

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 13 OCTOBER 2011****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

Other Members present: Councillors Gilbey, Hawtree, Hyde, MacCafferty, A Norman, K Norman and Wealls

PART ONE**83. PROCEDURAL BUSINESS****83a Declarations of Interest**

83a.1 There were none.

83b Exclusion of Press and Public

83b.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).

83b.2 **RESOLVED** – That the press and public be not excluded from the meeting.

84. MINUTES OF THE PREVIOUS MEETING

84.1 **RESOLVED** - That the minutes of the meeting held on 22 September 2011 be approved as a correct record.

85. MINUTES OF THE SPECIAL MEETING, 16 SEPTEMBER 2011

85.1 **RESOLVED** - That the minutes of the special meeting held on 16 September 2011 be approved as a correct record.

86. CHAIR'S COMMUNICATIONS

- 86.1 The Chair noted that the meeting would be webcast.
- 86.2 The Chair reported that he had attended the Sports and Physical Activity Awards and the Argus Achievement Awards where the following awards were given:
- Teacher of the Year - Mark Brady, Teaching Assistant at Varndean School
 - Outstanding Pupil of the Year - Zach Narvaez, Dorothy Stringer Public Service of the Year - Carelink Plus
 - 'Beyond the Call of Duty' award - Ray Freeman, Bristol Estate Residents Association
 - Green Project or Person of the Year - Tom Chute, 10:10 Brighton and Hove
 - School of the Year - Moulseccomb Primary School
- 86.3 The Chair advised that the Living Wage Commission held its inaugural meeting with independent chair Julia Chanteray.
- 86.4 The Chair reported that he had welcomed the opportunity to speak at a number of events including meetings of the Chartered Institute of Housing South East, the Public Health and Housing Initiative, Hanover Action on Sustainable Living and Sussex Private Landlords.
- 86.5 The Chair announced that the Homes & Communities Agency had chosen the council to be one of three national partners for undertaking more concentrated work and that the Regional Director for Sport England had identified the city as one of 13 target local authorities for future work.
- 86.6 The Chair advised that in Councillor Kennedy's absence, Councillor MacCafferty, Chair of the Planning Committee, had been invited to introduce Items 96 and 97.

87. ITEMS RESERVED FOR DISCUSSION

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

88. PETITIONS

- 88.1 There were none.

89. PUBLIC QUESTIONS

- 89.1 There were none.

90. DEPUTATIONS

- 90.1 There were none.

91. LETTERS FROM COUNCILLORS**91A Agency Workers Directive**

91a.1 The Cabinet considered a letter from Councillor G Theobald concerning the implications, for both the council and other employers in the city, of the new Agency Workers' Directive which came into force on 1 October 2011. He raised concerns about the financial costs to the council, the wider impacts on businesses, the voluntary sector and other employers in the city, and the effects on agency workers.

91a.2 Councillor J Kitcat explained that the council was working to minimise the impact of the legislation and that steps had been taken over a number of years to reduce dependency on agency workers. There were currently 220 agency workers and 154 had been employed for longer than the 12 week period set out in the legislation; this was under review and more information would be circulated in due course when costs had been ascertained. He advised that the legislation was designed to protect agency workers, but acknowledged the impact on the economy; the council had an economic development plan in place to support local jobs and the living wage would help to tackle the issue of using agency workers instead of full time employees.

91a.3 **RESOLVED** – That the letter be noted and a written response be provided.

91B Beacon Hill woods

91b.1 The Cabinet considered a letter from Councillor Hyde concerning a request to formally name the woods at Beacon Hill in order to safeguard the area. She explained that the woods were a much loved area and that residents and the local working group were seeking to name the woods in order to safeguard them. She noted that there would be no cost to the proposal.

91b.2 Councillor West thanked Councillor Hyde for drawing attention to the nature reserve at Beacon Hill and acknowledged the important work of local residents and City Parks officers in the area. He advised that he was not aware of a mechanism for naming woods, but that he welcomed further information on how it might be achieved. He highlighted the importance of maintaining a diverse habitat at Beacon Hill and gave assurances that full consultation would take place on any proposed management activity.

91a.3 **RESOLVED** – That the letter be noted.

92. WRITTEN QUESTIONS FROM COUNCILLORS

92.1 There were none.

93. NOTICES OF MOTION

93.1 There were none.

94. LOCAL GOVERNMENT RESOURCE REVIEW: PROPOSALS FOR BUSINESS RATES RETENTION AND GOVERNMENT CONSULTATION PAPER

- 94.1 The Cabinet considered a report of the Director of Finance concerning the council's response to a Department for Communities & Local Government (CLG) consultation paper setting out proposals for local authorities (LAs) to retain locally collected business rates and provide financial incentives for authorities to improve their local economy.
- 94.2 Councillor J Kitcat explained that the proposals were complex and would result in greater uncertainty; the council was on historical performance unlikely to see any significant growth in income from business rates and would therefore be subjected to greater financial risk. He reported that many other councils across the south east had raised similar concerns about the proposals.
- 94.3 Councillor Mitchell echoed concerns about the financial risk to the council and raised concerns that LAs would be set against each other. She stated that the scheme offered no incentives or benefits to Brighton & Hove.
- 94.4 Councillor G Theobald spoke in support of the proposals, which he felt would provide an incentive for council's to promote economic growth. He stated that there were some questions still to be answered, but that increased local control over business rates would be a positive step for the city and that the council should not oppose the proposals.
- 94.5 In response to comments from Councillor G Theobald, Councillor J Kitcat made the following comments:
- He explained that the council would favour options to limit the incentive effect because the greater the incentive the bigger the financial risk for the council.
 - The council had plans in place to grow jobs and scrutiny work was underway on growing the city's economy.
 - The proposals would disincentivise the redevelopment of existing sites because business rates would be lost while premises were closed.
 - The proposals did not represent the localisation of business rates because they did not offer choices in relation to rate level or targets.
 - If it could be achieved, cross-party support would be sought for the council's response to the consultation, however, the Cabinet was opposed to the proposed scheme.
- 94.6 In response to questions from Councillor G Theobald, the Director of Finance made the following comments:
- The £100m stated in the report represented the Government grant which the council currently received; under the proposed scheme the council would instead receive the retained business rates plus or minus a top-up amount.
 - Although the Government intended to provide stability in the initial years, there was significant uncertainty about the financial implications, particularly forecasting in future years.
 - The concern was that income could be lost under the proposed system, not only if business rate income targets were not exceeded, but if targets were not met.

- There would be a protection mechanism to safeguard council's against severe resource shortfalls, but no indication of the level had been given. In addition growth targets had not yet been set, so the scale of risk was unknown.
- The council's response would request that other options for incentivising business growth be considered, such as bonus schemes, in order to prevent LAs from losing money.
- It was not possible to explain the full scale of financial risk on the basis of the information provided by the Government; more detailed information may not be available until the following year making financial planning difficult.

94.7 The Chair stated that although he supported the idea of LAs retaining business rates, the proposed scheme would be damaging to the city's economy.

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

- (1) That Cabinet notes the proposals set out in the consultation paper and the potential implications for the council as known at this time.
- (2) That Cabinet agrees that the Director of Finance responds to the consultation document opposing the proposals in principle and providing technical responses to the questions raised in the consultation paper based on the key issues set out in paragraphs 3.10, 3.12, 3.15, 3.17, 3.19, 3.21, 3.23 and 3.24 in the body of the report.

95. WAIVERS OF CONTRACT STANDING ORDERS

95.1 The Cabinet considered a report of the Strategic Director, Resources concerning all waivers authorised under Contract Standing Order 18.2 & 18.3 for 201/11 compared to previous financial years

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

- (1) That Cabinet notes the number of waivers authorised under Contract Standing Orders 18.2 & 18.3 during financial year 2010/11.

96. CONSULTATION ON POLICY OPTIONS PAPERS FOR THE NEW CITY PLAN

96.1 The Cabinet considered a report of the Strategic Director, Place seeking approval for consultation on Policy Options Papers to inform the preparation of the new City Plan.

96.2 The Chair stated that the proposals within the report represented a key milestone in preparing the new City Plan and thanked the cross-party working group for their contribution. He reported that Brighton & Hove Enterprise had thanked the council for being bold and courageous in its approach. The City Plan would deliver a vision and priorities for a sustainable city with the right balance of uses between housing, jobs, student accommodation, community facilities and open spaces.

In relation to the use of Toad's Hole Valley, the Chair explained that it offered a great opportunity for regeneration and development, which in addition to housing could include quality public amenity space, work space and a satellite school. Extensive consultation would be undertaken on any proposals for the site, which would seek to deliver the best possible outcome for the city.

- 96.3 Councillor MacCafferty, Chair of the Planning Committee, noted the forthcoming changes to the planning system brought about by Government proposals for a Nation Planning Policy Framework (NPPF) and provisions within the Localism Bill. He summarised the key elements of the preferred policy options and highlighted the new homes target of 11200 units, which was felt to be realistic, sustainable and deliverable. He also noted the need to release Toad's Hole Valley for development; by releasing the site, the rest of the city's urban fringe would be protected and including it in the City Plan would ensure appropriate development of the site.
- 96.4 Councillor Mitchell welcomed the use of a cross-party working group to contribute to the preparation of the City Plan. She make the following comments:
- Inclusion of the Brighton & Hove part of Shoreham Harbour in Option 1, which would add an additional 400 homes, rather than releasing Toad's Hove Valley from the outset should be favoured, particularly as the inclusion of Toad's Hove Valley in Option 2 would still not meet the NPPF targets.
 - There was a financial case for provision of Park and Ride services; she urged the Cabinet not rule it out straight away in favour of using increased parking charges to encourage sustainable transport.
 - At the request of the Brighton & Hove Economic Partnership, Overview & Scrutiny would consider the proposals in relation to employment policy.
 - She supported limiting the over-concentration of Houses in Multiple Occupation in favour of building more purpose built student accommodation and highlighted the importance of balancing student housing with affordable housing for the city's residents.
 - She asked how the forthcoming planning application for student accommodation on the former Co-op site on London Road would be dealt with as it did not feature in the proposals as an identified site.
- 96.5 Councillor G Theobald stated that he was surprised at the inclusion of Toad's Hole Valley for development purposes and the dismissal of Park and Ride provision at an early stage. He noted the intention to use fiscal measures as part of the sustainable transport policy and warned that increasing parking charges would damage the city's economy. He questioned the status of housing units at Shoreham Harbour and stated that if they were added into Option 1, the housing target would be met. He welcomed the continued work on employment and was supportive of encouraging more purpose-built student accommodation to be built.
- 96.6 Councillor MacCafferty reiterated that the proposals represented a brave and bold approach. He welcomed the opportunity for debate through the consultation process and cross-party working group. He advised that any planning application for student accommodation on the former Co-op site on London Road would be dealt with under the existing Local Plan.

- 96.7 The Head of Planning & Public Protection explained that Shoreham Harbour had previously been ringfenced and could not be counted towards meeting the regional housing target in the Core Strategy. However, under the Government's new planning proposals, the much reduced number of units at Shoreham could now contribute towards meeting a local housing target. This would help bring the council closer to meeting the preferred target, though it would still fall significantly short.
- 96.8 Councillor Davey stated that questions remained over the viability and deliverability of Park and Ride services in the city, including the cost and the impact on congestion. He advised that fiscal measures had been used as part of the council's sustainable transport policies in the past and would continue to be used where appropriate.
- 96.9 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That Cabinet approves the Policy Options Papers and preferred options set out in the appendices.
 - (2) That Cabinet approves the publication of the Policy Options Papers and associated Sustainability Appraisal document for a period of focussed consultation to inform the preparation of a draft City Plan subject to minor grammatical or editorial alterations approved by the Strategic Director, Place.
- 97. EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE WASTE AND MINERALS PLAN (CORE STRATEGY)**
- 97.1 The Cabinet considered a report of the Strategic Director, Place seeking approval to consult on the Waste and Minerals Plan (WMP), which was being produced jointly with East Sussex County Council (ESCC) and the South Downs National Park Authority (SDNPA).
- 97.2 Councillor G Theobald welcomed the report and in particular that no new landfill sites were identified, reflecting progress made in recent years. He questioned why the opportunity to remove Hangleton Bottom from the list of identified sites for material recovery facilities/waste transfer stations had not been taken.
- 97.3 In response to a question from Councillor G Theobald regarding site allocations for energy from waste facilities, Councillor MacCafferty, Chair of the Planning, explained that the WMP was a strategic document; thorough consideration would be given to specific site allocation at the appropriate time.
- 97.4 The Head of Planning & Public Protection advised that while the WMP did not allocate any new sites, it reserved the position within the Waste Local Plan, which included Hangleton Bottom; the whole of East Sussex and a portion of Brighton & Hove would form the search area for sites. He also explained that the recycling targets were shared with ESCC, but that they did not preclude the council from setting higher targets for itself.
- 97.5 Councillor Mitchell welcomed the overarching vision of the WMP, but noted that it contained provision for incineration and that the decision had been taken to retain

Hangleton Bottom as an identified site for waste use, as well as Hollingdean Depot. She suggested that a Members' Seminar on the WMP would be helpful.

97.6 In response to a question from Councillor Mitchell regarding recycling performance across district councils, the Head of Planning & Public Protection advised that performance across East Sussex, including in the city had significantly improved and offered to provide a more detailed response in writing.

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

(1) That Cabinet approves the recommendation to publish the Draft Waste and Minerals Plan for a six week period of public consultation between 27 October and 8 December 2011, subject to any minor grammatical or editorial alterations that may be made by the Strategic Director, Place and in agreement with East Sussex County Council and the South Downs National Park Authority.

98. REPORT OF THE SECONDARY SCHOOL COMMISSION

98.1 The Cabinet considered a report of the Strategic Director, People concerning the report of the Secondary School Commission, which was set up to consider secondary school performance in the city and how to harness the educational assets of a highly educated adult workforce and the presence of three high performing further education establishments to improve the education provided in the city.

98.2 Councillor Mitchell welcomed the proposals within the report and highlighted the changing shape of Local Education Authorities. She stated that the council had a strong enabling to role play and must provide support headteachers. She added that the city had significant resources at its disposal to offer to young people to improve their education.

98.3 The Chair reported that he had attended the Headteachers Conference and that there was a willingness from all to buy in to the proposals.

98.4 Councillor G Theobald stated that good teaching was the key to success and questioned how performance would be managed if standards did not improve. He asked what other partnership models had been considered and what evidence there was to suggest that the trust model would improve standards.

98.5 In response to comments from Councillor G Theobald, Councillor Shanks explained that the connected schools initiative was an example of schools working together rather than in competition and that expanding this approach would drive standards up through collaboration. She stated that the council was keen for schools to remain under local authority control, but recognised that reduced resources made this difficult; however, by encouraging schools to share knowledge and supporting headteachers, performance would improve across the city.

98.6 The Lead Commissioner for Learning & Partnerships explained that a compact would be drawn up outlining what schools would need to achieve individually and collaboratively, what support would be available and the consequences of not meeting targets. Ofsted

and central Government had a role to play and governors would be encouraged to address issues as they arose. She reported that a range of worldwide models had been considered and that evidence suggested that the best approach was for schools to take ownership and work collaboratively.

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

- (1) That Cabinet makes clear its aspiration that our secondary schools are to be performing in line with, or better than, the top quartile of similar schools by 2014;
- (2) That schools and the Council commit resources to offer all teachers the opportunities to become outstanding practitioners;
- (3) That the Lead Commissioner for Learning and Partnerships should work with secondary schools, academies and their governing bodies to agree a formal structure that requires secondary schools and academies to work together collaboratively, and to raise outcomes for all pupils at 16 in line with 2.1 and 2.2 above;
- (4) That the widest possible engagement of the communities served by the schools should be engaged in this development; and,
- (5) That this would include annual reports on progress to Cabinet and other key stakeholders.

99. LOCAL GOVERNMENT BOUNDARY REVIEW AT SALTDEAN

99.1 The Cabinet considered a report of the Strategic Director, Resources concerning recommendations made by Governance Committee in July 2011 relating to a potential review of the local government boundary at Saltdean.

99.2 The Chair explained that all three affected local authorities, Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC) and Lewes District Council (LDC) had to support the review before it could proceed. While BHCC and ESCC were supportive of a review, LDC has not declared their position and appeared unlikely to be in favour; therefore, it was unwise to commit further resources until the LDC position was known.

99.3 In response to a question from Councillor Mitchell, the Monitoring Officer confirmed that informal discussions had taken place between officers, but that the matter had not been formally considered by Members of Lewes District Council.

99.4 The Chair made a commitment to put the proposals to the Leader of Lewes District Council when they next met.

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

- (1) That Cabinet approves the recommendations of Governance Committee in relation to agenda item 10 of their meeting on 26 July 2011 set out in the extract of minutes at Appendix 1.
- (2) That Cabinet requests officers to submit a further report to Cabinet once the conditions required by Governance Committee are met.

100. AN ARMED FORCES COMMUNITY COVENANT FOR BRIGHTON & HOVE CITY

- 100.1 The Cabinet considered a report of the Strategic Director, Communities concerning the development of an Armed Forces Community Covenant for Brighton & Hove following the approval of a Notice of Motion at Council on 21 July 2011.
- 100.2 Councillor Duncan advised that the Notice of Motion had been proposed by Councillor G Theobald and not by the Mayor, as stated in the report. He explained that the council had a duty to meet the needs of all vulnerable groups, including Armed Forces communities and that the proposals within the report would enable the council to work towards establishing a Community Covenant. He advised that the work undertaken would be publicised as part of the plans for Remembrance Day.
- 100.3 Councillor G Theobald welcomed the report and stated that men and women in the Armed Forces should be treated as heroes. He urged the council to apply for funding made available by the Government as soon as possible.
- 100.4 Councillor Mitchell also welcomed the report and highlighted the importance of fostering good relations between the members of the Armed Forces and communities. She advised that care must be taken to prevent events for young people being used for recruitment.
- 100.5 **RESOLVED** – That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That a programme of activity be developed in consultation with the local armed forces community to form the Brighton & Hove Community Covenant, to enable publicity of existing initiatives as well as the development of new plans as appropriate.
 - (2) That Brighton and Hove apply for funds to support the Community Covenant by March 2012.
 - (3) That the plans for a Community Covenant and the engagement process be publicised on Remembrance Day 2011.

101. RESILIENCE PLAN - MAJOR INCIDENT AND CORPORATE BUSINESS CONTINUITY PLAN 2011 AND POLICY DOCUMENT

- 101.1 The Cabinet considered a report of the Strategic Director, Resources concerning the Major Incident and Corporate Business Continuity Plan 2011 and Policy Document.

101.2 Councillor Duncan advised the Plan had been brought before the Cabinet for the first time as part of the council's commitment to increased openness and transparency.

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

- (1) That Cabinet notes and approves sections 1, 2, and 3 of the Major Incident and Corporate Business Continuity Plan 2011 and the policy document at appendix 1.

102. ICT STRATEGY 2011-2016

102.1 The Cabinet considered a report of the Strategic Director, Resources concerning the Information and Communication Technologies (ICT) Strategy, which set out the council's long term approach to the delivery of information and technical services.

102.2 Councillor J Kitcat thanked the ICT Team for their work on the strategy.

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

- (1) That Cabinet approves the council's ICT Strategy 2011-2016 set out in full at Appendix 1.

103. WIDE AREA NETWORK PROCUREMENT

103.1 The Cabinet considered a report of the Strategic Director, Resources seeking approval to revise the term of the contract for the Wide Area Network from 5 years to 7 years and a revised option to extend the contract for a further period of up to 3 years (instead of 2).

103.2 The Chair highlighted the work of the South East 7 in relation to ICT and the potential for joint procurement.

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

- (1) That Cabinet notes the previous approval for procurement of a new Wide Area Network for a contract term of 5 years with an option to extend for a further period of up to 2 years.
- (2) That Cabinet agrees to a revised term of the contract from 5 years to 7 years and a revised option to extend the contract for a further period of up to 3 years (instead of 2).

PART TWO

104. PART TWO MINUTES OF THE SPECIAL MEETING, 16 SEPTEMBER 2011

104.1 **RESOLVED** - That the Part Two minutes of the special meeting held on 16 September 2011 be approved as a correct record.

105. PART TWO ITEMS

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

105.2 **RESOLVED** – That item 104, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of