

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 188 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA: FINANCE

SUBJECT: GENERAL FUND REVENUE BUDGET & COUNCIL TAX 2012/13

AUTHOR: JAMES HENGEVELD

THE DECISION

RESOLVED:

- (1) That the Council be recommended to approve, subject to recommendation 2.3 below, the 2012/13 General Fund Revenue Budget proposals contained in the body of the report including:
 - (i) A 3.5% increase in the Brighton & Hove element of the council tax.
 - (ii) The 2012/13 budget allocations to services as set out in appendix 1.
 - (iii) The council's net General Fund budget requirement for 2012/13 of £227.1m.
 - (iv) The reinvestments as set out in paragraph 3.35.
 - (v) The budget savings package as set out in appendix 10.
 - (vi) The contingency budget of £4.9m as set out in table 5.
 - (vii) The reserves allocations as set out in appendix 5 and table 3.
 - (viii) The borrowing limit for the year commencing 1 April 2012 of £383m (to include long term liabilities relating to PFI schemes of £62m).
 - (ix) The annual Minimum Revenue Provision statement as set out in appendix 8.
 - (x) The prudential indicators as set out in appendix 9 to this report.
- (2) That the revised Medium Term Financial Strategy budget and resource projections for 2012/13 to 2014/15 as set out in appendix 6 to the report be noted; and
- (3) That it be noted that supplementary information needed to set the overall council tax would be provided for the budget setting Council as listed in paragraph 4.5 of the report.

REASON FOR THE DECISION

- (1) The council is under a statutory duty to set its council tax and budget by 11 March each year. The recommendations to Budget Council contained within this report together with the recommendations to follow in the supplementary report to full Council, will enable the council to meet its statutory duty.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) The budget process allows all parties to put forward viable alternative budget and council tax proposals to Budget Council on 23 February. Budget Council has the opportunity to debate both the proposals put forward by Cabinet at the same time as any viable alternative proposals. All budget amendments must have been "signed off" by finance officers no later than 12 noon on Monday 20 February.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision

Date:

09 February 2012

Decision Maker:

Councillor Bill Randall
Leader of the Council

Signed:



Proper Officer:

09 February 2012

Mark Wall, Head of Democratic Services
Signed:



SCRUTINY

Note: This decision will come into force at the expiry of 5 working days from the date of the meeting at which the decision was taken subject to any requirement for earlier implementation of the decision.

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

Call-In Period

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

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

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RECORD OF CABINET DECISION

| | |
|------------------------|--|
| DECISION-MAKER: | CABINET |
| PORTFOLIO AREA: | FINANCE |
| SUBJECT: | CAPITAL RESOURCES & CAPITAL INVESTMENT PROGRAMME 2012/13 |
| AUTHOR: | JAMES HENGEVELD, MARK IRELAND |

THE DECISION

RESOLVED: That the Council be recommended to approve the following:-

- (i) The Capital Investment Programme for 2012/13 as detailed in Appendix 1 to the report;
- (ii) To note the estimated capital resources in future years as detailed in Appendix 1 to the report;
- (iii) The allocation of £0.25m resources in 2012/13 for the Strategic Investment

Fund for the purposes set out in paragraph 3.25 of the report;

- (iv) The allocation of £0.5m for the ICT fund;
- (v) The allocation of £1.0m for the Asset Management Fund;
- (vi) The proposed use of council borrowing as set out in table 5 at paragraph 3.28 of the report.

REASON FOR THE DECISION

- (1) The council is under a statutory duty to set its council tax and budget before 11 March each year. The recommendations to Budget Council contained within this report together with the recommendations in the revenue budget report, will enable the council to meet its statutory duty.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) The budget process allows all parties to put forward viable alternative capital investment proposals to Budget Council on 23 February 2011. Budget Council has the opportunity to debate both the proposals put forward by Cabinet at the same time as any viable alternative proposals. All budget amendments must have been "signed off" by finance officers no later than 12.00 noon on 20 February.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 190 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:

CABINET

PORTFOLIO AREA:

FINANCE

SUBJECT:

HOUSING REVENUE ACCOUNT
BUDGET 2012/13

AUTHOR:

SUE CHAPMAN

THE DECISION

RESOLVED:

- (1) That the budget for 2012/13 as shown in Appendix 1 to the report be approved;
- (2) That individual rent increases and decreases in line with rent restructuring principles as determined by the Government be approved;
- (3) That the changes to fees and charges as detailed in paragraph 3.18 to 3.26 of the report be approved;
- (4) That the introduction of new service charges for communal digital aerials as detailed in paragraph 3.23 of the report be approved; and
- (5) That the separation of general fund and housing debt into two separate pools from 1 April 2012 in accordance with CIPFA guidance be approved.

REASON FOR THE DECISION

- (1) The Local Government and Housing Act 1989 requires each Local Authority to formulate proposals relating to income from rent and charges, expenditure on repairs, maintenance, supervision and management and any other prescribed matters in respect of the HRA. In formulating these proposals using best estimates and assumptions the Authority must set a balanced account. This budget report provides a breakeven budget and recommends rent increases in line with current government guidance.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) There are no alternative options proposed.
- (2) Rents have been set in accordance with the Government's rent restructuring guidance. In previous years, the Housing Subsidy Determination controlled rent setting increases by removing resources from local authorities through non compliance. Although the subsidy system is now abolished increases in rents above rent convergence will be subject the rent rebate limitation which sets a limit on how much rents can be increased. Any increases above this limit result in a loss of Housing Benefit Subsidy which is payable by the HRA.
- (3) The government's policy for rent restructuring is to ensure rents are fair and equitable nationally so although the authority can set rents at a lower level than rent restructuring this will bring the rents out of line nationally and provide a lower level of resources to fund repairs, maintenance and improvements works both in this years and future financial years. For example a 1% reduction in the rental increase (saving each tenant an average of £0.71 per week in rent increase) will result in a loss of rental income of approximately £1.3 million over the next five years.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 191 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA: PLACE

SUBJECT: HOUSING REVENUE ACCOUNT
CAPITAL PROGRAMME 2012-15

AUTHOR: SUE CHAPMAN

THE DECISION

RESOLVED: That Cabinet approves the capital programme budget of £27.229 million and financing for 2012/13 as set out in paragraph 4.1 of the report.

REASON FOR THE DECISION

- (1) The Local Government and Housing Act 1989 requires each Local Authority to formulate proposals relating to capital expenditure in respect of the HRA. The council's constitution and financial regulations require that capital budgets are approved through the Cabinet committee system.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) No alternative options were considered.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 192 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:

CABINET

PORTFOLIO AREA:

FINANCE

SUBJECT: TARGETED BUDGET MANAGEMENT
(TBM) 2011/12 MONTH 9

AUTHOR: JEFF COATES, NIGEL MANVELL

THE DECISION

RESOLVED:

- (1) That the provisional outturn position for the General Fund, which has an under spend of £3.187m be noted;
- (2) That the forecast out-turn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2011/12 be noted;
- (3) That the provisional out-turn position on the capital programme be noted; and
- (4) That the following changes to the capital programme, the new schemes, variations and slippage as set out in Appendices 1 & 2 to the report be approved.

REASON FOR THE DECISION

- (1) Budget monitoring is a key element of good financial management, which is necessary in order for the council to maintain financial stability and operate effectively.
- (2) The capital budget changes are necessary to maintain effective financial management.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) The provisional outturn position on Council controlled budgets is an underspend of £3.187m. As mentioned above, underspending will release one-off resources that can be used to aid budget planning in 2012/13. Any overspend will need to be funded from general reserves which would then need to be replenished to ensure that the working balance did not remain below £9.000m.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Signed:



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09 February 2012

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Signed:



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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 193 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA:

SUBJECT: THE COUNCIL'S COMMISSIONING WORK PLAN

AUTHOR: MARIAN RICHARDS

THE DECISION

RESOLVED:

- (1) That the Commissioning Work Plan (Appendix 1 to the report) be agreed and the progress in taking forward commissions to deliver Corporate Plan priorities be noted;
- (2) That the Commissioning Work Plan be taken to the Local Strategic Partnership and the Public Service Board to support joint working and the effective delivery of the plan; and
- (3) That it be noted that annual updates of the Work Plan would be brought to Cabinet or the relevant committee and that Members would receive reports on individual commissions as relevant.

REASON FOR THE DECISION

- (1) Not applicable. The Commissioning Work Plan sets out a significant programme of city wide and service priorities that are fundamental for delivering the council's Corporate Plan and Sustainable Community Strategy objectives with its Partners.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) Not applicable.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Leader of the Council

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 194 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:

CABINET

PORTFOLIO AREA:

COMMUNITIES

SUBJECT: JOINT COMMUNITY SAFETY DELIVERY UNIT

AUTHOR: LINDA BEANLANDS

THE DECISION

RESOLVED:

- (1) That the proposals set out in the report for the joint integrated delivery of neighbourhood policing and those community safety services currently delivered by the Council, including those listed under paragraph 3.3 of the report be agreed;
- (2) That the Chief Executive and the Strategic Director, Communities be authorised to take all steps necessary or incidental to the implementation of the proposals in this report; and
- (3) That the Head of Law be authorised to make any necessary consequential amendments to the scheme of delegations to Officers or, if he considers it more appropriate, bring proposals to the Governance Committee and Cabinet for approval.

REASON FOR THE DECISION

DETAILS OF ANY ALTERNATIVE OPTIONS

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-In Period

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

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 195 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:

CABINET

PORTFOLIO AREA:

PEOPLE

SUBJECT:

BRIGHTON & HOVE CHILD POVERTY
STRATEGY 2012-2015

AUTHOR: SARAH COLOMBO

THE DECISION

RESOLVED:

- (1) That the Child Poverty Commissioning Strategy as presented in appendix 1 to the report be approved; and
- (2) That the progression of the Child Poverty Commissioning Strategy to the Public Service Board (PSB) and the Local Strategic Partnership (LSP) for their approval be agreed.

REASON FOR THE DECISION

- (1) Agreement by the Council and its partners of this Child Poverty Commissioning Strategy will full fill the statutory requirement as detailed in the Child Poverty Act 2010

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) The Child Poverty Needs Assessment and the Child Poverty Commissioning Strategy are a statutory requirement for the Local Authority and its partners.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

CONFIRMED AS A TRUE RECORD:

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

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 196 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

| | |
|------------------------|----------------------------------|
| DECISION-MAKER: | CABINET |
| PORTFOLIO AREA: | FINANCE |
| SUBJECT: | RISK MANAGEMENT STRATEGY 2012-15 |
| AUTHOR: | JACKIE ALGAR |

THE DECISION

RESOLVED:

- (1) That Cabinet approve the Risk Management Strategy 2012;

- (2) That Cabinet delegate authority to the Director of Finance to alter the Risk & Management methodology as necessary so that the Risk Management Strategy is kept up to date with changing requirements and best practice.

REASON FOR THE DECISION

- (1) The Risk Management Strategy sets out the council's approach to managing risk and uncertainty so that it is understood and applied to contribute to more successful outcomes and delivery of council objectives.
- (2) As the Risk Management Toolkit will be continually updated as a result of developments, needs and user feedback, delegated authority is sought for the Director of Finance to alter it as necessary.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) The city council could decide to simply refresh and extend the existing Risk and Opportunity Management Strategy (2008-2011) approach but this would not reflect the structure of the council and the challenges of the current time.
- (2) The city council could decide not to have any approved Risk Management Strategy but this would not accord with best practice for corporate governance.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Leader of the Council

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Proper Officer:

09 February 2012

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 197 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA:

SUBJECT: CIRCUS STREET

AUTHOR: MAX WOODFORD

THE DECISION

RESOLVED: That the proposed revisions and continued benefits to the 'Grow Brighton' project at Circus Street as set out in paragraphs 3.3 to 3.10 of the report be noted.

REASON FOR THE DECISION

- (1) The recommendations seek Cabinet approval to make the changes necessary to unlock a scheme that has been stalled for a number of years. A number of options have been tested and the development viability has been assessed in depth. It is considered that approving the proposed recommendations is the only way that the regeneration benefits identified with this scheme can be unlocked.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) One option would be to refuse the revised offer scheme and offer from the developers. If this were to happen then the developers may not have the comfort necessary to invest the money required to take the scheme forward to planning. Housing (affordable or private); office space; the dance studio and the new university library would not be delivered. Proceeding with a viable scheme would enable the regeneration benefits that will come out of the scheme.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 198 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:

CABINET

PORTFOLIO AREA:

SUBJECT:

FALMER RELEASED LAND

AUTHOR:

RICHARD DAVIES

THE DECISION

RESOLVED:

- (1) That the Strategic Director; Resources be delegated authority to proceed with the short term option in respect of the site shown on the plan at Appendix 1 ("the Released Land"), as described in paragraphs 6.2(b) and 7.1 of the report, subject to consultation with the Leader of the Council, Cabinet Member for PEER, Cabinet Member for Transport & Public Realm, and Cabinet Member for Finance & Central Services and that this consultation should be carried out following receipt by the council from The Community Stadium Limited ("TCSL") of a viable business case for the proposal;

- (2) That subject to (a) the delegated decision to proceed with the temporary solution in (1) above, (b) the granting of a waiver under Contract Standing Order 18 and (c) TCSL gaining planning permission, it be agreed that the Council enter into licences to achieve the temporary solution, the detailed terms of such licences to be drawn up by the Strategic Director, Resources in consultation with the Head of Law, the Leader of the Council, Cabinet Member for PEER, Cabinet Member for Transport & Public Realm, and Cabinet Member for Finance & Central Services;
- (3) That the preparing of a Development Brief to test the market and procure a development partner as described in paragraphs 6.4 (i) and 7.5 of the report be agreed and the Strategic Director, Resources be granted delegated authority to approve the Development Brief; in consultation with the Leader of the Council, Cabinet Member for Planning Employment Economy & Regeneration, Cabinet Member for Transport & Public Realm, and Cabinet Member for Finance & Central Services, so that the Released Land can be marketed as a development site and the outcome of such marketing be further considered by Cabinet; and
- (4) That it be noted that a report to the Planning Employment Economy & Regeneration Cabinet Member Meeting of 2nd February 2011 recommended the form of the Planning Brief for the Released Land in the form appended to the report.

REASON FOR THE DECISION

- (1) In the short term and to achieve the demolition of the surplus buildings, it is considered appropriate to allow TCSL to carry out the demolition, provide accommodation for The Bridge (either in its existing buildings or temporary units) and the laying out of the site to provide match day and event parking. This option, included in 6.2(b) above, provides for the works to be carried out without the council incurring any capital costs. The cost of these works would be set against future parking revenue received by TCSL so that the council would provide a rent free licence to TCSL for the time it takes to recoup the cost of the capital works.
- (2) This short term option would only be agreed following the submission to the council by TCSL of a robust business case that is agreed by Members.
- (3) TCSL submitted to the council in November 2011 a high level business case summary to support its proposal, which is provided in the part two report. The summary proposes that TCSL carries out works on the Released Land including the demolition of the surplus buildings, providing temporary accommodation for The Bridge and the laying out of temporary stadium car parking. The summary states the need for a four year lease / licence at nil consideration (i.e. TCSL retaining all the car parking income) to balance the return against the cost of the works. Should the land be sold within that four year period to a party other than TCSL, there will need to be an agreement for the council to repay the outstanding difference to TCSL from the capital receipt.
- (4) Subject to agreement of recommendation 2.1 of this report, TCSL will be required to submit a full and viable business case before any agreement to proceed. The business case will need to set out evidenced costs for the demolition, providing temporary accommodation for The Bridge and laying out of the temporary car parking. Any works proposed will require planning permission and a waiver of Contract Standing Order 12 relating to contracts exceeding £75,000.
- (5) In order to test the market and procure a development partner, it is recommended that a Development Brief is prepared and agreed by Members that will form the basis for inviting expressions of interest from developers. This option, included at 6.4 (i) above, will offer Members and stakeholders the opportunity to agree and prioritise strategic objectives for the site. These will then be set out in a Development Brief to be delivered by the redevelopment.
- (6) Following market testing, the council will be better placed to consider the redevelopment route that offers best consideration and achieves wider strategic objectives and a report will be presented to a future Committee outlining the results of the marketing, options and recommendations.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) A number of options are available for the council to consider that involve the following issues:
 - value of the site and the capital receipt that the council might reasonably expect to achieve;
 - whether to work with TCSL or to test the market to establish the site value; and
 - whether the council wishes to support inclusion of the Stadium parking in any redevelopment, re-providing accommodation for the Bridge, and agreeing that BACA may, at its own cost and in discussions with any future preferred developer, provide a referral centre on the site, and the direct and indirect costs of these items.
- (2) In the short term, to achieve the demolition of the surplus buildings the council may proceed in one of two ways:
 - (a) The council carries out the demolition, temporary landscaping and provides accommodation for The Bridge (either in its existing home or temporary units) and sets the cost of these works against the anticipated future capital receipt.
 - (b) The council allows TCSL to carry out the demolition, provide accommodation for The Bridge (either in its existing buildings or temporary units) and lays out the site to provide match day and event parking. The cost of these works would then be set against future parking revenue.
- (3) As referred to above, option (b) is the route recommended in this report.
- (4) In the long term, to achieve the redevelopment of this brownfield site and wider strategic aspirations, the council may consider the following options:
 - i. The council invites expressions of interest for redevelopment against an agreed Planning Brief, in order to test the market and procure a development partner. This would entail working up a Development Brief, which would incorporate the Planning brief and set out more specific requirements for the Released Land;
 - ii. The council enters into discussions with TCSL, with a view to reaching an agreement, whereby TCSL delivers the redevelopment of the site in partnership with stakeholders and to provide match day and event parking, and replacement accommodation for The Bridge.
- (5) Recommendation 2.3 of this report is that a Development Brief is prepared to enable the site to be marketed. The outcome of that marketing exercise will then be reported through to Cabinet so that Members will approve the long term solution for the Released Land.
- (6) In considering which long term option to pursue, the council will be mindful of the capital costs associated with including the Stadium parking and providing temporary and permanent accommodation for The Bridge. The use of any capital receipt generated from the sale of the land would be decided by Cabinet, including earmarking any of it to fund new accommodation for The Bridge.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision

Date:

09 February 2012

Decision Maker:

Councillor Bill Randall
Leader of the Council

Signed:



Proper Officer:

09 February 2012

Mark Wall, Head of Democratic Services

Signed:



SCRUTINY

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

Call-In Period

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

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 199 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

| | |
|------------------------|--|
| DECISION-MAKER: | CABINET |
| PORTFOLIO AREA: | RESOURCES |
| SUBJECT: | MERCURY ABATEMENT AT WOODVALE CREMATORIUM |
| AUTHOR: | PAUL HOLLOWAY |

THE DECISION

RESOLVED:

- (1) That the proposal for replacement of old and antiquated plant and the introduction of mercury abatement measures via an OJEU compliant tender process be approved;
- (2) That the Strategic Director of Resources, be granted delegated authority, in consultation with the Cabinet Member for Finance & Central Services, to approve the purchase and installation of new equipment up to a value of £1.2m procured directly through an OJEU compliant route; and
- (3) That the funding of £1.2m from the council's Capital Investment Programme for replacement of new cremators and mercury abatement equipment to be funded through a combination of the Mercury Abatement Reserve and borrowing be agreed.

REASON FOR THE DECISION

- (1) In the short term and to achieve the demolition of the surplus buildings, it is considered appropriate to allow TCSL to carry out the demolition, provide accommodation for The Bridge (either in its existing buildings or temporary units) and the laying out of the site to provide match day and event parking. This option, included in 6.2(b) above, provides for the works to be carried out without the council incurring any capital costs. The cost of these works would be set against future parking revenue received by TCSL so that the council would provide a rent free licence to TCSL for the time it takes to recoup the cost of the capital works.
- (2) This short term option would only be agreed following the submission to the council by TCSL of a robust business case that is agreed by Members.
- (3) TCSL submitted to the council in November 2011 a high level business case summary to support its proposal, which is provided in the part two report. The summary proposes that TCSL carries out works on the Released Land including the demolition of the surplus buildings, providing temporary accommodation for The Bridge and the laying out of temporary stadium car parking. The summary states the need for a four year lease / licence at nil consideration (i.e. TCSL retaining all the car parking income) to balance the return against the cost of the works. Should the land be sold within that four year period to a party other than TCSL, there will need to be an agreement for the council to repay the outstanding difference to TCSL from the capital receipt.
- (4) Subject to agreement of recommendation 2.1 of this report, TCSL will be required to submit a full and viable business case before any agreement to proceed. The business case will need to set out evidenced costs for the demolition, providing temporary accommodation for The Bridge and laying out of the temporary car parking. Any works proposed will require planning permission and a waiver of Contract Standing Order 12 relating to contracts exceeding £75,000.
- (5) In order to test the market and procure a development partner, it is recommended that a Development Brief is prepared and agreed by Members that will form the basis for inviting expressions of interest from developers. This option, included at 6.4 (i) above, will offer Members and stakeholders the opportunity to agree and prioritise strategic objectives for the site. These will then be set out in a Development Brief to be delivered by the redevelopment.
- (6) Following market testing, the council will be better placed to consider the redevelopment route that offers best consideration and achieves wider strategic objectives and a report will be presented to a future Committee outlining the results of the marketing, options and recommendations.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) A number of options are available for the council to consider that involve the following issues:
 - value of the site and the capital receipt that the council might reasonably expect to achieve;
 - whether to work with TCSL or to test the market to establish the site value; and
 - whether the council wishes to support inclusion of the Stadium parking in any redevelopment, re-providing accommodation for The Bridge, and agreeing that BACA may, at its own cost and in discussions with any future preferred developer, provide a referral centre on the site, and the direct and indirect costs of these items.
- (2) In the short term, to achieve the demolition of the surplus buildings the council may proceed in one of two ways:
 - (c) The council carries out the demolition, temporary landscaping and provides accommodation for The Bridge (either in its existing home or temporary units) and sets the cost of these works against the anticipated future capital receipt.
 - (d) The council allows TCSL to carry out the demolition, provide accommodation for The Bridge (either in its existing buildings or temporary units) and lays out the site to provide match day and event parking. The cost of these works would then be set against future parking revenue.
- (3) As referred to above, option (b) is the route recommended in this report.
- (4) In the long term, to achieve the redevelopment of this brownfield site and wider strategic aspirations, the council may consider the following options:
 - iii. The council invites expressions of interest for redevelopment against an agreed Planning Brief, in order to test the market and procure a development partner. This would entail working up a Development Brief, which would incorporate the Planning brief and set out more specific requirements for the Released Land;
 - iv. The council enters into discussions with TCSL, with a view to reaching an agreement, whereby TCSL delivers the redevelopment of the site in partnership with stakeholders and to provide match day and event parking, and replacement accommodation for The Bridge.
- (5) Recommendation 2.3 of this report is that a Development Brief is prepared to enable the site to be marketed. The outcome of that marketing exercise will then be reported through to Cabinet so that Members will approve the long term solution for the Released Land.
- (6) In considering which long term option to pursue, the council will be mindful of the capital costs associated with including the Stadium parking and providing temporary and permanent accommodation for The Bridge. The use of any capital receipt generated from the sale of the land would be decided by Cabinet, including earmarking any of it to fund new accommodation for The Bridge.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

CONFIRMED AS A TRUE RECORD:

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Date:

09 February 2012

Decision Maker:

Councillor Bill Randall
Leader of the Council

Signed:



Proper Officer:

09 February 2012

Mark Wall, Head of Democratic Services

Signed:



SCRUTINY

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

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 201 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA:

SUBJECT: CIRCUS STREET DEVELOPMENT SITE
- EXEMPT CATEGORY 3

AUTHOR: MAX WOODFORD

THE DECISION

RESOLVED:

- (1) That the proposed revisions to the 'Grow Brighton' project at Circus Street as set out in paragraphs 3.4 to 3.8 of the report be noted; and
- (2) That the proposed heads of terms of a revised development agreement at Appendix 1 to the report be approved and the Head of Law be given delegated authority to complete the revised development agreement in consultation with the Cabinet Member for Planning, Employment, Economy and Regeneration and Strategic Director, Place.

REASON FOR THE DECISION

DETAILS OF ANY ALTERNATIVE OPTIONS

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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09 February 2012

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB –

Forward Plan No:

This record relates to Agenda Item 202 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET
PORTFOLIO AREA:
SUBJECT: FALMER RELEASED LAND - EXEMPT
CATEGORY 3
AUTHOR: RICHARD DAVIES

THE DECISION

RESOLVED: That the additional information contained in the report be noted.

REASON FOR THE DECISION

DETAILS OF ANY ALTERNATIVE OPTIONS

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Proper Officer:

09 February 2012

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Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*