

# BRIGHTON & HOVE CITY COUNCIL

## CABINET

4.00PM 22 SEPTEMBER 2011

## COUNCIL CHAMBER, HOVE TOWN HALL

### MINUTES

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

**Also in attendance:** Councillors G Theobald (Opposition Spokesperson) and Mitchell (Opposition Spokesperson)

**Other Members present:** Councillors Barnett, Cobb, Hamilton, Gilbey, Janio, MacCafferty, Morgan, A Norman, Pissaridou, Simson, Summers and Wealls

### PART ONE

#### 56. PROCEDURAL BUSINESS

##### 56a Declarations of Interest

56a.1 There were none.

##### 56b Exclusion of Press and Public

56b.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).

56b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of Item 80 onwards.

#### 57. MINUTES OF THE PREVIOUS MEETING

57.1 **RESOLVED** - That the minutes of the meeting held on 14 July 2011 be approved as a correct record.

#### 58. MINUTES OF THE SPECIAL MEETING, 1 SEPTEMBER 2011

58.1 **RESOLVED** - That the minutes of the meeting held on 14 July 2011 be approved as a correct record.

## **59. CHAIR'S COMMUNICATIONS**

59.1 The Chair noted that the meeting would be webcast.

59.2 The Chair congratulated Councillor Mary Mears on winning Local Government Personality of the year and Caroline Lucas MP who was awarded MP of the Year at the recent Women in Public Life Awards ceremony.

59.3 The Chair reported that the World Wildlife Fund would celebrate it's 50<sup>th</sup> anniversary this year and that Greepeace and Friends of the Earth would celebrate their 40<sup>th</sup> anniversaries.

59.4 The Chair advised that Bisexual Visibility Day would take place on 23 September.

59.5 The Chair reported that the Living Wage Commission would hold its inaugural meeting on 3 October, which would be attended by a number of organisations in the city, including Brighton & Hove Chamber of Commerce, Brighton & Hove Albion Football Club, Sussex Police, Brighton University, Trade Unions and political parties. The initiative was supported by the Living Wage Foundation.

59.6 The Chair advised that he had opened the new Whitehawk Library on 19 September 2011. He acknowledged the work of the previous Administration and local ward councillors on the project, which had provided Whitehawk with an excellent facility and useful community space.

59.7 The Chair stated that work with residents and stakeholders on Neighbourhood Councils would begin shortly. Pilot projects would begin in April 2012 and a public meeting would take place at the end of 2011. The council wanted to hear from residents about what defined neighbourhoods and which areas were interested in taking part in a pilot. Neighbourhood Councils would not be imposed on areas where they were not wanted, but a certain amount of interest was expected.

59.8 The Chair reported that he had spoken at a meeting of the Food Partnership on 21 September 2011, which was a leading organisation in the city in relation to sustainability. He praised former Councillor Joyce Edmond-Smith for her role in establishing the Food Partnership and the Harvest project for setting up over 100 food growing initiatives in the city. He acknowledged that Brighton & Hove was a national leader in such work and that the council would continue to support the work of the Food Partnership. He congratulated Planning Officers for the introduction of a Planning Advice Note (PAN) on food growing and noted that it had received significant national media attention.

## **60. ITEMS RESERVED FOR DISCUSSION**

60.1 The Chair advised that he proposed to take Item 66, Written Questions from Councillors prior to considering petitions.

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

## 61. PETITIONS

61.1 There were none.

## 62. PETITIONS DEBATED AT COUNCIL

### 62A Gypsies & Travellers in Brighton & Hove

62a.1 The Chair explained that a petition and notice of motion concerning Gypsies and Travellers in the city that had previously been debated at the Council meeting on 21 July had been referred to the Cabinet for consideration. The Cabinet also considered a report of the Strategic Director, Place concerning Gypsy, Roma and Traveller matters and outlining the timetable and approach to the review of the current Traveller Strategy.

62a.2 Councillor Simson stated that her petition represented the views of many of the city's residents who were dissatisfied with the disruption and caused by unauthorised encampments and that she had received a further 400 signatures, bringing the total to over 2,700. The petition called for action to be taken more quickly to direct Travellers to the council's transit site or another short-term tolerated site to prevent increased damage caused by growing encampments and to improve relations between residents and Travellers.

Councillor Simson agreed that a permanent site was required, but advised that it would not tackle the issue of annual transient Travellers. She contended that steps must be taken to prevent encampments on the city's open spaces, but where they do occur, the council should request the Police to use their powers to move Travellers on to the transit site. She stated that the petition was not about victimisation; it was intended to seek a fair, reasonable and equitable solution for the city's residents, and she hoped the petition would be taken into account during the development of the new Travellers Strategy.

62a.3 Councillor G Theobald concurred that Travellers were not being moved on from the city's open spaces quickly enough causing encampments to increase in size and that residents wanted to see action from the council and Police.

62a.4 Councillor West advised that he was satisfied that officers were taking the right decisions with regard to unauthorised encampments and working effectively with the Police to take a firm, but fair approach. He stated that the council took its duty of care to Travellers seriously, including the tackling of discrimination and that the focus of the strategic review of the Traveller Strategy would be to improve community cohesion, with work to identify a permanent site continuing. He explained that the council had a Code of Conduct with the Police on how to deal with unauthorised encampments and that Police were making daily visits to sites; the number of unauthorised encampments had increased because protection measures had been installed at many of the usual sites in response to the wishes of residents.

Councillor West explained that consultation of the strategy would be wide-ranging and that the involvement of Overview & Scrutiny was welcomed. He thanked officers and the Police for their ongoing work and called on Members to maintain a constructive and calm approach.

62a.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:

- (1) That Cabinet approves the timetable for the review of the Traveller Strategy as set out in Appendix 1.
- (2) That Cabinet notes the petition and motion in relation to Traveller matters that have been referred to Cabinet following 21 July Full Council and agrees to consider them as part of the work on the development of the Strategy.

### **63. PUBLIC QUESTIONS**

63.1 There were none.

### **64. DEPUTATIONS**

64.1 There were none.

### **65. LETTERS FROM COUNCILLORS**

65.1 There were none.

### **66. WRITTEN QUESTIONS FROM COUNCILLORS**

66.1 The Chair reported that one written question had been received from a Councillor.

66.2 Councillor Hamilton had submitted the following question:

“Local authorities have a duty of care to attain a satisfactory level of fire safety in communal buildings, such as blocks of flats. The code of practice was produced in 2005 supported by the DTI. Towards the end of 2010 a well known national paint provider was asked by the city council to provide painting specifications that would upgrade all walls and ceilings in communal areas and fire escapes to Class “O” fire rating which provides 30 minutes of fire resistance. To date no fire resistant paint has been purchased from this supplier even though communal areas have been painted.

A local resident has informed me that the communal areas at Parker Court in the South Portslade ward have been painted with an acrylic non fire resistant paint. Please can you tell me if that is correct?”

66.3 The Chair had circulated the following response from Councillor Wakefield:

“As part of the Council’s obligations to fire safety, all blocks with communal ways have been risk assessed by the Corporate Health & Safety team.

If any escape route is identified as high fire risk, our contractor will use 'O' rated emulsion paint. Standard paint will be used in all other areas. All gloss paint used by our contractor is 'O' rated.

The communal walls at Parker Court have been painted with a standard paint, in accordance with the fire risk assessment for this block. This 'risk based' approach is in line with the Regulatory Reform (Fire Safety) Order 2005.

The Council is committed to reducing the risk of fire in all of its properties and housing chair a Fire Safety Working group that meets with the East Sussex Fire & Rescue Service and the corporate Health & Safety team to deliver improvements to fire safety across the housing stock."

66.4 Councillor Hamilton asked the following supplementary question:

"The well known paint provider produced a report indicating that the communal ways at Parker Court in some parts needed Class O paint to provide 30 minutes of fire resistance. Do you accept that leaseholders are unhappy that they are probably going to be asked to buy at some expense new fire resistant doors when the council is not providing Class O fire resistant paint in the communal ways?"

66.5 Councillor Wakefield acknowledged that she had been contacted by some leaseholders regarding their responsibility for paying for fire doors.

66.6 At the request of Councillor Wakefield the Head of Housing Management & Social Inclusion gave the following response.

"We undertake risk assessments of our common ways and the risk assessment that has been undertaken by our corporate health and safety team has identified that O-rated paint is not required for the common ways. If there is any alternative information that suggests that this should be reviewed then we would be happy to do so. I will provide you with a written response in terms of the specific risk assessment that we have for Parker Court."

Note: This item was taken after Item 60.

## **67. NOTICES OF MOTION**

### **67A Legal Aid**

67a.1 The Cabinet considered the following Notice of Motion proposed by Councillor MacCafferty:

"This council notes with deep concern the Coalition Government's plans to cut the national legal aid budget by £350 million depriving many Brighton & Hove residents from free legal advice. [1]

It is concerned that claimants – including vulnerable residents needing help in cases of medical negligence, divorce, employment and welfare – will no longer be entitled to legal

aid. These people will be denied justice, as their cases will go unheard without the support of a legal aid lawyer.

Furthermore, the council is concerned the cuts will devastate the inspiring work of the local Citizen's Advice Bureau and Brighton Housing Trust, among others. If Legal Aid Funding is withdrawn, Brighton and Hove Citizens Advice Bureau estimates it will no longer be able to help 220 local residents needing specialist welfare benefits advice and 381 needing specialist debt advice each year.

The work of the Brighton Housing Trust helps clients in more than 1,400 housing cases each year. The proposed legal aid cuts will mean 900 of those cases will go unsolved. Long-term problem solving will also be lost. The Legal Action Group estimates legal aid in East Sussex will be cut by 64% with a total loss of funding to legal aid providers of £407,266.40. [2]

This Council believes legal aid cuts in addition to the Coalition Government cuts to public services are a further blow to those communities in Brighton & Hove already enduring poverty and discrimination. Many older people, unemployed, families and the infirm will be left with little or no access to justice. The erosion of legal aid is likely to exclude even more people from enforcing their rights to fair treatment at work, decent housing and quality education and health.

This Council further believes cutting legal aid is a false economy and will bring additional costs to Brighton & Hove City Council as more hardship problems are relinquished by central Government. Indeed, in the opinion of the Law Society "The suggested cuts will cost the government and the tax payer more than they will save and will have a severe impact on society."

Furthermore, in a period of economic depression, these cuts are likely to reduce social cohesion, increase criminality and silence the vulnerable.

This Council believes that fundamentally the legal aid cuts abandon the principle established by the *Magna Carta* of 1215 that everyone is equal in the eyes of the law.

This Council resolves to:

1. Express its support for the Sound off for Justice Campaign that has brought together the Law Society and non-government organisations as varied as the Women's Institute, Netmums and Shelter to campaign against the changes;
2. Ask the Cabinet to work with solicitors and barristers in the city with clients receiving legal aid to lobby the Government to reverse the cuts;
3. Ask the Cabinet to work with Citizens Advice Bureau, Brighton Housing Trust and other NGOs and to lobby Government to axe the cuts;
4. Ask the Cabinet to meet with the bodies affected by the cut in legal aid funding to examine what proposals can be drawn out to help them navigate the changes; and

5. Request the Chief Executive to write to the city's three MPs urging them to lobby for the withdrawal of the government proposals."

62a.2 Councillor Duncan stated that the Cabinet supported the Notice of Motion and shared the concerns expressed by Members at the Council meeting. The scale of the financial changes meant that the council could not offset the challenges brought by the government's proposals; however, work had begun with voluntary sector advice providers to ensure that the consequences of the cuts were fully understood and then to take practical steps to optimise delivery of critical services, with service users at the forefront.

He thanked officers and partner organisations for working collaboratively and advised the outcomes would form part of the financial inclusion strand of a new Equality & Inclusion Policy and that a report on this would be brought to a future meeting of the Cabinet.

62a.3 **RESOLVED** – That the Notice of Motion be noted and a report be brought to a future meeting of the Cabinet concerning the Equality & Inclusion Policy.

## **67B Community Covenant**

67b.1 The Cabinet considered the following Notice of Motion proposed by Councillor G Theobald:

"This Council recognises the huge contribution made by the UK's armed forces in protecting the basic and fundamental freedoms which we all take for granted. As a result of their duties they sacrifice civilian freedoms, face constant danger and sometimes suffer serious injury or even death. At the very least, they deserve our respect and support and should face no disadvantage compared to other citizens in the provision of services.

This Council warmly welcomes recent initiatives in Brighton & Hove which have sought to recognise the unique contribution of the armed forces such as the 'Heroes Welcome' campaign, Armed Forces Day celebrations, the Freedom Parade and the awarding of Freedom of the City to Henry Allingham and Flight Lieutenant Marc Heal.

However, this Council recognises that both nationally and locally, the Armed Forces community (including veterans, reservists and their families) face many unique social and economic problems and distinct challenges in accessing services provided by public authorities.

Therefore, this Council welcomes the recent commitment by the Government to enshrine the national Armed Forces Covenant into law. This will bring about tangible benefits to the Armed Forces Community including increasing council tax relief to 50%, a pupil premium for service children, a new veterans' information service, a Veterans' Card and a Troops to Teachers scheme.

This Council wishes to further show its moral and practical support to the local armed forces, veterans, reservists and their families by committing to sign a Community Covenant. The aims of the Community Covenant include:

- Encouraging local communities to support the Armed Forces in their areas and vice versa;
- Promoting understanding and awareness amongst the public of issues affecting the Armed Forces community;
- Recognising and remembering the sacrifices made by the Armed Forces community; and
- Encouraging activities which help to integrate the Armed Forces Community into local life.

Therefore, this Council requests that the Cabinet considers signing a Brighton & Hove Community Covenant and asks for a report to be brought to a future meeting on how such a Covenant could be implemented, with a view to launching the Covenant on Remembrance Day 2011; and such report should be drawn up in close consultation with the Armed Forces Community and their representative organisations in Brighton and Hove.”

67b.2 Councillor Duncan advised that many of the issues raised by the Notice of Motion were at the forefront of the Administration’s priorities and that a report would be brought before the Cabinet in October to review work already underway and determine, prior to Remembrance Day, whether it could fit in with the signing of a Community Covenant.

67b.3 Councillor G Theobald welcomed the commitment to bring a report back to Cabinet. He advised that the Local Government Association (LGA) were playing a leading role in the initiative and were holding a free conference on 1 November 2011, and also that the government had set up a £30m grant fund to support local projects, to which he hoped the council would submit a bid.

67b.4 **RESOLVED** – That the Notice of Motion be noted and a report be brought back to the Cabinet meeting on 13 October 2011.

## **68. TARGETED BUDGET MANAGEMENT (TBM) 2011/12 MONTH 4**

68.1 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 4.

68.2 Councillor A Norman welcomed the underspend in home to school transport and the work undertaken in relation to adults assessment, but raised concerns about lost income from the delay in the car park improvement programme. She highlighted specific overspends in the Communications and Human Resources budgets and concerns around proposals to dim street lights.

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

- Councillor J Kitcat explained that timescales were tight for installing solar PV panels on council homes in order to benefit from the Feed-in Tariff scheme due to the complexities involved, but that the council was confident that it could be achieved.



- Councillor J Kitcat shared concerns about the Communications and Human Resources budgets, but explained that both services were already making savings and had action plans in place.
- Councillor Shanks advised that officers were confident that the projected overspend in relation to vulnerable children would reduce over the course of the year.
- In relation to funding allocated for improvements for Dyke Road/Dyke Road Avenue, Councillor Davey advised that a small amount of money had been set aside, but that no scheme was ever developed; the money would be added to the Sustrans funding obtained for a cycle route scheme at Old Shoreham Road, which would provide a greater benefit to cyclists.
- Councillor West explained that new technology would provide brighter, more efficient street lighting in identified areas and that proposals to dim lights in other areas would be considered carefully with safety in mind.

68.4 Councillor Hamilton welcomed proposals for new primary schools to be created, but advised that more junior schools places were required in the Portslade area. He raised concerns about the impact of the deficit on the collection fund and the changes to customer access at Bartholomew House.

68.5 In response to questions from Councillor Hamilton the following comments were made:

- Councillor J Kitcat reported that the collection fund deficit was largely due to the number of student exemptions and that this was being investigated using inspections.
- Councillor Shanks confirmed that she had met with Councillor Robins regarding school places in Portslade and that she had asked officers to make progress before February 2012.
- The Head of Housing & Social Inclusion confirmed that housing management staff had been moved to offices in Moulsecomb, but that Bartholomew House remained the access point for tenants making enquiries about their rent.
- In relation to day burning street lights in Portslade, the Lead Commissioner, City Regulation & Infrastructure explained that the cable network would require significant capital investment in order to upgrade it and that it would be placed on a priority list.

68.6 Councillor G Theobald noted the overspend on the General Fund and underachievement of targets in the Value for Money (VfM) Programme. He highlighted concerns over the impact of the review of clients in adults assessment and the loss of income from hire charges at the Hove and Brighton Centres.

68.7 In response to questions from Councillor G Theobald the following comments were made:

- Councillor J Kitcat stated that VfM targets set in February 2011 were more ambitious than in previous years and that results for some may be seen in the next financial year; the Administration was fully committed to delivering the on the targets.
- Prices at the Hove and Brighton Centres were under review.
- The post within the Communications team being recruited to was not an additional post, it was a vacant post that had been unfrozen.

- Councillor Shanks explained that officers from the Fostering team would be moved into the Learning & Development Centre to enable the council to dispose of their existing premises on Preston Road.
- The Head of Adults Assessment advised that the review of clients was intended to give greater independence to those who could be moved back into the community.

68.8 Councillor Mitchell warned that public support for dimming would be required and that changes must not result in increased levels of shadow, negatively affecting perceptions of safety. She echoed concerns over the decision to recruit to the vacant post within the Communications team.

68.9 In response to a question from Councillor Mitchell concerning Community and Voluntary Sector (CVS) mental health contracts, the Head of Adults Assessment confirmed that a meeting with the CVS would take place to determine how services would be provided in the future.

68.10 Councillor West advised that Members would be briefed with regard to the two issues relating to street lighting; proposals for changing light fittings and proposals for dimming lights.

68.11 The Chair confirmed that full consultation would be undertaken on any proposals to dim street lights in the city and that safety would be at the forefront of the plans.

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

- (1) That Cabinet notes the provisional outturn position for the General Fund, which is an overspend of £1.308m.
- (2) That Cabinet notes the forecast outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2011/12.
- (3) That Cabinet notes the provisional outturn position on the capital programme.
- (4) That Cabinet approves the following changes to the capital programme:
  - (i) The new schemes and variations as set out in Appendices 1 & 2.

## 69. BRIGHTON & HOVE CITY COUNCIL CORPORATE PLAN 2011-15

69.1 The Cabinet considered a report of the Strategic Director, Resources concerning the draft Corporate Plan.

69.2 The Chair explained that the Corporate Plan served to formalise the council's priorities and set out its short and long-term commitments for tackling the city's challenges. The Corporate Plan would remain a living document and the annual commitments would be brought back to the full Council every year for revision. The priority delivery areas were:

1. Tackling Inequality
2. Creating a More Sustainable City

### 3. Engaging People Who Live and Work in the City

The priorities for the council itself were:

1. To be a Responsible and Empowering Employer
2. To deliver A Council the City Deserves

The new Medium Term Financial Strategy (MTFS) would be published alongside the Corporate Plan, and would align resources to the council's priorities, recognising the financial pressures placed on services in the current climate.

- 69.3 Councillor Theobald noted that there was little time for consultation prior to seeking full Council approval in October. He welcomed proposed investments in car parks and providing greater choice in relation to transport and questioned what impact proposals for food waste recycling would have on the collection of other waste. He asked whether the Administration was committed to raising Council Tax by 3.5% each year for the next three years.
- 69.4 The Chair explained that the Corporate Plan was a framework document and that consultation would take place on detailed elements; however, there had been an ongoing dialogue with communities about the Administration's priorities since before the Local Elections in May 2011. He advised that the recycling of food waste was necessary in order to meeting the city's recycling targets and that consultation would take place.
- 69.5 Councillor J Kitcat confirmed that it was the Administration's intention to increase Council Tax by 3.5% in 2012/13 in order to protect frontline services, and the MTFS assumed the same in subsequent years; however, it was not possible to predict what would happen in the future and the final decision would be made by the full Council.
- 69.6 Councillor Mitchell stated that she welcomed many of the proposals, but was concerned that they were underpinned by a difficult financial situation caused by government imposed cuts and that the MTFS contained a number of risks.
- 69.7 The Chair noted that there were some common objectives amongst the political groups. He stated that there was uncertainty around the government's proposals in a number of areas, but that the council remained committed to protecting frontline services for vulnerable people and that raising Council Tax would help ensure objectives could be achieved.
- 69.8 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That Cabinet recommend the Corporate Plan, as set out in appendix 1, to Full Council for approval.

### 70. HOME ENERGY EFFICIENCY INVESTMENT OPTIONS - INSTALLATION OF SOLAR PANELS TO COUNCIL OWNED HOMES

- 70.1 The Cabinet considered a report of the Strategic Director, Place concerning proposals to install solar PV panels onto council-owned residential properties to take advantage of

the government's Feed-in Tariff and work towards meeting the council's strategic housing goals, including reducing fuel poverty, minimising CO2 emissions and improving tenants' homes to ensure that they are of high quality and well maintained.

- 70.2 Councillor G Theobald welcomed the progress being made on the project, which was initiated by the previous Administration. He questioned whether the fully-funded approach was the most desirable and whether all tenants would see the benefit, or only those in properties where solar PV panels were installed.
- 70.3 Councillor Mitchell welcomed the proposals and highlighted the importance of explaining the process clearly to tenants.
- 70.4 The Chair confirmed that some tenants would benefit more at the beginning of the project, but that others would benefit as it was rolled out. He stated that the council had chosen the most prudent funding route with the greatest benefit to the city. He noted that jobs would be provided as a result of the project.
- 70.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That Cabinet approves a capital programme budget up to a maximum of £15.0 million for Solar Photovoltaic Panels on council housing stock to be financed through unsupported borrowing in the Housing Revenue Account, which will only be drawn against subject to the approval of the Strategic Director for Place and the Director of Finance, in consultation with the Cabinet Member for Housing to proceed with the scheme.
  - (2) That authority be delegated to the Strategic Director for Place, in consultation with the Cabinet Member for Housing to approve the planning, supply, installation and maintenance of the panels via an approved framework agreement and a call off contract or contracts under an approved framework agreement.
  - (3) That Cabinet notes the outcome of the initial options appraisal undertaken by Climate Energy, indicating that there is an outline business case to support delivery of a solar photovoltaic scheme across the council housing stock and to meet strategic housing and other council priorities, including private sector housing renewal, reducing fuel poverty and reducing carbon emissions.
  - (4) That Cabinet notes the procurement exercise to establish the Solar Bourne framework agreement undertaken by Eastbourne Borough Council with involvement from partners in the BEST consortium, and that the costs identified through the above procurement further support an outline business case as indicated by the initial options appraisal work.

## 71. EQUALITY IMPACT ASSESSMENT

- 71.1 The Cabinet considered a report of the Strategic Director, Communities outlining the council's ongoing approach to equality impact assessment (EIA) as a key process in tackling discrimination and inequality.

71.2 Councillor Mitchell welcomed the reference to the 'cumulative impact' of decisions on specific communities. She reported that EIAs were considered thoroughly by Overview & Scrutiny Members and asked that they be linked clearly to decisions.

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

- (1) That Cabinet agrees the proposed approach to equality impact assessment and ensure that they are taken into account in all decision making across the Council, including issues related to "cumulative impact" on specific communities.

## 72. **REVISED LOCAL DEVELOPMENT SCHEME FOR THE LOCAL DEVELOPMENT FRAMEWORK 2011-2014**

72.1 The Cabinet considered a report of the Strategic Director, Place seeking approval of the updated Local Development Scheme (LDS), which was the three year work programme for the Local Development Framework (LDF) covering the period from 2011 to 2014.

72.2 Councillor Mitchell highlighted concerns about the transfer of increased waste and housing targets to local authorities and the requirement for Neighbourhood Plans (NPs) to accord to with the council's City Plan, which had not been fully communicated to communities. She also raised concerns about the impact of the National Planning Policy Framework (NPPF) on production of evidence for the strategic flood risk assessment. She was supportive of the Community Infrastructure Levy and welcomed the associated consultation.

72.3 In response to comments from Councillor Mitchell, Councillor Kennedy advised that the impact of government proposals could not be fully realised until the enactment of the Localism Bill and the NPPF, but that she shared concerns about many elements of the draft NPPF. Under current guidance the council was still required to submit the LDS to the Secretary of State and flood protection work would continue until further information was received. She agreed with concerns about public understanding of neighbourhood planning and the need for greater clarity from the government.

72.4 Councillor G Theobald stated that it had always been the government's intention for NPs to accord with the City Plan.

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

- (1) That Cabinet approves the revised Local Development Scheme for submission to the Secretary of State subject to any minor grammatical alterations that may be made by the Strategic Director, Place.
- (2) That Cabinet agrees that the revised Local Development Scheme should be brought into effect following approval by the Secretary of State.

**73. TERMS OF REFERENCE FOR THE CROSS-PARTY WORKING GROUP ON THE CORE STRATEGY: EXTRACT FROM THE PROCEEDINGS OF THE COUNCIL MEETING ON 21 JULY 2011**

- 73.1 The Cabinet considered a draft extract from the proceedings of the Council meeting on 21 July 2011 concerning the terms of reference for the Cross-Party Working Group on the Core Strategy and calling for paragraph four to be deleted, removing the Chair's casting vote.
- 73.2 Councillor Kennedy advised that she had no objection to the proposed amendment.
- 73.3 **RESOLVED** – That paragraph 4 of the Terms of Reference of the Cross Party Working Group on the Core Strategy be deleted.

**74. NATIONAL ILLEGAL MONEY LENDING TEAM: DELEGATION OF POWERS TO BIRMINGHAM CITY COUNCIL**

- 74.1 The Cabinet considered a report of the Strategic Director, Communities concerning proposals to delegate functions to Birmingham City Council to take enforcement action against illegal money lenders in Brighton and Hove following the establishment of a national team in Birmingham.
- 74.2 Councillor Duncan highlighted the importance of tackling illegal money lending in the city and working to prevent other bad practices by unscrupulous lenders. He commended membership of the East Sussex Credit Union as an alternative to using such lenders.
- 74.3 Councillor Mitchell welcomed the opportunity to tap into expert knowledge and noted that fitted with the council's approach to financial inclusion.
- 74.4 Councillor G Theobald welcomed government funding in relation to this work and highlighted the importance of resisting any plans to centralise Trading Standards services.
- 74.5 The Chair reported that a drive for new members of the Credit Union would soon be launched within the council.
- 74.6 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That Birmingham City Council be given delegated power to discharge the enforcement of Part III of the Consumer Credit Act 1974 in Brighton & Hove (pursuant to Section 101 of the Local Government Act 1972, Regulation 7 of the Local Authority (Arrangements for Discharge of Functions) (England) Regulations 2000 and Section 13 and 19 of the Local Government Act 2000).
  - (2) That the "Protocol for Illegal Money Lending Section Investigations" attached at Annex One be approved and that the Head of Planning and Public Protection be authorised to enter into the agreement and to approve any minor technical or typographical alterations if required.

**75. OPEN GOVERNMENT LICENCE**

- 75.1 The Cabinet considered a report of the Strategic Director, Resources concerning the authorisation of data and content, including that on the council's public website, to be made available for re-use under the terms of the Open Government Licence.
- 75.2 Councillor J Kitcat highlighted a minor amendment to Recommendation 2 regarding the reference to criteria for assessing exemptions to publication of data.
- 75.3 Councillor Mitchell welcomed the proposal and stated that it could result in opportunities for the council in years to come.
- 75.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That Cabinet authorises data and content including that on the council's public website to be made available for re-use under the terms of the Open Government Licence.
  - (2) That Cabinet authorises the Strategic Director, Resources, to assess against the criteria specified in paragraph 3.10 (i) ~~and~~, (ii) **and** (iii) any exceptional circumstances which may support an exemption to publish data and content under the Open Government Licence and apply the exemption.

**76. SURVEILLANCE POLICY**

- 76.1 The Cabinet considered a report of the Director of Finance detailing activities undertaken utilising powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the last report to Cabinet in June 2011 and confirming that the activities were authorised in line with the necessity and proportionality rules.
- 76.2 The Chair reported an increase in surveillance activity from work undertaken to tackle fly tipping in the city and noted that residents had been supportive of the action taken.
- 76.3 Councillor West advised that the council had been successful in catching and prosecuting fly tippers and that such work would continue.
- 76.4 Councillor G Theobald stated that he hoped that the Protection of Freedoms Bill would not prevent such essential surveillance activity from continuing.
- 76.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That Cabinet approves the continued use of covert surveillance and the accessing of communications data as an enforcement tool to prevent and detect all crime and disorder investigated by its officers, providing the necessity and proportionality rules are stringently applied.

- (2) That Cabinet notes the surveillance activity undertaken by the authority since the last report to Cabinet in June 2011 compared to the same quarter in 2010 as set out in Appendix 1.

## **77. CONSULTATION ON PROPOSED MERGER OF WEST AND EAST SUSSEX FIRE AND RESCUE SERVICES**

- 77.1 The Cabinet considered a draft extract from the proceedings of the Overview & Scrutiny Commission meeting on 13 September concerning a consultation on the proposed merger of West and East Sussex Fire and Rescue Services.
- 77.2 Councillor G Theobald stated that he supported the proposed merger as it would result in an enhanced service and reduced costs, but advised that there must be a clear requirement for all three affected local authorities to agree to any changes to the governance arrangements of the new Fire Authority.
- 77.3 Councillor Mitchell reported that OSC had thoroughly considered the proposed merger and were satisfied that it represented the best way forward.
- 77.4 In response to a question from Councillor Jarrett concerning the specific fire risks in the city, Diana Williams, Assistant Chief Officer (Corporate Services) for East Sussex Fire and Rescue Service explained that the proposed merger would not affect frontline services and that services would continue to be tailored to meet specific needs.
- 77.5 The Chair thanked Ms Williams and Borough Commander Mark Rist for attending the meeting and offered his thanks to retiring Borough Commander, Keith Ring. He stated that the Cabinet agreed with the views expressed by opposition Members and by OSC.
- 77.6 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That, subject to the number of Members of the merged Fire Authority being set at 24, with Brighton & Hove being allocated 4 Members and the agreement of all three local authorities being required to change the governance arrangements, the proposed merger of Fire and Rescue Services be recommended for approval.

Note: This item was taken after Item 71.

## **78. INVESTMENT IN CITY INFRASTRUCTURE - CAR PARK IMPROVEMENTS – PHASE II**

- 78.1 The Cabinet considered a report of the Strategic Director, Resources concerning investment requirements to upgrade four car parks in the city centre - Regency Square, Trafalgar Street, Carlton Hill and Oxford Court – by enhancing their access and internal environments to increase public safety and maintain levels of income.
- 78.2 Councillor G Theobald welcomed the investment, but highlighted concerns about potential lost income during the works. He noted the proposed increase in charges at Regency Square Car Park and the likely impact on traders in Preston Street.



- 78.3 Councillor J Kitcat advised that charges at The Lanes Car Park also increased follow its refurbishment and that traders felt business had improved as a result of the improvements made; work on the Regency Square Car Park would add to the positive impact on businesses.
- 78.4 Councillor Mitchell welcomed the proposals, which would prove improve safety in the car parks as well as benefiting surrounding businesses.
- 78.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That £4.298m of funding be invested in the improvement, in line with the scope of works set out in Appendix B, of Regency Square, Trafalgar Street, Carlton Hill and Oxford Court car parks, with the borrowings to be repaid over a minimum of 10 years.
  - (2) That Cabinet grant approval for Council officers to undertake an approved process in accordance with the Council's Contract Standing Orders and Procurement legislation and under the guidance of officers from Procurement and Legal Services for the sustainable and legally compliant procurement of relevant works and services.
  - (3) That Cabinet grant delegated authority to the Strategic Director, Place to approve and award contract(s) following the procurement process referred to above.

**79. RESPONSE TO THE REQUEST FOR AN URGENT REVIEW OF THE SALE OF COUNCIL LAND, WHITEHAWK**

- 79.1 The Cabinet received a verbal update from the Chair in response to a letter to the Cabinet on 9 June from ward councillors for East Brighton ward requesting an urgent review of the sale of council land in Whitehawk.
- 79.2 The Chair thanked Councillors Mitchell, Morgan and Turton for raising the important issues associated with Whitehawk, and thanked Councillor Mitchell further for joining a recent discussion that helped enabled some outcomes to be determined. He advised that he would provide a written response to the East Brighton Councillors and made the following comments about the key pieces of work that was underway:
- The former library and youth club, and the land immediately outside the new hub would be marketed afresh, providing an opportunity to work with the community, and obtain a result that delivered the best financial deal for the council and development that would benefit the community.
  - The existing library and youth buildings would shortly be demolished and the council would begin to work with the local community to look at temporary uses of the site to keep things safe and perhaps fill an existing gap.
  - Future investment was planned for Westham, Tilsmore and Holbrook blocks in 2013-14, including improvements to kitchens & bathrooms; wiring; central heating; flat doors and general external & internal communal repairs, building on work done recently.

- The council had begun conversations with the bus companies to look at how a new bus service to the Hub might be piloted to ensure people could get there.
- Work would be undertaken to consider how to involve the community in a piece of work around community landscaping as part of a bigger look at the master-plan for the site.
- The council would facilitate discussions with the local school, Crew Club, the nursery and others about the facilities for children and young people around the new Hub.

79.3 The Chair highlighted the importance of involving the local community and the need to take bold decisions with partners in order to deliver results that would make a difference.

79.4 Councillor Mitchell welcomed the possibility to revisit provision of a bus service and encouraged people to visit the new Hub. She advised that there was still work to do in order to link residents up with to new services and suggested that consideration be given to the establishment of a co-operative model over the Hub to involve community organisations and promote resident engagement.

79.5 **RESOLVED** – That the update be noted.

## **80. PROCUREMENT OF THE CORPORATE SECURITY CONTRACT**

80.1 The Cabinet considered a report of the Strategic Director, Resources seeking delegated authority for the proposed re-tendering and subsequent award of the council's corporate security contract for alarm response, static guarding and security key holding services under European Regulations.

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

- (1) That Cabinet gives approval for a tendering exercise to be undertaken in compliance with relevant Public Procurement legislation for the procurement of the corporate security contract for alarm response, static guarding and security key holding services. The tendering process will lead to the award of a 4 year contract, with the council having the option to extend for up to a further 2 years. The new contract will start on the termination of the existing contract.
- (2) That Cabinet grants delegated authority to the Strategic Director, Resources to award the contract and take all steps necessary towards the implementation of the proposals.

**PART TWO**

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

81.1 **RESOLVED** - That the Part Two minutes of the meeting held on 14 July 2011 be approved as a correct record.

**82. PART TWO ITEMS**

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

82.2 **RESOLVED** – That item 81, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of