

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 9 JULY 2009****COUNCIL CHAMBER, BRIGHTON TOWN HALL****MINUTES**

Present: Councillors Mears (Chairman), Brown, Caulfield, Fallon-Khan, K Norman, Simson, Smith, G Theobald and Young

Also in attendance: Councillor Mitchell (Leader of the Labour Group), Councillor Randall (Convenor of the Green Group) and Councillor Watkins (Opposition Spokesperson, Liberal Democrats)

Other Members present: Councillors Allen, Duncan, Kitcat and Wrighton

PART ONE**38. PROCEDURAL BUSINESS****38a Declarations of Interests**

38.1 There were none.

38b Exclusion of Press and Public

38b.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).

38b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 59 onward.

39. MINUTES OF THE PREVIOUS MEETING

39.1 **RESOLVED** - That the minutes of the meeting held on 11 June 2009 be approved as a correct record.

40. CHAIRMAN'S COMMUNICATIONS

- 40.1 The Chairman thanked all those involved in the emergency operation after the fire at Brighton YMCA in the Old Steine on Tuesday 7 July. She reported that no one had been hurt and that police were questioning a suspect.
- 40.2 The Chairman gave an update on swine flu and the latest local preparations.
- 40.3 The Chairman congratulated officers in the Revenues & Benefits section of the Customer Services Division, as they had been recommended to receive a 'Customer Services Excellence Award'.
- 40.4 The Chairman thanked those who attended and were involved in organising Armed Forces Day, which had been a great success.
- 40.5 The Chairman highlighted a number of summer events in the city including the White Air Extreme Sports Festival in September, Pride on 1 August and the 40th anniversary of the American 'Stonewall riots' which were recognised to be beginning of the gay rights movement.
- 40.6 The Chairman was pleased to announce that the Victorian Bandstand would formally be reopening on 24 July after extensive refurbishment works.

41. ITEMS RESERVED FOR DISCUSSION

- 41.1 **RESOLVED** – That all items be reserved for discussion.

42. PETITIONS

- 42.1 Councillor Kitcat presented a petition signed by 37 people calling for a review of how seafront rents and license fees are agreed.
- 42.2 The Chairman stated that the Cabinet appreciated the positive impact of seafront businesses on the city's wider tourist economy and explained that the council had an obligation to implement rent reviews and lease renewals as they fell due; every case was considered on its merits in light of the prevailing economic background.
- 42.3 The Chairman made the following comments:
- The 300% case referred to in the petition was one out of over 300 hundred properties and had a long and complex history.
 - Officers were always willing to meet and discuss problems with tenants.
 - Rents on the seafront were low in comparison to other local authorities; they were not what would be considered market rate and required some adjustment, but transitional measures could be implemented.
 - Patio licences were issued on an annual basis at a rate of £17 per square meter, which was the same rate across the whole city; it had been levied at the same amount for the past two years and this would be the third year with no increase.

42.4 The Chairman hoped that the council maintained good and fruitful relations with seafront businesses hoped that some clarity regarding the council's position had been provided today.

42.5 **RESOLVED** – That the petition be noted and referred to the relevant Cabinet Member Meeting for further consideration.

43. PUBLIC QUESTIONS

43.1 The Chairman reported that one public question had been received.

43.2 Ms Phillips asked the following question:

“Brighton & Hove City Council's Local Transport Plan (LTP) highlights the problems associated with the high levels of motor vehicles that we have in this city. These problems include noise, severance, congestion, dangerously poor air quality and of course road safety alongside communities generally dominated by traffic. It rightly sets ambitious targets for traffic reduction, improved air quality and significant modal shift from the private car to sustainable modes namely walking, cycling and public transport. With this in mind, I would ask that Brighton & Hove City Council's Cabinet consider introducing a 20 mph speed limit across the city.”

43.3 The Chairman gave the following response:

“Thank you for your question and for the idea of a citywide twenty miles per hour speed limit.

You may be aware that an experimental scheme in Portsmouth is currently being evaluated by the government, who will be issuing further guidance regarding such limits later this year. However, there are a number of practical reasons why we are currently unable to take a similar approach.

The Police will only support a twenty miles per hour speed limit if it is self enforcing. This is because, historically, if the speed limit is not backed up by traffic calming measures, it has proved to be ineffective. Therefore, the council currently bases decisions on twenty mile per hour limits on an individual basis. We take into account factors such as collision data and traffic flow to ensure available budgets are targeted effectively.

Indeed, as you may know, the Council has introduced a number of 20mph zones, particularly near schools, such as Chalky Road, and in busy shopping streets or in conjunction with other transport schemes such as New Road and North Street. Officers regularly monitor collision data in response to residents' and councillors' concerns and review the appropriateness of existing speed limits when required.

The council has recently completed a Speed Limit Review of the city's A and B class roads, and is considering extending this to include all roads, including those appropriate for twenty mile per hour.

By coincidence, a report later in our agenda in regard to the 'Sustainable Communities Act' contains a proposal from Greenspeak and Transition Brighton & Hove. This

requests that councils are given the power to set vehicle speed limits on public roads at any maximum below existing regulations, according to local needs. This proposal is being submitted to the Local Government Association along with other community empowerment proposals that we are supporting. I think that this is a sensible approach to take as I'm not at all convinced that a blanket 20mph limit across the whole City would be in anyone's interests. Flexibility and local circumstances are the key.

If you would like some information as regards this I am sure one of our officers would be happy to share this with you."

43.4 Ms Phillips asked the following supplementary question:

"It is now widely recognised that reducing traffic speed is a key factor in making our roads safer, our communities healthier and our environment more pleasant. As a result, and as you have already mentioned, many Local Authorities across the country are in the process of introducing, or have already introduced, 20mph limits across their areas. Here in Brighton and Hove the now defunct Environment Committee committed to bring a report investigating this issue in January 2008. Now, more than a year and a half later still nothing has been forthcoming. Can the Cabinet explain why there has been such a delay and when the report will be forthcoming?"

43.5 The Chairman gave the following response:

"I believe that I stated in my remarks that we are looking into this and the information will be forthcoming".

44. DEPUTATIONS

44.1 There were none.

45. LETTERS FROM COUNCILLORS

45.1 There were none.

46. WRITTEN QUESTIONS FROM COUNCILLORS

46.1 There were none.

47. NOTICES OF MOTION

47.1 There were none.

48. DUAL DIAGNOSIS

48.1 The Cabinet considered a report from the Director of Adult Social Care & Housing outlining the initial response from service commissioners from Brighton and Hove Teaching Primary care Trust and Brighton & Hove City council Adult Social Care and Housing to the scrutiny review on dual diagnosis (for copy see minute book).

- 48.2 The Chairman invited Councillor Watkins, Chairman of the Scrutiny Panel, to introduce the report.
- 48.3 Councillor Watkins commended the scrutiny report and stated that it was a good example of joint working and scrutiny. He had been amazed by the number of responses received and felt that the issue would now be taken forward. He was pleased that the recommendations would inform the Working Age Mental Health Commissioning Strategy and looked forward to seeing the completed strategy in the New Year.
- 48.4 Councillor Watkins wished to place on record his thanks to Giles Rossington and John Heys for all their hard work on the scrutiny review.
- 48.5 Councillor Wrighton, the councillor responsible for requesting the original scrutiny review into dual diagnosis thanked the Scrutiny Panel and the Cabinet for their acceptance of the recommendations in principle.
- 48.6 Councillor Wrighton read a statement from Sue Baumgardt, a mother who had given evidence to the Scrutiny Panel and had first hand experience of the problems associated with dual diagnosis.
- 48.7 Councillor Mitchell echoed the comments and added that the council now had more powers to hold partner organisations to account through scrutiny.
- 48.8 Councillor Randall commented that the proposed Local Delivery Vehicle for housing management might look into the provision of better supported housing and that one option could be to use vacant farm buildings.
- 48.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That support, in principle, for the review's recommendations as detailed in appendix 1 be confirmed.
 - (2) That the consideration of all the recommendations by the Working Age Mental Health Commissioning Strategy Working Group be endorsed.
 - (3) That it be requested that the Working Age Mental Health Commissioning Strategy be presented to a future Cabinet meeting and made available to the members of the Scrutiny Review.

49. AGENCY CONTRACT FOR TEMPORARY STAFFING

- 49.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval to re-tender the City Council's agency staffing contract at the end of the current contract period, which would expire on 19 March 2010 (for copy see minute book).
- 49.2 Councillor Duncan stated that he was pleased that the recommendations had been amended to reflect the need for the final decision awarding the contract to be made by

Members. He suggested that the tender document should stipulate a minimum wage of £7 per hour for agency staff.

49.3 Councillor Fallon-Khan explained that the council always endeavoured to be as fair as possible with regard to temporary agency staff. However, to comply with Councillor Duncan's request would require the council to increase pay across all staff, resulting in a huge financial outlay for the council. He added that the council adhered to the national minimum wage and their practices were fair.

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

- (1) That approval be given for a tender exercise to be carried out in compliance with the European Union Public Procurement Directive to re-let Brighton & Hove City Council for the provision of agency workers for all directorates across the council; the contract should incorporate both requests for temporary and interim workers.
- (2) That the contract be approved to start on 20 March 2010 for a period of 5 years with an option to extend a further two years.
- (3) That approval be given, following the tender process, for a report to come back to a special meeting of the Central Services Cabinet Member Meeting to award the contract.

50. HOUSING MANAGEMENT REPAIRS, REFURBISHMENT AND IMPROVEMENT STRATEGIC PARTNERSHIP PROCUREMENT RECOMMENDATIONS REPORT

50.1 The Cabinet considered a report of the Director of Adult Social Care & Housing that detailed the procurement process and outcome regarding a 10 Year Housing Repairs, Refurbishment and Improvement Strategic Partnership and sought approval to award the contract (for copy see minute book).

50.2 The Cabinet Member for Housing invited the Asset Management Panel to give a presentation to the Committee on their involvement in the evaluation of the submitted bids.

50.3 Councillors from thanked the Asset Management Panel for their hard work and agreed that the success of the contract would depend on its thorough monitoring.

50.4 In response to a query from Councillor Randall regarding the progress of TUPE matters, the Interim Head of Repairs & Maintenance explained that the council was in talks with the unions about the number of staff affected and that the preferred bidder, Mears Limited, had a good reputation with regard to these issues. He added that TUPE legislation was very strong and would protect employees.

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

- (1) That the selection of Mears Limited for the Repairs, Refurbishment and Improvement Strategic Partnership contract covering the whole city be approved.

- (2) That the Director of Adult Social Care & Housing, in consultation with the Director of Finance & Resources and Cabinet Member for Housing, be authorised to develop and implement a partnering contract over time to deliver the target pricing framework as outlined in 3.11.4-3.11.9 of this report.
- (3) That the Director of Adult Social Care & Housing, in consultation with the Cabinet Member for Housing, be authorised to take all steps necessary or incidental to the implementation of recommendations 2.1 and 2.2 including those necessary to effect the commencement of this contract on 1 April 2010, to run for up to ten years, and any staffing issues associated with the proposals.

51. ANNUAL PROGRESS UPDATE ON THE LOCAL AREA AGREEMENT (LAA) 2008/09

- 51.1 That Cabinet considered a report of the Acting Director of Strategy & Governance updating Members on progress made against the Local Area Agreement (LAA) outcomes and information on indicators that were significantly off target at the end of the 08/09 (for copy see minute book).
- 51.2 Councillor Randall stated that he was concerned about the 'rate of hospital admissions per 100,000 for alcohol related harm' and felt that the increase in establishments selling alcohol had contributed to this. He also noted that more needed to be done to combat the 'proportion of children living in poverty'. He was pleased to see positive information in relation to 'engagement in the arts', 'community engagement in local libraries' and 'number of school age children in organised school visits to the museums'; he hoped that the council could build on this by using art and music in working with re-offenders.
- 51.3 The Head of Performance & Improvement explained that in future a breakdown of hospital admissions could be provided to show reasons for admission and where patients are from. She noted that improved reporting by the Primary Care Trust was likely to result in an increase in numbers.
- 51.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
 - (1) That the good progress against the LAA outcomes in Appendices 1 & 3 be noted.
 - (2) That the actions outlined in the Exception Report in Appendix 2 to address areas not meeting the agreed targets be noted.
 - (3) That Cabinet Members to review any areas of poor performance in greater detail at future Cabinet Members Meetings and/or Cabinet discusses with the relevant leading partnership progress on the action plans.
 - (4) That it be noted that the targets for the Local Area Agreement were negotiated in 2007 before the impact of the economic recession on the achievements particularly for employment and housing outcomes was fully appreciated. Nationally, it had been agreed that the specific economic indicator targets for 09/10 & 10/11 would be reviewed in light of the impact of the recession. The finalised revised targets would come back to a future LSP and Cabinet.

52. SUSTAINABLE COMMUNITIES ACT – DECISION ON SUBMISSION TO LOCAL GOVERNMENT ASSOCIATION

- 52.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval for the council's submission under the first round of the Sustainable Communities Act and confirming the position regarding ineligible proposals (for copy see minute book).
- 52.2 Opposition councillors welcomed the report and the process in general; they supported the opportunity for citizens to have an influence and were pleased that ineligible proposals would be considered elsewhere.
- 52.3 The Central Policy Development Team Manager confirmed that the Local Government Association (LGA) would be short listing between the end of July and early November. No further information was available yet regarding the next stage of the process.
- 52.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the city council's submission under the first round of the Sustainable Communities Act as detailed in appendix A be approved.
 - (2) That ineligible proposals (appendix D) received in this process be tabled at the relevant Cabinet Member meeting for consideration and response.

53. MEMBERSHIP OF SOUTH EAST ENGLAND COUNCILS (SEEC)

- 53.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval for the council's to join South East England Councils (SEEC) following the discontinuation of the South East England Regional Assembly (SEERA) (for copy see minute book).
- 53.2 The Chairman noted that SEEC offered good value for money to the council as membership cost £5,082, which represented 25% of the subscription cost for SEERA.
- 53.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the extract of the proceedings of the Governance Committee held on 7 July 2009 be noted.
 - (2) That approval be given for Brighton & Hove City Council to become a member of South East England Councils (SEEC).

54. TREASURY MANAGEMENT POLICY STATEMENT (INCORPORATING THE ANNUAL INVESTMENT STRATEGY) 2008/09 - END OF YEAR REVIEW

- 54.1 The Cabinet considered a report of the Interim Director of Finance & Resources advising Members of the action taken during the second half of the financial year

2008/2009 on the Treasury Management Policy Statement, including the investment strategy (for copy see minute book).

54.2 In response to questions from Councillor Randall, the Interim Director of Finance & Resources made the following comments:

- With regard to socially responsible investments, institutions are surveyed every three years about their own policies and outcomes, with the next one due to take place in June 2010.
- With regard to spreading investments, the council took a cautious approach by looking into individual institutions and spreading risk as much as possible. This had become more difficult as institutions had become more vulnerable, so the council had taken the decision to repay debt to reduce risk.
- With regard to the Communities & Local Government recommendation to share information on treasury management, once it became evident how this would work, the council was likely to be supportive of this approach.

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

- (1) That the action taken during the second half year to meet the treasury management policy statement and practices (including the annual investment strategy) be endorsed.
- (2) That it be noted that the authorised limit and operational boundary set by the Council had not been exceeded.
- (3) That all Members will be offered training on the risks involved in borrowing and investments on an annual basis.

55. CAPITAL INVESTMENT PROGRAMME 2009/10

55.1 The Cabinet considered a report from the Interim Director of Finance & Resources detailing capital schemes previously approved by Full Council as part of the Capital Investment Programme 2009/10 which now required the Cabinet's approval to proceed in accordance with Financial Regulations. The report also contained a new capital scheme for approval and a variation request for one capital scheme (for copy see minute book).

55.2 Councillor Mitchell welcomed the report and was pleased to see that schemes were progressing; she particularly welcomed the conversion of properties with shared facilities and major void properties, in addition to the use of the Private Housing Renewal Grant from government.

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

- (1) That the capital schemes detailed at Appendix 1 be approved.
- (2) That the capital variation requested at Appendix 2 be approved.

56. BUDGET UPDATE AND BUDGET PROCESS 2010/11

- 56.1 The Cabinet considered a report of the Interim Director of Finance & Resources updating Members on the Budget and Budget Process for 2010/11 (for copy see minute book).
- 56.2 Councillor Mitchell stated that she had expected to see a report on Targeted Budget Management (TBM) for the first quarter of the year; the report on the agenda provided useful background, but did not give a comprehensive picture of the current situation, including any specific pressures and whether departmental budgets were within budget.
- 56.3 Councillor Young explained that it was too early to provide the TBM report and that if it became apparent that recovery action would be required, it would be reported to the Cabinet in September.
- 56.4 In response to queries from Councillor Mitchell, the Interim Director of Finance & Resources made the following comments:
- The council had not yet stepped up any vacancy management process, but would do if it became necessary; any impact of service delivery would be monitored.
 - No formula is used to calculate the percentage change in budgets; they are decided on the basis of political priorities and pressures on directorates, and are kept under review.
- 56.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the resource and expenditure projections for 2010/11 to 2012/13 set out in table 3 in paragraph 3.19 be noted.
 - (2) That the provision for future pay awards becomes a joint provision for both future pay awards and increased pension contributions.
 - (3) That the further development of the Value for Money programme set out in paragraphs 3.31 to 3.35 be noted.
 - (4) That Directors and relevant Cabinet Members be instructed to produce budget strategies to provide their services within the indicative cash limits as set out in appendix 1.
 - (5) That Directors be instructed to demonstrate 4% efficiency savings for each year within their budget strategies.
 - (6) That the resource projections for the capital investment programme as shown in appendix 2 of this report be noted.
 - (7) That the timetable for budget reports set out in paragraph 3.48 be agreed.

57. CIVITAS UPDATE AND WORK PROGRAMME

- 57.1 The Cabinet considered a report of the Director of Environment updating Members on progress made on projects within the CIVITAS programme and requesting approval for a revised reporting process (for copy see minute book).
- 57.2 Councillor Mitchell noted that the programme included a number of good small scale projects, but was uncertain as to whether they would make any impact on improving air quality and transport. She queried the involvement of other European countries and the status of Valley Gardens within the programme.
- 57.3 Councillor Theobald confirmed that five other European cities were involved in the programme and that Valley Gardens was never intended to be part of the CIVITAS programme. He added that it was too early to begin work on the next Local Transport Plan.
- 57.4 The Director of Environment added that the projects were small-scale as the programme specified that they be pilot projects. In response to queries from Councillor Randall, she also confirmed that work on the implementation Electric Vehicle Charging Points had been brought forward, and that the council would be speaking with businesses about what would work best in relation to the Freight Quality Partnership.
- 57.5 Councillor Theobald explained that the programme was still in its early stages; the council would be at other cities to inform its own projects. The council would have to report regularly to the European Union.
- 57.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That progress to date be noted, and the recommendations relating to individual projects, outlined in the body of the main report, be agreed.
 - (2) That a revised reporting process be agreed to ensure a more appropriate method of sharing information and enabling formal decision making (as set out in 3.2 and 3.3).

58. CLOSURE OF PREMISES PROTOCOLS: ASSOCIATED WITH PERSISTENT DISORDER OR NUISANCE AND CLASS A DRUG PREMISES

- 58.1 The Cabinet considered a report from the Director of Environment concerning protocols for the Closure of Class A Premises and the Closure of Premises Associated with Persistent Disorder and Nuisance (for copy see minute book).
- 58.2 Councillor Simson informed Members that the Community Safety Forum received a presentation in relation the protocols and had endorsed them.
- 58.3 Councillors from all political groups spoke in support of the protocols and look forward to the seeing the difference made by their enforcement.

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

- (1) That the protocols for the Closure of Class A Premises and the Closure of Premises Associated with Persistent Disorder and Nuisance be formally approved for use within Brighton & Hove.
- (2) That the recommended delegated authorities for the use of these powers be approved.

PART TWO

59. PART TWO MINUTES OF THE PREVIOUS MEETING

59.1 **RESOLVED** - That the Part Two minutes of the meeting held on 11 June 2009 be approved as a correct record.

60. PART TWO ITEMS

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

60.2 **RESOLVED** - That item 59, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.55pm.

Signed

Chairman

Dated this

day of