Group. He supported the regeneration and welcomed the new housing and covered site. He was pleased to note the recommendations about sustainability performance contained within the report.

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

138.4 That the Cabinet;

- (8) Note the project progress described in section 7 made since the Stage 2 submission received by the council in September 2007.
- (9) Approves the draft Heads of Terms referred to in section 5 and attached to the accompanying part two confidential report as the basis for negotiations of the Development Agreement.
- (10) Approves landowner consent for the project to continue, subject to continued engagement between officers and the Open Market Traders Association and Hyde regarding sustainability issues to seek improved sustainability performance, and that the Director of Cultural Services and the Head of Law negotiate a draft Development Agreement.
- (11) Approves the delegation of authority to approve the Development Agreement to the Director of Cultural Services and the Head of Law in consultation with the Cabinet Member for Enterprise, Employment and Major Projects.
- (12) Delegates authority for approval of the final scheme at RIBA Stage D, and prior to the submission of a planning application, to the Director of Cultural Services in consultation with the Cabinet Member for Enterprise, Employment & Major Projects.
- (13) Agrees that the Open Market Traders Association, supported by council officers, proceed to incorporate a Community Interest Company for the purpose of taking a long term lease on the new market and managing all aspects of the new market.
- (14) Supports council representation of up to 19% on the Board of the Community Interest Company to be incorporated by the Open Market Traders Association and that the Board should be made up as described in paragraph 7.2, point 6 of the report.

**139. TO CONSIDER WHETHER OR NOT ANY OF THE ABOVE ITEMS AND THE DECISIONS THEREON SHOULD REMAIN FROM DISCLOSURE TO THE PRESS AND PUBLIC**

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

139.2 **RESOLVED** – That item 138, contained in Part Two of the agenda and the decisions thereon, remain exempt from disclosure to the press and public.



The meeting concluded at 5.05pm

Signed

Chair

Dated this

day of