

**BRIGHTON & HOVE CITY COUNCIL****CABINET****4.00PM 23 APRIL 2009****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

**Also in attendance:** Councillors Mitchell (Leader of the Opposition), Randall (Spokesperson, Green) and Watkins (Spokesperson, Liberal Democrat)

**Other Members present:** Councillors Allen, Mrs Cobb, Kitcat, Meadows, Oxley, Wakefield-Jarrett and Wrighton

**PART ONE****193. PROCEDURAL BUSINESS****193a Declarations of Interests**

193a.1 Councillor Mitchell declared a personal and prejudicial interest in Item 211 and 216 as her daughter was an employee of American Express.

**193b Exclusion of Press and Public**

193b.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).

193b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 216 onward.

**194. MINUTES OF THE PREVIOUS MEETING**

194.1 **RESOLVED** - That the minutes of the meeting held on 12 March 2009 be approved as a correct record.

**195. MINUTES OF THE SPECIAL CABINET MEETING**

195.1 **RESOLVED** - That the minutes of the special meeting held on 3 March 2009 be approved as a correct record.

**196. CHAIRMAN'S COMMUNICATIONS**

196.1 The Chairman noted that the meeting would be web cast.

196.2 The Chairman wished those present a happy St. Georges Day and reported that the St. George's cross flying was from the council's buildings. The Chairman explained that celebratory events focussing on England's contribution to world literature would take place in Jubilee Square on Sunday.

196.3 The Chairman was pleased to report that the council had received a clear pass at Level 3 of the Equalities Standard Peer Challenge, the highest rating the Council had ever achieved. The assessors had commented on a number of achievements and the positive comments from staff interviewed. The Chairman extended her thanks to officers for their hard work and looked forward to ongoing improvements.

196.4 The Chairman welcomed the re-opening of the Madeira Lift over the Easter weekend and gave assurances that it was completely safe.

**197. ITEMS RESERVED FOR DISCUSSION**

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

**198. PETITIONS**

198.1 There were none.

**199. PUBLIC QUESTIONS**

199.1 There were none.

**200. DEPUTATIONS**

200.1 There were none.

**201. LETTERS FROM COUNCILLORS**

201.1 There were none.

**202. WRITTEN QUESTIONS FROM COUNCILLORS**

202.1 The Chairman reported that three written questions had been received.

202.2 Councillor Randall had submitted a question asking the following:

“Can Councillor Caulfield confirm that joint tenancies are available to civil partners in Brighton and Hove?”

202.3 Councillor Caulfield gave the following response:

“Civil Partners are treated exactly the same as a heterosexual married couple for all Housing Management purposes. This includes the granting of joint tenancies to new council tenants.”

202.4 Councillor Randall asked the following supplementary question:

“Does this policy include existing tenants whose circumstances might change following a civil partnership?”

202.5 Councillor Caulfield gave the following response:

202.6 “Currently, the council cannot legally grant a joint tenancy to an existing sole tenant. We are exploring this issue further and it will be discussed at the Area Housing Management Panels and the Housing Management Consultative Committee in May.”

202.7 Councillor Kitcat had submitted a question asking:

“Could Cllr Theobald provide the Cabinet meeting with details of the 'stopper' that I'm told is going to be fitted to communal bins without foot pedals? Could he provide:

- A description of this stopper and any accompanying changes;
- A drawing, schematic and/or photograph of the proposed addition;
- A timescale for the fitting of the stopper;
- And the estimated cost of adding these stoppers to all bins without foot pedals?”

202.8 The following response from Councillor Theobald had been circulated:

“I think the Councillor is referring to a mechanism which will stop the lid of the communal bins flipping back so far it can't be pulled shut by a person. I have enclosed a photograph which shows one in situ and shows how it works. You can also, if you wish, inspect them in Church Road, Blatchington Road and Sackville Road, and then report back to us with further in-depth questions on its mechanical effectiveness.

We don't have a timescale for the roll out of the mechanism or costs as yet, as we are in the 'testing' rather than 'launch' phase, but when we do have this information I will ensure you have it.”

202.9 Councillor Kitcat asked the following supplementary question:

“Would you please comment on the timescale for rolling out the new mechanism and the associated costs?”

202.10 Councillor Theobald gave the following response:

"We are constantly looking at ways to make the communal bins quieter and have been testing mechanisms. The first ones can be seen on the streets from Monday."

202.11 Councillor Kitcat had submitted a second question asking:

"Could Cllr Theobald provide the litres of fuel used per month by CityClean for waste collection in January, February and March 2008 and also for January, February and March 2009?"

202.12 Councillor Theobald explained that a written response would be provided to this question as officers would need to undertake a detailed investigation to obtain the answer.

202.13 Councillor Kitcat was concerned that he had not been given a response and posed a supplementary question that was ruled not to be relevant. Councillor Kitcat felt unable to pose a supplementary question without the answer to his original question.

### **203. NOTICES OF MOTION**

203.1 The Chairman reported that the three Notices of Motion had been referred to the Cabinet from Full Council on 19 March 2009 under procedural rule 8.2.

#### **203a Millicent Fawcett & the Fawcett Charter**

203a.1 The Cabinet considered the following Notice of Motion proposed by Councillor Kennedy:

"This Council notes that:

1. The Fawcett Society is the UK's leading organisation promoting equality for women. It campaigns for women's representation in politics and public life; equal pay and pensions, and the fair treatment of women in the workplace.
2. Having begun as the National Union of Women's Suffrage Societies (NUWSS) in 1866, the Fawcett Society takes its name from Dame Millicent Garrett Fawcett, who made it her life's work to lead the peaceful campaign for women's votes.
3. Millicent Fawcett was married to Henry Fawcett, MP for Brighton from 1865 to 1874, and in 1897 she spoke to the NUWSS Conference in Brighton Town Hall.
4. Today the Fawcett Society continues to campaign for equality for women in all areas of life, and is currently calling for employers to sign up to the Fawcett Charter, which represents a coalition of firms and organisations committed to challenging the objectification of women at work. Signatories include BT, Barclays Wealth, Matrix Chambers, and Oxfam GB.

As one of Brighton & Hove's largest employers, with a stated commitment to equalities for all in the workplace, this Council therefore resolves to ask the Cabinet to consider:

1. Signing up to the Fawcett Charter, demonstrating:

- Support for Fawcett's aim of challenging the objectification of women;
- A commitment to audit employee expenses to ensure local authority money is not being spent in lap dancing clubs;
- A commitment to review internal policies and procedures to ensure they adequately address potential occurrences of objectification.

2. Request that the Commemorative Plaques Panel considers erecting a blue plaque outside Brighton Town Hall to honour the memory of Millicent Fawcett.

203a.2 The Chairman noted that the Cabinet had considered a report of the Acting Director of Strategy & Governance on this matter (for copy see minute book).

203a.3 The Chairman invited Councillor Kennedy to speak to the motion.

203a.4 Councillor Wakefield-Jarrett addressed the Cabinet meeting on behalf of Councillor Kennedy, who was unable to attend the meeting. She explained that signing up to the Charter would not add to the work of the council as the existing framework for expenses could be used, and that two other local authorities had signed up the Charter.

203a.5 Councillors Mitchell and Watkins spoke in support of the Notice of Motion.

203a.6 Councillor Simson agreed that although the Charter raised important issues, it was primarily directed at private sector companies who, unlike most local councils, had been known to use lap and pole dancing clubs to entertain clients. She added that the current expenses framework was adequate and that reviewing it would not be good use of resources.

203a.7 The Chairman commented that achieving Level 3 of the Equalities Standard Peer Challenge showed that the council was committed to equalities issues.

203a.8 **RESOLVED** – (1) That the Notice of Motion be noted and;

(2) That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

(i) That the strong commitment to Gender Equality and the work that is already underway be restated.

(ii) That the Commemorative Plaques Panel be asked to consider erecting a blue plaque outside Brighton Town Hall to honour the memory of Millicent Fawcett.

### **203b South Downs National Park**

203b.1 The Cabinet considered the following Notice of Motion proposed by Councillor West:

“This council, a long-standing supporter of the South Downs National Park, recognises:

- The vital importance of the South Downs to our tourist economy
- The recreational benefits it offers to local people and visitors
- The additional economic benefits National Park status will bring to Brighton and Hove
- The physical and mental health benefits that access to a high quality landscape will bring to the City.
- The protection National Park status will offer to the fragile and pressured national environment of the South Downs.
- That Brighton and Hove is a natural major gateway to the proposed park.

It notes:

- The Government plans to announce its decision on the South Downs National Park in the 'early summer'
- The efforts of the South Downs Campaign to persuade Ministers to include the chalk hills, The Western Weald, Ditchling and Lewes in the confirmed National Park.
- The need for Brighton and Hove City Council to look beyond designation and plan for the benefits of the National Park on the city.

It therefore resolves to:

- Commend the South Downs Campaign for its tireless work,
- Ask the Cabinet to consider establishing a working group to develop a comprehensive strategy to reap the benefits for the city of a South Downs National Park.
- Ask the city's Chief Executive to write to Hilary Benn, Secretary of State for the Environment, Food and Rural Affairs, urging him to include the chalk hills, the Western Weald, Ditchling and Lewes in the confirmed national park.

Call on the city's three MPs to write to Mr Benn urging him to include the chalk hills, the Western Weald, Ditchling and Lewes in the confirmed national park.

203b.2 Councillor West was unable to attend the meeting and speak to the motion.

203b.3 The Chairman reported that a cross-party working group had been agreed and would be meeting in early June.

203b.4 **RESOLVED** – That the Notice of Motion be noted.

**203c Housing and Homelessness Services for young Lesbian, Gay, Bisexual and Trans People in Brighton and Hove**

203c.1 The Cabinet considered the following Notice of Motion proposed by Councillor Randall:

“This council:

1. Acknowledges the work of the city’s housing services in helping young Lesbian, Gay, Bisexual and Trans (LGBT) homeless people in Brighton and Hove.
2. Notes the findings of the report, *Count me in too (LGBT lives in Brighton and Hove)*, which was published in 2008 by the University of Brighton and Spectrum.
3. In particular, it notes the section on homelessness, which reveals that 18 per cent of LGBT young people who have moved to Brighton and Hove in the past five years have been homeless in the city and that many of them have experienced abuse, harassment or violence at the hands of a family member or someone close to them.
4. Also notes that 57 per cent of those who have experienced homelessness in the city told University of Brighton/ Spectrum researchers they would like to see the introduction of specialist LGBT services for homeless people.
5. Notes the successes of the Albert Kennedy Trust, which works in Manchester and London with young people aged 16 to 25 from the LGBT community who are homeless or living in a hostile environment. It provides a programme of training, policy advice, and practical support, which includes supported lodgings schemes, mentoring and befriending services. It has also launched a Quality Assurance Mark, offering a model of best practice to mainstream housing and homelessness organisations.

The council therefore resolves to request the Cabinet member for Housing to consider the possibilities of:

1. Joint working with the Albert Kennedy Trust
2. Ways in which ways the Trust’s services could be used to help young LGBT homeless people in Brighton and Hove.”

203c.2 The Chairman invited Councillor Randall to speak to the motion.

203c.3 Councillor Randall was disappointed that funding could not be found to work with the Albert Kennedy Trust given that Full Council had supported the motion.

203c.4 Councillor Caulfield explained that the council’s housing department was already doing a lot of good work on this important issue. She invited the Albert Kennedy Trust to apply for funding in the city using the proper procedures so that they could be considered along with other organisations.

203c.5 The Chairman added that the Policy & Resources Committee had previously agreed to refuse funding to the Albert Kennedy Trust under the Three Year Discretionary Grants Programme.

203c.6 **RESOLVED** – That the Notice of Motion be noted.

**204. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES****204a Students in the Community**

- 204.1 The Cabinet considered a report for the Acting Director of Strategy & Governance concerning the report of the Adult Social Care and Housing Overview and Scrutiny Committee on the impact of students on the city of the Brighton and Hove and its residents (for copy see minute book).
- 204.2 The Chairman invited Councillor Meadows, Chairman of the Adult Social Care and Housing Overview and Scrutiny Committee, to present the report.
- 204.3 Councillor Wrighton, Deputy Chairman of the Adult Social Care and Housing Overview and Scrutiny Committee, echoed the positive comments of Councillor Meadows and hoped that the council would lead on this issue.
- 204.4 In response to comments from councillors supporting the report, the Chairman confirmed that the Cabinet was not rejecting the recommendations, but that it was important to allow the Strategic Housing Partnership to formally comment on the report. The Chairman invited Councillors Meadows and Wrighton to attend the Strategic Housing Partnership meeting.
- 204.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the scrutiny recommendations on 'Students in the Community' attached to this report as Appendix 1 be noted.
  - (2) That the scrutiny report with the recommendations be referred to the next meeting of the Strategic Housing Board, asking for comments on the report recommendations prior to Cabinet deciding on the a response at its meeting on the 11 June.

**205. LOCAL AUTHORITY BUSINESS GROWTH INCENTIVE (LABGI) - FUNDING 2009/10**

- 205.1 The Cabinet considered a report of the Director of Culture & Enterprise concerning projects and programmes proposed for the Local Authority Business Growth Incentive (LABGI) funding (for copy see minute book).
- 205.2 Opposition councillors showed support for the proposals, which they felt would support existing businesses as well as encourage growth within the city.
- 205.3 Councillor Kemble was pleased to confirm that the match funding had been granted and that the council would continue to work closely with business leaders.
- 205.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the proposed list of projects for funding attached at Appendix One be agreed.



- (2) That responsibility be delegated to the Cabinet Member for Enterprise and Major Projects in consultation with the Director of Culture and Enterprise for agreeing the allocation of any further funding, should it become available, during the current financial year. This funding to be allocated in line with the criteria outlined in the body of the report.

#### **206. ASSET MANAGEMENT FUND 2009-10**

- 206.1 The Cabinet considered a report of the Interim Director of Finance & Resources concerning approval of the recommended Asset Management Fund (AMF) bids (for copy see minute book).
- 206.2 In response to a query from Councilor Randall, the Assistant Director for Property & Design confirmed that the work was nearly complete on obtaining Display Energy Certificates for the council's buildings.
- 206.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendation:
  - (1) That the recommended AMF bids totalling £1.0m, as detailed in paragraph 3.3 of this report and set out in the attached Appendix A, be approved.

#### **207. REVISED HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2009/10**

- 207.1 The Cabinet considered a report of the Interim Director of Finance & Resources concerning approval for a revised 2009/10 Capital Programme for the Housing Revenue Account (HRA) (for copy see minute book).
- 207.2 Councillor Mitchell was pleased to see the increased budget and was assured by the Assistant Director for Housing Management that the increased Major Repairs Allowance would come from the housing subsidy.
- 207.3 In response to a request from Councillor Randall, Councillor Caulfield confirmed that issues resulting from the age of some lifts in the council's housing stock was mainly a problem in a particular area of the city. Tenants were focussed on this issue and the Assistant Director for Housing Management confirmed that a report on progress would come to the next meeting of the Housing Management Consultative Committee.
- 207.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepts the following recommendation:
  - (1) That the HRA revised capital programme of £20.613 million for 2009/10 be approved.

#### **208. BRIGHTON & HOVE CITY COUNCIL PROJECT PLAN FOR PLAYBUILDER SCHEME**

- 208.1 The Cabinet considered a joint report of the Director of Children's Services and the Director of Environment concerning allocation of Playbuilder funding to recommended play area sites across the city (for copy see minute book).

- 208.2 Opposition councillors praised the approach taken by officers in allocating funding and were pleased with the spread of sites across the city.
- 208.3 Councillor Simson commented that the project offered a good opportunity to put the council's Community Engagement Framework in to practice through involving relevant parties, including children. She added that it was important to remember that the funding was for creating imaginative play areas and the high expectations would need to be borne in mind.
- 208.4 In response to queries, Councillor Theobald confirmed that the Friends of Parks groups had and would continue to be involved in the project, and that the council was already in receipt of the section 106 funding for play at the Level. He added that the project would complement ongoing work carried out by the council's park department.
- 208.5 Councillor Watkins was assured by the Chairman that officers were looking into provision for older people.
- 208.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted following recommendations:
- (1) That the proposed 22 sites for Playbuilder investment be approved.
  - (2) That the establishment of a Play Task Force (which is a pre-requisite for the funding) be approved.

**209. HEALTH & SAFETY ANNUAL SERVICE PLAN 2009/10**

- 209.1 The Cabinet considered an extract from the proceedings of the Environment Cabinet Member Meeting held on 26 March 2009 concerning the Health and Safety Annual Service Plan (for copy see minute book).
- 209.2 **RESOLVED** - That, having considered the extract and the reasons set out in the original report, the Cabinet noted the two extracts and accepted the following recommendation:
- (1) That the Health and Safety Annual Service Plan 2009/10 be noted and recommended for approval by the Full Council.

**210. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2009/10**

- 210.1 The Cabinet considered an extract from the proceedings of the Environment Cabinet Member Meeting held on 26 March 2009 concerning the Official Feed and Food Controls Service Plan (for copy see minute book).
- 210.2 **RESOLVED** - That, having considered the extract and the reasons set out in the original report, the Cabinet noted the two extracts and accepted the following recommendation:

- (1) That the Official Feed and Food Controls Service Plan 2009/2010 be noted and recommended for approval by the Full Council.

## **211. CONSIDERATION OF OFFER FOR OPTION FOR THE FREEHOLD INTEREST IN AMEX HOUSE**

- 211.1 The Cabinet considered a joint report of the Director of Culture & Enterprise and Interim Director of Finance & Resources concerning granting an option (in return for consideration) to American Express for the sale of the city council's freehold interest in the Amex House site ), subject to certain conditions being fulfilled (for copy see minute book).
- 211.2 Councillor Mitchell left the room during consideration of this item.
- 211.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendation:
  - (1) That the granting of an option to American Express for the sale of the city council's freehold interest in the Amex House site (as shown in Appendix 1), as outlined in the Heads of Terms attached to and outlined in the Part 2 report, be agreed.

## **212. STAFF & CIVIC CATERING CONTRACT**

- 212.1 The Cabinet considered a report of the Director of Children's Services concerning permission to tender for the provision of catering services for civic meetings, events and staff at several of the council's buildings (for copy see minute book).
- 212.2 In response to questions from Councillor Randall, Councillor Brown confirmed that the Full Council had agreed to make both bottled water and tap water available from dispensers, and that input from councillors in the tendering process would be welcomed.
- 212.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
  - (1) That the tendering for a revised Staff and Civic catering contract to commence on 1 November 2009 be approved.
  - (2) That delegated authority to confirm the award of the contract be given to the Director of Children's Services, within whose Department the contract is managed.

## **213. EAST SUSSEX COUNTY COUNCIL AND BRIGHTON & HOVE CITY COUNCIL INTEGRATED WASTE MANAGEMENT SERVICES CONTRACT COMMITTEE**

- 213.1 The Cabinet considered an extract from the proceedings of the Governance Committee held on 10 March 2009 concerning the proposed dissolution of the Integrated Waste Management Services Contract Committee (for copy see minute book).

213.2 **RESOLVED** - That, having considered the extract and the reasons set out in the original report, the Cabinet noted the extract and accepted the following recommendations:

- (1) That the the dissolution of the East Sussex County Council and Brighton & Hove City Council Integrated Waste Management Services and Contract Committee with immediate effect be approved; and
- (2) That the Head of Law be authorised to make the relevant changes to Brighton & Hove City Council's Constitution and to the Joint working Agreement.

#### **214. SIX MONTH REVIEW OF THE CONSTITUTION**

214.1 The Cabinet considered an extract from the proceedings of the Governance Committee held on 10 March 2009 concerning the outcome of the six month review of the Council's Constitution and proposed amendments (for copy see minute book).

214.2 Councillor Mitchell welcomed the proposed changes and felt that the review had gone further than the 'light touch' promised and had accepted comments from a number of parties. She added that work needed to be done around public engagement to simplify processes and make members of the public aware of how to engage in decision-making.

214.3 The Chairman assured Councillor Mitchell that she would write to Councillor McCaffery regarding her concerns around the current lack of reporting route for equalities issues.

214.4 **RESOLVED** - That, having considered the extract and the reasons set out in the original report, the Cabinet noted the extract and accepted the following recommendation:

- (1) That the proposals set out at paragraph 4 of the report, save those reserved to Full Council for decision, be adopted.

#### **215. BRIGHTON & HOVE MARATHON**

215.1 The Cabinet considered a report of the Director of Environment concerning proposals for staging a marathon in Brighton & Hove in April 2010 (for copy see minute book).

215.2 Councillor Smith stated that the recommendations attached to this report had been amended to reflect the need for ongoing involvement as the event developed.

215.3 Councillor Randall commented that the Culture, Tourism & Enterprise Overview & Scrutiny Committee supported the event and hoped that the emergency services would be satisfied with the arrangements. He asked whether officers had any information on sponsorship of the event and suggested that a number of places be reserved for city residents to ensure significant local involvement.

- 215.4 The Director of Environment confirmed that the organisers would be expected to come forward with sponsorship for the whole event and comments from councillors could be fed into meetings with the organisers.
- 215.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following amended recommendations:
- (1) That landlord's consent be granted in principle to stage a marathon in Brighton & Hove on Sunday 18 April 2010, subject to a route being approved by the Cabinet Member for Culture, Recreation and Tourism and the Safety Advisory Group.
  - (2) That officers be authorised to enter into formal agreement with the event organisers and to determine conditions of support as appropriate.

**PART TWO SUMMARY****216. CONSIDERATION OF OFFER FOR OPTION FOR THE FREEHOLD INTEREST IN AMEX HOUSE**

216.1 The Cabinet considered a joint report of the Director of Culture & Enterprise and Interim Director of Finance & Resources concerning granting an option (in return for consideration) to American Express for the sale of the city council's freehold interest in the Amex House site), subject to certain conditions being fulfilled (copy circulated to Members only).

216.2 Councillor Mitchell left the room during consideration of this item.

216.3 **RESOLVED** – That the recommendations be agreed as per the confidential part 2 report.

**217. STAFF & CIVIC CATERING CONTRACT**

217.1 The Cabinet considered a report of the Director of Children's Services concerning permission to tender for the provision of catering services for civic meetings, events and staff at several of the council's buildings (copy circulated to Members only).

217.2 **RESOLVED** - That the recommendations be agreed as per the confidential part 2 report.

**218. PART TWO ITEMS**

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

218.2 **RESOLVED** - That items 216 and 217, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.02pm

Signed

Chairman

Dated this

day of