

BRIGHTON & HOVE CITY COUNCIL

CABINET

4.00PM 19 APRIL 2012

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 (Leader of the Labour & Co-operative Group).

Other Members present: Councillors A. Norman and Janio.

PART ONE

235. PROCEDURAL BUSINESS

235 (a) Declarations of Interest

235.1 Councillor Mitchell declared a personal and non-prejudicial interest in Item 252, Stanmer Park – Traditional Agricultural Buildings Update, as she Chaired the Brighton & Hove Estates Conservation Trust which leased buildings in the Park.

235.2 Councillor West declared a personal and non-prejudicial interest in Item 252, Stanmer Park – Traditional Agricultural Buildings Update, as he was a member of the Brighton & Hove Estates Conservation Trust which leased buildings in the Park and also a member of the South Downs National Park Authority.

235 (b) Exclusion of Press and Public

235.1 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).

235.2 The Chair noted that an additional item was to be taken in closed session as an urgent item and therefore there would be a need to exclude the press and public from the meeting at that point.

235.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of the urgent item to be taken as Item 255, Proposed Options for the Provision of 3 Junior Forms Portslade – Site Acquisition.

236. MINUTES OF THE PREVIOUS MEETING

236.1 **RESOLVED** - That the minutes of the meeting held on 15th March 2012 be approved as a correct record.

237. CHAIR'S COMMUNICATIONS

237.1 The Chairman noted that the meeting would be webcast.

237.2 The Chair reported on the success of the Brighton Marathon, noting that 40% of entrants had a Brighton post code and that Manchester, Liverpool and Milton Keynes were now planning on hosting their own marathons because of the interest in Brighton's.

237.3 The Chair noted that the Government had issued a consultation on civil marriage and that the Leaders Group had called for a report to the Policy & Resources Committee in June with a view to a joint letter being sent in response to the consultation.

237.4 The Chair also noted that Brighton and Hove was one of the top authorities for the World Wildlife Fund's 'What Wood would you choose' initiative, having made the Gold Pledge to only buy recycled, certified or sustainable and legal timber products across all services.

237.5 The Chair stated that he had met delegates from Europe who were attending the Council of Europe Conference, being hosted in the City and which was likely to announce a 'Brighton Declaration' in relation to the European Court of Human Rights.

238. ITEMS RESERVED FOR DISCUSSION

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

239. PETITIONS

239.1 The Chair noted that one petition was due to be presented and invited Mr. Gray to come forward and address the Cabinet. He also noted that Mr. Gray was a very good friend of his albeit that he had not been directly involved in the matter to be raised.

239.2 Mr. Gray thanked the Chair and stated that he wished to present a petition calling on the council to address the need for road safety measures along Dyke Road. He noted that over 90 people had signed the on-line petition and explained that the level and speed of traffic had already seen a number of accidents and with two schools in the locality, residents were concerned for the safety of children as well as others. He hoped that with the resources identified for road improvements some action would be taken to improve the safety and control the speed of traffic e.g. with the introduction of a 20mph speed limit.

239.3 The Chair thanked Mr. Gray for attend attending the meeting and invited Councillor Davey, Cabinet Member for Transport to respond.

239.4 Councillor Davey thanked Mr. Gray and stated that requests for 20mph zones across the city were being made and he hoped to bring a full report to a future meeting in due course on the expansion of such zones. In the meantime he would ask Road Safety Officers to contact Mr. Gray and meet him on site to discuss safety provisions for Dyke Road and to review the traffic flow.

239.5 Mr. Gray welcomed the offer to meet with officers.

239.6 The Chair noted the information and proposed the petition be noted.

239.7 **RESOLVED:** That the petition be noted.

240. PUBLIC QUESTIONS

240.1 The Chair noted that no public questions had been submitted for the meeting.

241. DEPUTATIONS

241.1 The Chair noted that no depositions had been submitted for the meeting.

242. LETTERS FROM COUNCILLORS

242.1 The Chair noted that no letters from Members had been received for the meeting.

243. WRITTEN QUESTIONS FROM COUNCILLORS

243.1 The Chair noted that no questions from Members had been submitted for the meeting.

244. NOTICES OF MOTION

244.1 The Chair noted that there were no notices of motions for consideration at the meeting.

245. PREPARATIONS FOR COUNCIL TAX SUPPORT SYSTEM

245.1 Councillor J. Kitcat introduced the report which detailed the need for the council to introduce its own local council tax support system, as a result of the Government deciding to withdraw the national council tax benefits system from 1st April 2013. It meant that there was a need for the council to develop its own benefits model and to consult on a possible discounts scheme that could be introduced in 2013. At present the government had not issued any guidance to assist local authorities in developing their own systems and therefore the proposed process for taking this forward was outlined in the report.

245.2 Councillor Mitchell welcomed the report as an initial first draft and stated that the Labour & Co-operative Group would support working towards developing the council's own maximum discount scheme. She was concerned about the lack of guidance from

the government and hoped that information would be forthcoming around such issues as empty and second homes.

- 245.3 Councillor A. Norman acknowledged that the government's proposals were challenging and key information had yet to be made available. However, there was a need to plan ahead as early as possible and she welcomed the report at this stage. She hoped that neighbouring authorities would be consulted and best practice shared as part of the development of the council's scheme. She also asked if further information could be provided in regard to the £750k that had been set aside in the budget for this matter and how it was to be utilised.
- 245.4 Councillor J. Kitcat noted the comments and stated that a South East 7 Working Group had been established at both Member and officer level and neighbouring authorities would be consulted throughout the development process, although there was a recognised need for the council to have its own system. He was also happy to ensure that further information was shared with Members as it became available.
- 245.5 The Chair then put the recommendations to the vote.
- 245.6 **RESOLVED:**
- (1) That options for a new local Council Tax Support system be modelled on the basis of a maximum discount scheme as set out in paragraph 3.14 of the report;
 - (2) That the provisional timeline for decisions as set out in paragraph 3.20 of the report be noted; and
 - (3) That the initial programme of engagement and consultation on the key issues set out in section 4 of the report be agreed.

246. ONE PLANET COUNCIL

- 246.1 The Chair introduced the report and noted that it was one of the Green Administration's priorities i.e. to create a more sustainable city. He believed that the One Planet approach would do that and the council needed to be an exemplar in this respect and it would be a huge achievement for the authority to reach the One Planet Living status, as there were only two authorities in the country at present who had done so. He noted that in meetings with the local business representatives, they had recognised the importance of this ambition and wanted to support the city in meetings the targets. He accepted that the targets listed in appendix two were tough and would be difficult for the council but the Administration was committed to becoming the greenest city in the country.
- 246.2 Councillor J. Kitcat stated that there was a clear and proven framework for this and the council had to lead by example across the city and support other organisations and residents in working towards the goal.
- 246.3 Councillor Janio noted the report and stated that he believed the achievements listed on paragraph 3.11 would have happened naturally and not as a result of the council seeking one planet status. He was concerned about the allocation of resources to

meet this and questioned how aims such as reducing cars/car journeys in the city over the next 5 years would be achieved. He did not believe this was sustainable, the city would be vastly different in 5 years time and suggested that the report should be referred back to officers and rewritten.

- 246.4 Councillor Mitchell stated that there were ambitious targets and suggested that further consideration of the business case needed to take place and the financial implications clarified. She did not want to see budgetary cutbacks to front-line services in order to meet this expenditure and sought reassurance that necessary resources would be identified to enable this project to be taken forward; given the current economic climate.
- 246.5 Councillor J. Kitcat stated that this was an in-principal report and officers would be producing an action plan to meet the criteria to achieve the standards and that action plan would come forward for consideration, as choices would need to be made.
- 246.6 Councillor West stated that this was the first time that a clear goal had been set out in this regard for sometime and the council needed to embrace it and take actions to work towards meeting the standards, which he believed would result in a positive impact and in the long-term enable savings to be made.
- 246.7 Councillor Peltzer Dunn stated that she shared the aspirations that were identified, but felt that the long shopping list that was set out lacked any financial information or detail on how the standards would be delivered and at what cost and the impact of those achievements. He asked that a commitment be given to bringing forward a full financial appraisal report to a future meeting.
- 246.8 The Chair stated that this approach was critical to the city and a full business case would be produced as it would lead to the creation of jobs. He then put the recommendations to the vote.
- 246.9 **RESOLVED:**
- (1) That Cabinet authorises the Strategic Director responsible for Resources to develop a Sustainability Action Plan, as specified in paragraphs 3.8 and 3.13 of the report, that sets out the work required to seek endorsement for Brighton & Hove City Council as a One Planet Council; and
 - (2) That the Strategic Director; Resources, be instructed to submit a follow-up report at the appropriate time and to the relevant council decision-making forum, seeking approval for the Sustainability Action Plan against which the endorsement decision (referred to in recommendation 1 above) will be taken.

247. HOUSING ALLOCATION POLICY REVIEW

- 247.1 The Chair introduced the report which reviewed the allocation of housing in the city to care leavers who were a vulnerable group that required support.

- 247.2 Councillor Wakefield stated that the report had resulted from concerns raised by this group of vulnerable people took account of the results of a public consultation exercise that took place between November and December last year. It was recommended that care leavers should be awarded Band A priority for social housing following a case conference which would identify the support package required for each individual. She noted that the council had a corporate parenting responsibility towards these people and hoped that this would enable the council to meet this responsibility.
- 247.3 Councillor Mitchell stated that she fully supported the report.
- 247.4 The Chair noted the comments and thanked the Labour & Co-operative Group for working with the Administration in putting the amendment to the report at the Housing Consultative Committee meeting that considered the matter on the 4th April. He then put the recommendations to the vote.
- 247.5 **RESOLVED:** That the Council be recommended:
- (1) That the proposals set out in paragraphs 3.22 to 3.28 in the report and also Appendix 3 to the report be approved;
 - (2) That the Strategic Director, Place, be authorised to amend the Council's Housing Allocations policy to reflect the above changes; and
 - (3) That the Strategic Director Place and the Strategic Director People, be authorised to take all steps necessary or incidental to the implementation of the proposals in paragraphs 3.22 to 3.28, including making appropriate arrangements for assessments, referrals and reporting to Members as suggested in paragraphs 3.14 and 3.24 of the report.

248. TRANSPORT ARRANGEMENTS TO VOLUNTARY AIDED CHURCH SCHOOLS IN BRIGHTON AND HOVE

- 248.1 Councillor Shanks introduced the report which detailed the proposed withdrawal of denominational transport in the form of a bus pass to a number of children who attend the nearest voluntary aided school of a religious character of their own faith. She stated that the intention was to make the system fairer and noted that it had been the subject of a consultation exercise, the views of which had been taken on board. It was intended to introduce the change with effect from 1st September 2013, and to protect those children who had entered the exam year until that was completed.
- 248.2 Councillor Mitchell stated that she was aware of the reasoning for the proposal and supported the change but asked that the continued provision of council subsidised bus services be maintained as they were key to enabling the change to be implemented effectively.

248.3 The Chair noted the comments and stated that the subsidised bus routes were currently out to tender and the outcome of that process would have to be awaited. He then put the recommendations to the vote.

248.4 **RESOLVED:**

(1) That the Council withdraw denominational transport as defined in paragraph 5.2 of the report from 1st September 2013; and

(2) That the Council provides protection for older pupils at Cardinal Newman School who have bus passes and who have already started an examination course, until completion of that course.

249. ASSET MANAGEMENT FUND 2012/13

249.1 Councillor J. Kitcat introduced the report which detailed the capital fund for 2012/13 of £1m to support property improvements, property related Health & safety requirements and access improvements under the Equalities Act 2010. He noted that it formed part of the Capital Strategy 2012/13 along with the Strategic Investment Fund of £0.25m and the ICT Strategy Fund of £0.5m.

249.2 Councillor Mitchell noted the report and queried whether the proposed disposal of the ex-school property in Loxhill, Portslade was appropriate at this time given the pressures for school accommodation in Portslade.

249.3 The Strategic Director; People stated that a full review of the property had been undertaken and it had be found to be unsuitable for the needs of the schools in the area or the LEA and therefore had gone forward for disposal.

249.4 The Chair then put the recommendations to the vote.

249.5 **RESOLVED:** That the recommended remaining allocation of AMF bids totalling £0.3 million, as detailed in items 2, 3 and 4 of paragraph 3.3 of the report be approved.

250. SPORTS FACILITIES PLAN

250.1 Councillor Bowden introduced the report which outlined the proposed Sports Facility Plan that had been drawn up in order to redress the low level of satisfaction amongst residents with local sports facility provision in the city. This had been identified as a result of Sport's England's Active People Survey, which had shown Brighton & Hove as being in the top 25% nationally for sports participation but the bottom 25% for satisfaction of provision. The Plan listed the priorities that had been identified along with recommendations to help meet them which would enable greater participation and improved facilities and access to and for sports.

250.2 The Chair referred back to the success of the marathon as well as the successful football and cricket clubs and noted that Brighton and Hove was one of the 13 priority areas identified by Sports England for support and investment. The Plan was a means to enabling that potential investment to be accessed and he hoped it would be supported by all Groups on the council.

- 250.3 Councillor Mitchell welcomed the report and stated that it was one of the most comprehensive that had been brought forward for consideration. It provided a platform to build on and one that she hoped would be taken forward as there was a need to look at accessibility for example and making use of sites that required development/improvement e.g. King Alfred.
- 250.4 Councillor Peltzer Dunn stated that the Administration had inherited a difficult situation and he welcomed the approach to tackle it, but wanted to express some concern over not aiming too high or being too ambitious and thereby raising expectations which may not be met. There was a need to ensure that the current level of provision and facilities were maintained and not priced out of reach or neglected.
- 250.5 The Chair noted the comments and stated that there was a need to look at those facilities that existed e.g. in schools and find ways to give greater access to them. He then put the recommendations to the vote.
- 250.6 **RESOLVED:**
- (1) That the recommendations in the Sports Facilities Plan 2012-22 be approved; and
 - (2) That delegated authority be granted to officers to begin implementing the following list of required actions:
 - Establishment of a Project Team to begin scoping work on options for the future of the King Alfred Leisure Centre to be funded initially from £40k existing capital budget within Major projects;
 - Investigate options for increased access to school facilities;
 - Explore options for a purpose built gymnastics facility;
 - Explore options for improved athletics facilities;
 - Improve the quantity and quality of health and fitness facilities;
 - Improve the quantity and quality of artificial grass pitches.

251. WITHDEAN SPORTS COMPLEX MASTERPLAN

- 251.1 Councillor Bowden introduced the report which outlined proposals for improving sports facilities at Withdean Sports Complex, in line with the recommendations identified in the citywide Sports Facilities Plan 2012-22. He noted that there would be a consultation exercise undertaken and hoped that it would see improvements being made and greater use of the complex.
- 251.2 Councillor Peltzer Dunn asked for confirmation of the time scale for the proposed phase 1 as outlined in the report; and noted that the athletics provision was likely to be sometime away. He also stated that the Conservative Ward Councillors were in favour of the proposed skatepark, as it was seen as something that would meet the needs of young people in the area.
- 251.3 The Strategic Director; Communities informed the Cabinet that it was April 2013 for phase 1 however, the athletics improvements were likely to begin in the autumn as an

agreement had been reached with Whitehawk Football Club which released the area they had been using.

251.4 Councillor Shanks stated that as the other Ward Councillor for Withdean, she also supported the skatepark and noted that the young people had previously petitioned the council and she believed it would only improve the use of the complex and give the young people something that they desperately wanted.

251.5 The Chair noted the comments and put the recommendations to the vote.

251.6 **RESOLVED:**

- (1) That Phase 1, which is the investment proposal to increase the health and fitness facilities at Withdean Sports Complex be undertaken subject to planning consent;
- (2) That the investment proposal (in 1 above) be added to the Capital Programme at a total cost of £3.010m (£1.63m in 2012/13 and £1.38m in 2013/14), to be funded from prudential borrowing over 25 years financed from additional management fee income with effect from 2013/14;
- (3) That it be agreed that prior to letting the contract for the works and agreeing variations to the Sports Facilities Management Contract the viability of the project is confirmed with the Chief Finance Officer; and
- (4) That officers be authorised to investigate the feasibility of the options listed under Future Phases in the report.

252. STANMER PARK - TRADITIONAL AGRICULTURAL BUILDINGS UPDATE

252.1 Councillor West introduced the report stated that following the surrender of Home Farm agricultural tenancy, the council had obtained vacant possession of the traditional agricultural buildings located within Stanmer Village. Having acquired the buildings it was proposed to draw up a revised Downland Estates Policy that would enable the restoration and refurbishment of the buildings so that they could be put back into mixed use. It was intended to establish a project team to take the work forward and produce a feasibility study that could then lead to the use of the buildings in the future.

252.2 Councillor Mitchell noted the report and stated that she felt the council had been at this stage before and questioned the need for the use of £75k to produce a new plan when a great deal of the information was already held by the council. She supported the aim to bring the buildings back into use but felt that this could be achieved without having to redefine the business case etc.

252.3 Councillor Peltzer Dunn agreed with Councillor Mitchell over the availability of the information and expressed concern over the impact the raising of expectations may have in regard to the redevelopment of the buildings on the current viable business that existed in the village.

252.4 Councillor West noted the comments and stated that he believed there was a need to revise the feasibility study and look to encourage support from other parties so as to enable the restoration and re-use of the buildings. He also wished to move an amendment to recommendation 2.1 to include the word 'City' in front of Downland.

252.5 Councillor Bowden formally seconded the amendment.

252.6 The Chair noted the comments and agreed that the current business needed to be taken into account in regard to any future proposals. He then put the recommendations as amended to the vote.

252.7 **RESOLVED:**

- (1) That it be agreed to consult with the SDNPA, tenants and other interested parties on the refreshed City Downland Initiative called the Downland Estate policy that fits into the One Planet Living principles and UN Biosphere Reserve status; and
- (2) That the progress made to date be noted and the appointment of a project team to establish the feasibility of the Home Farm buildings being refurbished as a gateway to the South Downs National Park be supported. Working in partnership with the SDNPA the project team will establish a planned and costed development strategy that fits into the developing master plan for the Park capable of being used, for applications for grant funding, such as, the Heritage Lottery Grant Fund. Funding for the project team's initial set up costs of £75,000 is to be met from existing capital budgets.

253. BOUNDARY AMENDMENT TO THE ARTICLE 4 DIRECTION ON HOUSES IN MULTIPLE OCCUPATION

253.1 The Chair noted that the Cabinet had previously approved the boundary amendment to the article 4 direction on Houses in Multiple Occupation, however, it had come to light that an area fell within the National Park boundary and therefore could not be included. The report simply allowed for that amendment to be recognised.

253.2 **RESOLVED:** That the Cabinet notes the amendment to the boundary of the area to be covered by the article 4 direction agreed at the Cabinet meeting on 15 March 2012. The amendment excludes land within the South Downs National Park.

254. PROVISION OF THE BUILDING MAINTENANCE CONSULTANCY SERVICES CONTRACT FOR EDUCATION & SOCIAL CARE PREMISES

254.1 Councillor J. Kitcat introduced the report and stated that as part of the new corporate landlord approach it was proposed to bring the building maintenance consultancy service back in-house when the current contract expired at the end of August 2012.

254.2 Councillor Peltzer Dunn stated that he understood the logic of the proposal and sought confirmation that it would not result in a lessening of level of service that was currently provided.

- 254.3 The Chair confirmed that the intention was to maintain the level of service and put the recommendations to the vote.
- 254.4 **RESOLVED:** That the Strategic Director; Resources be authorised to bring the provision of the building maintenance consultancy services for education & social care premises in-house at the expiry of the Contract with NPS. The advantages of this service provision approach are set out at paragraph 3.8 of the report.

PART TWO SUMMARY

255. PROPOSED OPTIONS FOR THE PROVISION OF 3 JUNIOR FORMS PORTSLADE - SITE ACQUISITION - EXEMPT CATEGORY 3

- 255.1 The Chair noted that he had accepted the report as a matter of urgency as there was a need to consider the way forward for property negotiations in regard to available land for the proposed expansion of St Peter's School. He also noted that a proposed amendment to add an additional recommendation 2.3 had been circulated.
- 255.2 Councillor Shanks introduced the report and stated that the need to consider the options available to the council in regard to the proposed expansion of St Peter's School had arisen because of the interest in one area of land by the adjoining business.
- 255.3 The Chair noted the position and suggested that the recommendations be agreed as amended as they offered a way forward and hopefully it would lead to the expansion of the school which was the objective supported by everyone.
- 255.4 **RESOLVED:**
- (1) That the preferred option of making St Peters Community Infant School, Portslade Infant School and St Nicolas Church of England Junior School into all through primary schools from September 2013 be endorsed;
 - (2) That the Strategic Director; People jointly with Strategic Director; Resources, be authorised to acquire, in consultation with the relevant Cabinet Members, either the freehold interest or a leasehold interest in either of the sites listed in the report, in order to be able to provide the necessary site to expand St Peter's Community Infant School; and
 - (3) That the authorisation in (2) above include the acquisition of part or the whole of the sites in question as a freehold or under a lease or sub-lease from the proprietor/s.

256. PART TWO ITEMS

- 256.1 The Cabinet considered whether or not the above item, taken as a matter of urgency as agreed by the Chair should remain exempt from disclosure to the press and public.
- 256.2 **RESOLVED** – That item 255 and the decisions thereon contained in part two of the agenda, should remain exempt from disclosure to the press and public.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of