

**BRIGHTON & HOVE CITY COUNCIL**

**CABINET**

**4.00PM 14 JULY 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Also in attendance:** Councillors Peltzer Dunn (Opposition Spokesperson) and Mitchell (Opposition Spokesperson)

**Other Members present:** Councillors Fitch, Gilbey, Hawtree, MacCafferty, Mears, Morgan, A Norman, K Norman, Simson and Wealls

**PART ONE**

**26. PROCEDURAL BUSINESS**

**26a Declarations of Interest**

26a.1 Councillors Mitchell and West declared personal and prejudicial interests in Item 48, a report of the Strategic Director, Resources concerning the business case for Brighton & Hove Estates Conservation Trust, as Councillor Mitchell chaired the Trust and Councillor West was a member.

26a.2 The Chair and Councillor Wakefield declared personal, but non-prejudicial interests in any Items were the Local Delivery Vehicle (LDV) for housing management was discussed as they were both members of the LDV.

**26b Exclusion of Press and Public**

26b.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).

26b.2 **RESOLVED** – That the press and public be not excluded from the meeting.

**27. MINUTES OF THE PREVIOUS MEETING**

27.1 **RESOLVED** - That the minutes of the meeting held on 9 June 2011 be approved as a correct record.

## **28. CHAIR'S COMMUNICATIONS**

28.1 The Chair noted that the meeting would be webcast.

28.2 The Chair noted that Pride would take place between 6 and 14 August and wished members of the LGBT Forum success in representing the council. He also wished attendees of the St James' Street Party a safe and happy time.

28.3 The Chair advised that he had attended an informal reception of GEMS (the Gay Elderly Men's society) in recognition of their Queens Award for the services they delivered to the community. Their support for *and* with older gay men had been recognised nationally and the award was much deserved.

28.4 The Chair reported that Brighton was once again the top city in the country for Civil Partnership services.

28.5 The Chair advised that 55 staff had been invited to attend a ceremony in recognition of long service at the council. He welcomed recent suggestions received from staff about innovations that the council might make as an employer and provider and stated that he was keen to capitalise on the talent and ideas that council staff possessed and would be developing a number of the ideas.

28.6 The Chair reported that he had formally opened the Housing Super Centre in the previous week; the development of the project and its realisation were providing dividends for the city as a whole and particularly for housing services. It was hoped that a learning centre could be provided on the site and its use extended to communities across the city to help the council move towards on targets for reducing inequalities.

## **29. ITEMS RESERVED FOR DISCUSSION**

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

## **30. PETITIONS**

30.1 There were none.

## **31. PUBLIC QUESTIONS**

31.1 There were none.

## **32. DEPUTATIONS**

32.1 The Chair reported that one deputation had been received.

32.2 The Cabinet considered a deputation presented by Mr Stewart Gover concerning the housing allocations policy and the impact of giving any additional groups priority on the

waiting list. He stated that it would be unfair to those on the waiting lists who had waited patiently for improved housing to allow a new priority group to move above them.

- 32.3 The Chair proposed that a review of the Housing Register Allocations policy be undertaken by housing and children's services commissioners with heads of delivery, and that a joint report be brought to the Housing Cabinet Member Meeting (CMM) in October 2011. The aim of the review would be to ensure that the policy was fair, transparent, was applied consistently and properly reflected the council's duties in relation to care leavers.

As part of the review, consultation would be undertaken in accordance with the council's Community Engagement Framework and would include care leavers and their representative bodies as well as social and supported housing agencies, and other recognised referral bodies. The review would also look at the Joint Protocol in place in relation to care leavers to ensure that it was consistent with the Allocations Policy and best met the needs of Care Leavers and the council's responsibilities as Corporate Parent.

Any proposals that emerged from the review would be brought to the Housing CMM in October with a view to considering any proposals for change on that date. Pending the review, the council would ensure that care leavers being assessed for accommodation would not be disadvantaged by the current allocations policy at the point that they were considered ready for independent housing.

- 32.4 **RESOLVED** – That the deputation be noted and a report on the review of the Housing Register Allocations Policy be brought to the 19 October 2011 Housing CMM.

### 33. LETTERS FROM COUNCILLORS

- 33.1 There were none.

### 34. WRITTEN QUESTIONS FROM COUNCILLORS

- 34.1 The Chair reported that one written question had been received.

- 34.2 Councillor Fitch had submitted the following question:

“Does Cabinet a) recognise the importance of the Palace Pier to the people of this city and b) will they assure me that every effort will be made to work with any new owner of the pier to ensure that they officially return to the landmark's original name: Palace Pier?”

- 34.3 The following response from Councillor Bowden had been circulated:

“The short answer to Cllr Fitch's question is: yes.

I am supporting the Argus' campaign to revert to the original name, as is the Leader of the Council, Pavilion MP Caroline Lucas and, judging by press reports, colleagues from all parties.”

34.4 Councillor Fitch did not have a supplementary question to ask, but welcomed the cross-party support for the campaign to persuade the new owners of the Palace Pier to restore its original name.

### **35. NOTICES OF MOTION**

35.1 There were none.

### **36. TARGETED BUDGET MANAGEMENT (TBM) 2011/12 MONTH 2**

36.1 The Cabinet considered a report of the Director of Finance concerning the council's revenue and capital forecast outturn position for 2011/12 as at Month 2.

36.2 Councillor J Kitcat explained that the report was the first to reflect the council's new structure and contained more detailed information than previous TBM reports. He advised that action plans were in place to tackle the overspend and thanked officers for compiling the report.

36.3 Councillor A Norman highlighted a number of concerns, in particular lost income caused by delays to car park improvements, the cost of allowing travellers to gain access to 19 Acres after the site had been re-bunded, and the level of spending on union duties.

36.4 In response to questions from Councillor A Norman the following comments were made:

- The deficit in the Collection Fund was due to a higher than anticipated number of exemptions and discounts, and the matter would be investigated.
- The overspend on the travellers budget was similar to previous years figures and could not be resolved until permanent sites were identified.
- Work would be undertaken to consider the gap between union duties and the resources available. A written response containing more detailed information on the total budget set aside for union matters would be provided.
- Each department had its own communications budget, therefore savings had not shown up in the central Communications Team budget; future plans included reviewing City News.
- Consideration of the Investment in City Infrastructure report about car park improvements had been deferred in order to address access issues at the Regency Square car park before work commenced. It was anticipated that a report would be considered in October.
- The decision to reopen the bund at 19 Acres had been made by officers under delegated powers and it was regrettable that ward councillors had not been informed. The work had been carried out at no cost to the council.
- A written response would be provided concerning savings lost from the decision to reinstate half a refuse collection round, which would have affected only agency staff.

36.5 Councillor Mitchell noted the overspend position and that it had occurred within a short period of time. She questioned why the Cabinet was continuing to implement the previous Administration's budget rather than resisting the spending cuts as promised prior to the local elections.

36.6 In response to questions from Councillor Mitchell the following comments were made:

- Councillor Kennedy was leading on the discussions about the progress of the Local Delivery Vehicle for housing management and the latest position was currently being reviewed.
- With regard to phase three of the Value for Money Programme, a voluntary severance programme had been initiated, which would help meet savings targets without the need for redundancies.
- The council was confident that it would deliver on the school places detailed within the report and achieve the savings identified within Children's Services.
- Any decisions about provision of permanent traveller sites would be programmed into the budget.
- The Director of Finance acknowledged that the reference to 'in-year issues' had not been helpful and explained that the overspend was significantly lower than reported at the same time in previous years. Although new issues had arisen, including some uncertainty around Value for Money savings due to longer lead-in times, savings were on track.

36.7 Councillor J Kitcat stated that Value for Money targets were being carefully monitored along with the risks. He explained that the new Administration had encouraged proposals for in-year savings from all political groups, but few had been received; timing was such that it would not be possible to implement an alternative budget and it was necessary to provide officers with a framework for proceeding with the budget process for 2012-13, which would include participation for opposition Members in the Budget Review Group and Star Chambers.

36.8 The Chair reported that the Secretary of State for Communities and Local Government, Eric Pickles MP, had declined a meeting to discuss the council's grant settlement and that a meeting with Bob Neill MP, Parliamentary Under Secretary, had been offered.

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

- (1) That Cabinet notes the provisional outturn position for the General Fund, which is an overspend of £0.941m.
- (2) That Cabinet notes the forecast outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2011/12.
- (3) That the Cabinet note the provisional outturn position on the capital programme.
- (4) That the Cabinet approve the following changes to the capital programme:
  - i) The new schemes as set out in Appendices 1 & 2.
  - ii) The ICT Fund as shown in Appendix 3.

### 37. **BUDGET UPDATE & BUDGET PROCESS REPORT 2012/13**

- 37.1 The Cabinet considered a report of the Director of Finance concerning the process for preparing the 2012/13 budget and the basis and principles on which it would be planned.
- 37.2 The Chair explained that a broader and more transparent approach to consultation and engagement in the budget process would be adopted, offering trade unions, the community and voluntary sector and the other political parties the opportunity to have a say in setting the budget priorities.
- 37.3 Councillor J Kitcat reported that the intention was set Council Tax at 3.5% and that equalities and sustainability issues would be highlighted during the budget process.
- 37.4 Councillor A Norman noted the early announcement of the intention to increase Council Tax and stated that more work on potential savings should have been undertaken before such a decision was made.
- 37.5 Councillor J Kitcat advised that a figure was required in order to enable financial modelling to commence, but that the final decision on the level of Council Tax would be taken by the Full Council. He added that the proposed increase was reasonable as it would be below the rate of inflation.
- 37.6 In response to questions from Councillor Mitchell, the Director of Finance made the following comments:
- Changes to Council Tax subsidy would begin in 2013-14 and were reflected in the pressure projections, but not within the text of the report.
  - The decision had been taken to account for the incremental drift pressure from Single within services' allocated budgets. The Single Status Reserve had been considered sufficient and was currently being reviewed.
  - Any changes resulting from the Localism Bill would need to be considered and any costs determined and built in to the budget.
- 37.7 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet notes the resource and expenditure projections for 2012/13 to 2014/15 set out in table 3, paragraph 3.27.
  - (2) That Cabinet instruct Directors and relevant Cabinet Members to produce options for working within a budget allocation over the next 2 years of -5%, -10% and -15% based on their 2011/12 adjusted budget as exemplified in appendix 1.
  - (3) That Cabinet notes the resource projections for the capital investment programme as shown in appendix 2.
  - (4) That Cabinet agrees the timetable for budget reports set out in paragraph 3.52.
38. **TREASURY MANAGEMENT POLICY STATEMENT (INCORPORATING THE ANNUAL INVESTMENT STRATEGY) 2010/11 - END OF YEAR REVIEW**

- 38.1 The Cabinet considered a report of the Director of Finance concerning action taken during the second half of the financial year 2010/2011 on the Treasury Management Policy Statement (TMPS), including the investment strategy.
- 38.2 Councillor J Kitcat stated that the council had coped well in difficult financial circumstances and noted the importance of the ethical investment statement.
- 38.3 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet endorses the action taken during the second half year to meet the treasury management policy statement and practices (including the annual investment strategy).
  - (2) That Cabinet notes the maximum indicator for risk agreed at 0.05% has not been exceeded.
  - (3) That Cabinet notes the authorised limit and operational boundary set by the Council have not been exceeded.
- 39. 2008-11 LOCAL AREA AGREEMENT (LAA) 2010/11 AND 2010/11 ORGANISATIONAL HEALTH REPORT**
- 39.1 The Cabinet considered a report of the Strategic Director, Resources concerning Local Area Agreement (LAA) performance information to the end of March 2011, the closing data for the LAA, and information regarding the organisational robustness ('health') of some key council operations.
- 39.2 Councillor Peltzer Dunn noted that data was incomplete in some areas. He welcomed the move away from Government-dictated targets and advised that questions should be asked about areas of concern in order to understand how to tackle them, such as why the level of staff sickness was high and what number of invoices were paid late due to legitimate queries.
- 39.3 The Strategic Director, Resources explained that work had been undertaken to reduce the levels of staff sickness and that it was anticipated that this, along with the imminent Peoples' Strategy, would result in improvements.
- 39.4 Councillor Mitchell welcomed continued improvements in reducing the level of bullying in school and the rate of teenage pregnancies, but noted concerns around alcohol-related hospital admissions and the level of NEETs.
- 39.5 Councillor J Kitcat advised that the next report would deal with the approach to performance monitoring and noted that the council had become better at choosing measurable targets.
- 39.6 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That Cabinet notes results against the 2008-11 Local Area Agreement and our current organisational health.
- (2) That Cabinet notes that the Government has made changes to the national performance management framework. This affects the LAA in that performance is no longer monitored centrally and that the Performance Reward Grant previously attached to targets was removed.
- (3) That Cabinet notes that this will be the final LAA, since local authorities and strategic partnerships are no longer required to produce them.
- (4) That Cabinet notes that a new Performance and Risk Management Framework is being developed that contains city-wide performance priorities.

#### **40. CITY PERFORMANCE PLAN & BHCC ORGANISATIONAL HEALTH REPORT**

- 40.1 The Cabinet considered a joint report of the Strategic Director, Resources and Strategic Director, Place concerning an overview of the Performance and Risk Management Framework (PRMF) and presenting the City Performance Plan and the Organisational Health Report.
- 40.2 Councillor Peltzer Dunn welcomed the more localised approach to performance monitoring, but questioned whether the number of proposed targets would result in a more streamlined approach. He requested that the report be forwarded to the Full Council for approval, as had been the case with the LAA.
- 40.3 Councillor J Kitcat explained that targets were not being renegotiated and that, unlike the LAA, there were no financial incentives involved. He advised that the City Performance Plan was owned by Brighton & Hove Strategic Partnership, not the council, and that final approval rested with them.
- 40.4 Councillor Mitchell advised the Overview & Scrutiny Commission had considered the documents thoroughly.
- 40.5 The Chair stated that he was happy to refer the report to the Full Council, but that the agreement of the Strategic Partnership would be required.
- 40.6 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet notes the new Performance and Risk Management Framework for the council.
  - (2) That Cabinet endorses the City Performance Plan and recommends it to the Public Service Board (PSB) for final agreement.
  - (3) That Cabinet approves the Organisational Health Report as being an appropriate suite of indicators to support the Strategic Leadership Board's management of the organisation.



**41. RESPONSE TO THE RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMISSION'S PANEL ON RENEWABLE ENERGY POTENTIAL**

- 41.1 The Cabinet considered a report of the Strategic Director, Place concerning the executive response to the recommendations of the Overview and Scrutiny Commission's Panel on Renewable Energy Potential.
- 41.2 Councillor West thanked the panel and stated that council would be embarking of a significant programme of work on renewables and working with partners to ensure a citywide approach of this priority area of work.
- 41.3 The Chair thanked the panel and the scrutiny team for their contributions and invited chair of the panel Dr Adrian Smith, Senior Lecturer at the University of Sussex, to introduce the panel's report.
- 41.4 Dr Smith acknowledged that opportunities for using renewable energy were changing at a rapid pace and that, while prospects within the city were tremendous, expert knowledge would be needed. He welcomed the flexible response to the panel's recommendations and advised that defined leadership would be required in order to make legitimate demands of budgets and enable citywide planning. A strategy was urgently required to co-ordinate priorities and make use of central government programmes, as well as a commitment to timescales, and monitoring and learning from outcomes would be key to making progress.
- 41.5 Councillor Mitchell echoed Dr Smith's call for leadership and urgent co-ordination of the priorities and thanked the panel for their time and expertise.
- 41.6 Councillor West welcomed the comments and advised that an ongoing dialogue would be maintained as work progressed.
- 41.7 The Strategic Director, Place explained that significant progress had been made using the resources available, but that care had to be taken with regards to procurement. Working groups would be set up to drive the work forward and inject the desired pace.
- 41.8 Councillor Peltzer Dunn noted that the list of priorities lacked specific detail and that the financial implications were not extensive; he stated that it would be necessary identify the most likely sources of funding.
- 41.9 The Chair advised that the council must be prepared to take advantage of any upcoming schemes and tariffs, and that resources would be moved around to enable this. He welcomed the citywide and cross-party support for prioritising this work.
- 41.10 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet approves the responses in Appendix 1 and the timetable, subject to further reports identifying the business cases and funding etc., as set out in paragraph 3.3.1 of the report.

**42. WITHDRAWAL OF CORE STRATEGY TO UPDATE AND AMEND**

- 42.1 The Cabinet considered a report of the Strategic Director, Place concerning proposals to withdraw the Core Strategy from the examination process to allow essential updating and amendments in response to new circumstances relating, in particular, to emerging legislation and housing delivery.
- 42.2 The Chair explained that redrafting the Core Strategy would enable a more robust city wide plan to be written, which would guide the future development of the city and be a positive tool for attracting and directing investment, as well as delivering much needed jobs, high quality housing, including affordable housing, and encouraging sustainable forms of development. He advised that withdrawal would also provide an opportunity for full and effective consultation with residents.
- 42.3 The Chair welcomed Councillor MacCafferty, Chair of the Planning Committee, to the meeting.
- 42.4 Councillor MacCafferty thanked officers for their work on the Core Strategy to date and reported that circumstances had changed significantly since submission of the Strategy in April; these included the need to address the Inspector's concern with the proposed housing delivery strategy, the publication of the Localism Bill and the comprehensive spending review. He advised that redrafting the Strategy would allow the council to submit a more robust local housing target supported by up to date evidence and update the sustainable buildings policy to raise the standards of sustainable building. Proposed options and amendments would be considered by the Cabinet in October with consultation with residents and stakeholders to follow.
- 42.5 Councillor Mitchell stated that it made sense to withdraw the Strategy to take account of recent and forthcoming developments and welcomed the re-introduction of a cross-party working group to consider the Strategy.
- 42.6 Councillor Peltzer Dunn welcomed the proposal and noted the short timescale laid out in the report.
- 42.7 The Chair welcomed the cross-party support for withdrawal of the Strategy.
- 42.8 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet recommends to Council that the Secretary of State's direction to withdraw the submitted Brighton and Hove Core Strategy from the examination process be sought for the reasons set out in Part 3 of the report.
  - (2) That Cabinet agrees that a Cross Party Working Group be set up in accordance with the terms of reference in appendix 2.

#### **43. GYPSY ROMA TRAVELLER ACTION PLAN 2011/12**

- 43.1 The Cabinet considered a report of the Strategic Director, Place concerning Gypsy, Roma and Traveller matters and recommending a review of the current Traveller Strategy.

- 43.2 The Chair noted that paragraph 5.1 of the report should have stated that the Environment & Community Safety Overview & Scrutiny Committee would be asked to consider setting up a panel to review the strategy at their meeting in September. He stated that the Cabinet welcomed the involvement of Overview & Scrutiny throughout the revision of the Traveller Strategy and actively seek their support during the process.
- 43.3 Councillor West advised that the council sought to be firm, but fair and work with the Police when necessary to support travellers and local communities, and protect the city's parks and open spaces by urgently seeking to identify a permanent site. He stated that the council would openly challenge hatred and intolerance and was focussing on a constructive and calm approach.
- 43.4 The Chair highlighted the importance of working with other local authorities and thanked the Traveller Liaison Team and Police for ongoing support.
- 43.5 Councillor Peltzer Dunn stated that a balance had to be achieved between the needs of travellers and the impact on local residents; he welcomed the consultation, but advised that residents wanted to know how short-term tolerated sites were determined and what sites were designated to have higher or lower impact. He added that the timetable for review of the strategy appeared to be overly ambitious.
- 43.6 In response to a question from Councillor Peltzer Dunn, Councillor Wakefield explained that 'locally-based' travellers were those who remained in the same area for a number of years or had family in the area.
- 43.7 The Head of Planning Strategy advised that when considering the provision of a permanent site, it was necessary to take account of the number of locally based travellers, of which there were a number within the city. In response to a question from Councillor Mitchell, he explained that planning consent may be required if structures were to be built on tolerated sites, but that the primary aim was to achieve planning consent for a permanent site once identified.
- 43.8 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet approves the following measures that form part of an action plan for this year under the current Traveller Strategy:
    - (a) To commence a review of the 2008 Traveller Strategy to deal with the annual summer increase in unauthorised encampments
    - (b) To prioritise the provision of a permanent Travellers site
    - (c) To continue to offer appropriate support to assist Gypsy, Roma and Travellers with their welfare needs
    - (d) To promote cohesion between settled and travelling communities

- (e) To focus site protection measures on those areas that are the most unsuitable for toleration
  - (f) To take firm enforcement and eviction action in partnership with the Police
  - (g) A commitment to examine new ways of managing the seasonal summer increase in Travellers, including consideration of the appropriate use of limited toleration on lower impact sites
  - (h) To ensure that Gypsy, Roma and Traveller groups, local residents and their representatives are consulted as part of the development of the refreshed strategy
  - (i) To encourage and work with neighbouring authorities to play their part in supporting the Gypsy, Roma and Traveller way of life
- (2) That Cabinet approves the outline action plan in Appendix 1 based on these recommendations for 2011-15 and authorises the Strategic Director of Place, Lead Commissioner for Housing and Head of Housing & Social Inclusion to take all steps necessary or incidental to the implementation of the plan.
- (3) That Cabinet instructs officers to refer the refreshed Traveller Strategy, once drafted, to Cabinet for approval.

#### **44. PROVISION OF THE COMMERCIAL PORTFOLIO'S ESTATE MANAGEMENT CONSULTANCY CONTRACT**

- 44.1 The Cabinet considered a report of the Strategic Director, Resources concerning a review of the method of service provision of the Estate Management consultancy contract for the council's Commercial portfolio.
- 44.2 Councillor J Kitcat explained that the council's commercial portfolio was currently managed in two parts with separate external consultants managing the Urban and Downland Estates portfolios respectively. He advised that the Cabinet was seeking to bring the estate management of the Downland Estate in-house to enable increased control and allow the council to have greater influence in implementing a revised Downland Initiative policy.
- 44.3 Councillor West stated that the advent of the South Downs National Park had brought many new opportunities, including the potential to improve access, increase eco-tourism and provide new employment prospects. By bringing the Downland Estate management in-house the council would be able to achieve closer management of such opportunities.
- 44.4 Councillor Peltzer Dunn requested that the meeting move into confidential session as he wished to request more detailed financial information, which could be commercially sensitive.
- 44.5 Councillor J Kitcat stated that adequate financial information had been included in the report and explained that the Cabinet was seeking to agree to tender for management of

the Urban portfolio and not to tender for the management of the Downland portfolio; a decision on how to proceed with the structures for management of the Downland portfolio was not included in the report.

- 44.6 In response to a question from Councillor Peltzer Dunn, Councillor J Kitcat advised that a seafront surveyor had already been employed, but that the council would need to recruit staff to ensure that it had the necessary expertise available in-house.
- 44.7 Councillor Mitchell raised concerns about the decision to bring the management of the Downland portfolio in-house based on the information in the report and the risks posed to the Council; she advised the Cabinet to be mindful of its duty to its tenant farmers. She stated that it was unsafe to make such a decision while the costs remained unclear and that the benefits must be demonstrated to the taxpayer before proceeding.
- 44.8 Councillor Peltzer Dunn queried the lack of a strategy for the in-house management of the Downland portfolio and the need for more detailed financial information.
- 44.9 The Chair stated that the Administration felt it necessary to bring the management of the Downland portfolio in-house to make the most of the opportunities presented by the South Downs National Park and that he was confident it would be successful. He stated that the necessary financial information was included in the report and that a detailed strategy would be drawn up.
- 44.10 Councillor J Kitcat explained that closer control of the Downland portfolio was key to the Administration's plans to create a biosphere reserve and that it would bring significant opportunities for external funding and benefits for the city. He reiterated that the Cabinet was simply agreeing not to tender for the management of the Downland portfolio and that structures for the in-house management would be considered by the Cabinet at a future meeting.
- 44.11 In response to comments from Councillor Peltzer Dunn, the Head of Legal & Democratic Services advised that recommendation 2.2 presented the Cabinet with two options and that Councillor J Kitcat had moved a motion to bring management of the Downland portfolio be in-house. He stated the revised wording of recommendation 2.2, to reflect Councillor J Kitcat's motion, would be: "That Cabinet agrees to bring in-house to bring the estate management of the Downland Estate as set out in the body of the report" and advised that recommendation 2.3 had become obsolete.
- 44.12 Councillor J Kitcat noted that a revised version of Appendix 2 had been circulated.
- 44.13 The Chair put the recommendations, including the revised wording of paragraph 2.2 to the vote.
- 44.14 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet authorises:
    - (a) The retendering of the Estate Management consultancy service for the commercial Urban portfolio, for a 5 year period, with an option for up to a 2

year extension. The timetable and process, are set out in paragraph 3.13 and Appendix 2.

- (b) The granting of delegated powers to the Strategic Director, Resources in consultation with the Cabinet Member for Finance and Central Services to, a) award the contract following the recommendations of the evaluation panel and the results of the tendering process and b) approve an extension of up to 2 years to the contract if required dependent on performance.
  - (c) That the tender specifications be reviewed to ensure a quality service monitored by specific performance indicators with a positive attitude to income generation.
- (2) That Cabinet ~~considers the options of continuing to outsource or~~ **agrees to** bringing in-house the estate management of the Downland Estate as set out in the body of the report, ~~and agrees on a way forward.~~
- (3) ~~That in the event that Cabinet decides on the outsourcing option for the estate management of the Downland Estate, Cabinet grants the corresponding authorisations as per 2.1 a), b) and c) above for the re-tendering of the Estate Management consultancy service for the Downland Estate.~~

#### 45. RE-TENDERING OF HOME CARE CONTRACTS

- 45.1 The Cabinet considered a report of the Director of Adult Social Care & Health and Lead Commissioner, People concerning the tender and award of contracts for the provision of Home Care services for three years from April 2012.
- 45.2 Councillor Mitchell welcomed the purchase of an Electronic Care Monitoring System, which would ensure that service users were safe in their homes. She also welcomed the Equalities Impact Assessment focussing on the needs of the low-paid predominantly female workforce.
- 45.3 In response to a question from Councillor Mitchell, the Director of Adult Social Care & Health confirmed that Trade Union members would be included in the planned consultation.
- 45.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet approves the re-tendering of the Home Care services through an approved procurement process during the financial year 2011-12 for the subsequent three to five years (i.e. contract period April 2012 to March 2015 with an option to extend by up to a further two years).
  - (2) That delegated authority be granted to the Director of Adult Social Care and Health / Lead Commissioner People to approve the award of contracts to the successful bidders following recommendations of the tender evaluation panel and consultation with the Cabinet Member for Adult Social Care and Health.

#### 46. WIDE AREA NETWORK PROCUREMENT

- 46.1 The Cabinet considered a report of the Strategic Director, Resources seeking approval to procure a new Wide Area Network contract in compliance with EU and UK Public Procurement legal requirements.
- 46.2 Councillor J Kitcat advised that the proposals would enable increased flexibility and partnership working.
- 46.3 In response to a question from Councillor Mitchell regarding opportunities for not-for-profit organisations, Councillor J Kitcat explained that the procurement would have to follow the OJEU tender process and that bids from all sectors were welcomed, but would have to meet the necessary requirements. He added that the council encouraged open procurement and that bids from not-for profit organisations, social enterprises and other similar organisations were welcomed and, wherever possible, would be considered.
- 46.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet approves the procurement of a new Wide Area Network contract to replace the Data element of the existing Voice and Data contract in August 2013. The period of the contract will be 5 years with an option to extend for a further period of up to 2 years.
  - (2) That Cabinet authorises the procurement to take place jointly with East Sussex County Council and potentially other (as yet unidentified) local public sector partners under suitable contractual arrangements.
  - (3) That Cabinet grants delegated authority to award the new Wide Area Network contract to the Strategic Director, Resources

**PART TWO SUMMARY**

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

47.1 **RESOLVED** - That the Part Two minutes of the meeting held on 9 June 2011 be approved as a correct record.

**48. BRIGHTON & HOVE ESTATES CONSERVATION TRUST - BUSINESS CASE**

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

48.2 Councillors West and Mitchell had declared personal and prejudicial interests and left the meeting during consideration of the report.

48.3 **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.

**49. PART TWO ITEMS**

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

49.2 **RESOLVED** – That items 47 and 48, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.36pm

Signed

Chair

Dated this

day of