

BRIGHTON & HOVE CITY COUNCIL

CABINET

4.00pm 12 FEBRUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Also in attendance: Councillors Kennedy (Green Party Spokesperson), Mitchell (Opposition Spokesperson) and Watkins (Liberal Democrat Spokesperson)

Other Members present: Councillor Cobb

PART ONE

158. PROCEDURAL BUSINESS

158a Declarations of Interests

158a.1 Councillor Mears declared a personal interest in item 171 as she was part of a family business at the Open Market.

158b Exclusion of Press and Public

158b.1 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

158b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 173 onward.

159. MINUTES OF THE PREVIOUS MEETING

159.1 **RESOLVED** - That the minutes of the meeting held on 15 January 2009 be approved as a correct record.

160. CHAIRMAN'S COMMUNICATIONS

- 160.1 The Chairman noted that the meeting would be web cast.
- 160.2 The Chairman noted that Councillor Geoffrey Theobald was absent on Council business, attending the Budget meeting of the Police Authority.
- 160.3 The Chairman welcomed representatives from the Green and Liberal Democrat Groups to Cabinet. Group Leaders would be invited to attend all Cabinet and Cabinet Member Meetings in future. The Chairman had requested officers to develop a protocol to provide clarity and transparency on new working practices.
- 160.4 The Chairman reported that the Planning Committee had approved the Albion Football Club's plans for a new Community Stadium to be built at Falmer. The club hoped to hold off the first match in the new stadium in August 2011.
- 160.5 The Chairman informed the meeting that Andrew Lansley MP, Shadow Secretary for Health had visited the city the day before. The Chairman and Cabinet colleagues had met Mr. Lansley and discussed important health issues in the city and work with the PCT and partners.

161. ITEMS RESERVED FOR DISCUSSION

- 161.1 All items were reserved for discussion.

162. PUBLIC QUESTIONS

- 162.1 There were none.

163. WRITTEN QUESTIONS FROM COUNCILLORS

- 1631 There were none.

164. PETITIONS

- 164.1 The Cabinet considered a petition as presented at Council on 29 January 2009 by Councillor Mitchell and signed by 583 people.
- 164.2 *'We, the undersigned, petition Brighton & Hove City Council to continue funding the Eastern Road and Tarner Area Partnership Neighbourhood Management Team.*

The extensive community engagement and neighbourhood renewal work carried out by then team working with residents, local councillors and outside agencies in these two recognised areas of high deprivation has been of considerable benefit to all residents in both communities. Their work has resulted in several successful major projects now in operation. E.g. The Neighbourhood Charter, the regeneration of Tarner Park, the Sure Start Centre, Tarner Wide Internet Group, the Cyberden internet and computer training facility and financial support for other community based projects like the Women's Centre and the Impact Initiative. The team works to promote health, safety, equality and educational issues throughout the area and had had a considerable impact on reducing

crime, anti-social behaviour, domestic violence and peoples' fear of crime. The team has successfully tackled issues around alcohol and substance misuse in the community and is particularly successful at involving all sections of the communities through their door knocking and outreach strategy. It is essential that the whole team is funded beyond March 2009 in order to ensure that current and future projects continue to benefit both communities'.

164.3 The Chairman invited Councillor Simson to respond.

164.4 Councillor Simson thanked Councillor Mitchell and the residents of Turner and Eastern Road for the petition.

164.5 Councillor Simson explained that Government were no longer giving the council grants for neighbourhood renewal or neighbourhood management in the city. Staff affected by these funding changes had been given 'at risk' notices and the council was working to ensure that, where ever possible, staff would be matched to alternative roles in the council rather than being made redundant.

164.6 The Administration were prioritising the continuation of neighbourhood and community support in the city and had secured a new support package for the city for the next two years.

164.7 Councillor Simson would be meeting with the Chairs of the Turner and Eastern Road Partnerships to discuss the details and was pleased to confirm that the support would be for two years and include a commitment to completing the Community Charter and the continued use of Mantell House as a Community Resource.

164.8 **RESOLVED** – That the petition be noted.

164.9 The Cabinet considered a petition as presented at Council on 29 January 2009 by Councillor Elgood and signed by 219 people.

164.10 *'To complain about the appalling performance of the new Brighton to London Victoria Southern / Gatwick Express Service and call on the City Council to urgently lobby Gatwick Express and Southern.*

- I am signing the petition as a regular commuter to complain about the appalling, unreliable performance of the recently introduced Brighton to London Victoria Gatwick Express / Southern service.*
- Since the introduction of the so called 'improved' service 15 December, every train I have been on has been late during the peak periods from Brighton.*
- The 7.30 and the 7.44 from Brighton are consistently 20-40 minutes late in reaching Victoria in the morning. There are no announcements, staff are unhelpful, doors don't work, heating has been faulty, trains are cancelled etc.*
- This adds half an hour often both ways to our daily commute. This is totally unacceptable considering the cost of weekly, monthly and annual tickets.*
- We demand a service that is reliable and on time and that Southern and Gatwick Express sort out the problems immediately. We demand a discount on the cost of our season tickets when they come up for renewal. We demand that there are announcements and apologies for the late running of the trains.*

- 164.11 Councillor Watkins attended to speak in to the petition. In supporting its' aims he suggested the creation of a cross-party Member working group to further the aims of the petitioners.
- 164.12 The Chairman supported Councillor Watkins suggestion and requested that officers move to create a working group for Members.
- 164.13 **RESOLVED** – That the petition be noted.
- 164.14 The Chairman noted a further petition presented by Councillor Barnett in respect of funding for the swimming pool at Hangleton Junior School. As Councillor Barnett was on leave the Chairman referred the petition to the Culture, Recreation and Tourism Cabinet Member meeting for consideration.
- 164.15 **RESOLVED** – That the petition be referred to the Culture, Recreation and Tourism Cabinet Member Meeting.

165. DEPUTATIONS

- 165.1 There were none.

166. LETTERS FROM COUNCILLORS

- 166.1 The Chairman invited Councillor Mitchell to speak to her letter about the use of 'mosquito' noise machines that were being used as a deterrent to teenagers (for copy see minute book).
- 166.2 The Chairman invited Councillor Simson to respond.
- 166.3 Councillor Simson thanked Cllr. Mitchell for her letter, agreeing with its content and noting that it had also been submitted to the Community Safety Forum for discussion.
- 166.4 Councillor Simson noted the pro-active stance the council took in tackling anti-social behaviour and the fact that the Crime & Disorder Reduction Partnership (including the Sussex Police) decided some while ago not to make use of 'mosquito' devices.
- 166.5 In respect of the three points of action that Councillor Mitchell requested Councillor Simson noted that;
- a) There was no legislation that would allow the council to rule out the use of the devices on council owned buildings and land. However the council would not be using the devices.
 - b) A letter would be sent to the Home Secretary asking her to review the sale and use of the devices.
 - c) There already existed multiple council run or supported schemes that promoted alternative methods for tackling anti-social behaviour.
- 166.6 **RESOLVED** – That the letter and response as made above be noted.

167. NOTICES OF MOTION

167.1 There were none.

168. TARGETED BUDGET MANAGEMENT (TBM) 2008/09 MONTH 9

168.1 The Cabinet considered a report of the Interim Director of Finance & Resources that forecast the outturn position on the revenue and capital budgets as at the end of December 2008 (month 9) (for copy see minute book).

168.2 Councillor Brown thanked CYPT officers in successfully managing a difficult financial situation.

168.3 Councillor Mitchell asked for an explanation of the underspend on the West Area Youth and Support Budget. Councillor Brown suggested that this was due to fewer children being taken into care in the area and would write to Councillor Mitchell to confirm.

168.4 Councillor Mitchell noted that repairs to the Madeira lift might take longer than had initially been estimated.

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

- (1) That the Cabinet note the much improved forecast outturn position for the General Fund, which is now forecasting an underspend of £2.133 million.
- (2) That the Cabinet note the forecast outturns for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2008/09 as at month 9.
- (3) That the Cabinet agree that the net forecast underspend of £1.647 million be added to general reserves to contribute to the Medium Term Financial Strategy and balance out investment income pressures over the next 3 years due to current market conditions.
- (4) That an earmarked reserve be set up for the Housing Revenue Account Estate Development Budget and that balances held for the Estate Development Budget at the 1 April 2008, in the HRA reserves are transferred to this earmarked reserve.
- (5) That the Cabinet note the forecast outturn position, £0.048 million underspend, on the capital budgets as at month 9.
- (6) That the Cabinet approve the following changes to the capital programme:
 - Budget re-profiles (Appendix 4)
 - Budget variations (Appendix 5)
 - Slippage (Appendix 6)

169. GENERAL FUND REVENUE BUDGET & COUNCIL TAX 2009/10

- 169.1 The Cabinet considered a report of the Interim Director of Finance & Resources that forecast the outturn position on the revenue and capital budgets as at the end of December 2008 (month 9) (for copy see minute book).
- 169.2 The Cabinet also considered a tabled extract from the proceedings of the Overview & Scrutiny Commission meeting held on the 3 February 2009. The extract detailed three additional recommendations proposed by the Commission for consideration by the Cabinet as detailed below (for copy see minute book):
- (a) In regard to recommendation (1) of the report, *'that the 'fees and charges' reports previously taken to Cabinet Members' Meetings as per paragraph 3.32 of the report be attached to the Budget Report when it is presented to Cabinet and Council.*
 - (b) In regard to recommendation (2) of the report, *'that the Committee meeting and budget setting timetables for 2010/11 allow for the full and timely involvement of the Overview & Scrutiny Commission in the budget setting process.'*
 - (c) In response to recommendation (3) of the report, *'that a report be brought to a future Overview & Scrutiny Commission meeting on the budget setting processes in other local authorities, including the role of overview & scrutiny, and stakeholder and public engagement.'*
- 169.3 In response to the additional recommendations proposed by the Overview & Scrutiny Commission the Chairman proposed:-
- (a) That the Executive would give consideration to including the fees and charges reports with the main budget reports, as part of the timetable for the next financial year;
 - (b) That the timing of reports was a matter of internal process, but the Executive would agree to consult opposition leaders about timings via the Leaders Group; and
 - (c) That a report be drafted for the Overview & Scrutiny Commission detailing how other authorities prepare their budgets and that it should be mindful of any resources implications.
- 169.4 Councillor Kemble reported that the East Sussex Fire & Rescue Service had set their budget increase at 3.5%.

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

- (1) To recommend to Council, subject to (3) below, the 2009/10 General Fund Revenue Budget proposals including;
 - The 2009/10 budget allocations to services as set out in paragraphs 3.22 to 3.25 and appendix 1.
 - The council's budget for 2009/10 of £219.0m.
 - The Directorate budget strategies as set out in appendix 7
 - The corporate budgets of £9.2m
 - The contingency budget of £3.6m as set out in table 7.
 - The reserves allocations as set out in appendix 4 including earmarking sufficient reserves to cover projected investment income losses over the next 3 years.
 - The borrowing limit of £317m for the year commencing 1 April 2009.
 - The annual Minimum Revenue Provision statement as set out in paragraphs 3.43 and 3.44.
 - The prudential indicators as set out in appendix 6 to this report.
 - That any LABGI grant is earmarked for the purposes set out in paragraph 3.17.
 - To increase the value of taxi vouchers to £65 as set out in paragraph 3.37.
 - The licensing fees and charges set out in appendix 8 and the amendments to Culture Recreation & Tourism fees and charges set out in paragraph 3.34.
 - The confirmation of allocations of LPSA2 reward grant following consideration by the Public Services Board as set out in paragraph 3.14 and appendix 9
- (2) To note the budget and resource projections for 2010/11 and 2011/12 as set out in appendix 5 based on council tax increases of 2.5% for each year.
- (3) To note that supplementary information needed to set the overall council tax will be provided for the budget setting Council as listed in paragraph 4.8.
- (4) That the proposals made by the Chairman in response to the recommendations made from the Overview & Scrutiny Organisation Commission be agreed:
 - (i) That consideration would be given to including the fees and charges reports with the main budget reports, as part of the timetable for the next financial year;

- (ii) That opposition leaders would be consulted about timings via the Leaders Group; and
- (iii) That a report be drafted for the Overview & Scrutiny Commission detailing how other authorities prepare their budgets and that it should be mindful of any resources implications.

170 CAPITAL RESOURCES & CAPITAL INVESTMENT PROGRAMME 2009/10

170.1 The Cabinet considered a report of the Interim Director of Finance & Resources that provided information about the level of available capital resources and recommended a Capital Investment Programme for 2009/10. The capital programme is set in the context of the Medium Term Financial Strategy approved by this Cabinet (for copy see minute book).

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

(1) To recommend to Council the following:-

- The Capital Investment Programme for 2009/10 and note the estimated resources in future years as detailed in appendix 2 of the report.
- To allocate £0.65m resources in 2009/10 for the Strategic Investment Fund and agree the allocation of Strategic Investment Fund resources as set out in paragraph 3.17 of the report
- To allocate £0.685m for the ICT fund.
- To allocate £1.0m for the Asset Management Fund
- To allocate £0.5m toward the Brighton Centre redevelopment reserve.
- The potential use of unsupported borrowing as set out in Table 4 of the report.

171 HOUSING REVENUE ACCOUNT BUDGET 2009/10

171.1 The Cabinet considered a report of the Director of Adult Social Care & Housing that presented the Housing Revenue Account Forecast Outturn for 2008/09 as at month 9 and the proposed Budget for 2009/10 as required by the Local Government and Housing Act 1989.

171.2 The Cabinet noted extracts from meetings of the Housing Management Consultative Committee 20 January 2009 (endorsing the budget) and the Cabinet Member for Housing 11 February 2009 (recommending the report to Cabinet).

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

That Cabinet recommend that Council;

- (1) Agree the budget for 2009/10 as shown in Appendix 1 of the report.
- (2) Agree the individual rent increases and decreases in line with rent restructuring principles as determined by the Government;
- (3) Agree the changes to fees and charges as detailed in paragraph 3.14 to 3.20 of the report.
- (4) Authorise the Director of Adult Social Care & Housing to implement the new rents, fees and charges, but with delegation to make any minor amendments which may appear to be appropriate in particular cases; and
- (5) Authorise the Director of Adult Social Care & Housing to prepare and place on deposit the statement of proposals, estimates and other particulars as required by Section 76 of the Local Government and Housing Act 1989.

172 ICE RINK, QUEEN SQUARE, UPDATE ON DISPOSAL

- 172.1 The Cabinet considered a report of the Interim Director of Finance & Resources that sought approval for the disposal of the Ice Rink Site and the adjoining office building at 11 Queen Square, Brighton (for copy see minute book).
- 172.2 The Chairman invited Councillor West to address the meeting.
- 172.3 Councillor West spoke as a Ward Councillor and on behalf of concerned residents in the neighbourhood. He recognised the need for development in the city, but was concerned that residents had not been consulted at this stage. He appreciated that the majority of concerns raised were pertinent directly to the Planning Committee but felt that, given the sensitive nature of the area and the number of existing community groups, that consultation at this stage would have been beneficial.
- 172.4 Councillor West noted that the report contained reference to a proposed five or six storey building. This, he stated, was contrary to the councils own planning guidance. He felt that a proposal of this type would struggle to obtain planning consent and could deleterious consequences for future proposals for the site. Councillor West requested that that the recommendations' made in the report not be approved.
- 172.5 Councillor West noted that the report stated that Ward Councillors had been consulted; he explained that this was not the case.
- 172.6 Councillor Fallon-Khan apologised for the erroneous information contained within the report as regards consultation with Ward Members. He accepted that this had not happened.
- 172.7 Councillor Fallon-Khan noted that the recommendation to dispose of the long leasehold interest did not pre-judge the outcome of the planning process, or fetter planning officers

in assessing the merits of the proposed scheme in making their recommendation to the planning committee. The sale was subject to planning consent which had to be obtained following consultations by the developer with interested parties.

- 172.8 Councillor Fallon-Khan understood that all of the interested parties had copies of the informal planning brief and understood the factors constraining the development of the site. He appreciated the concerns expressed about a possible 6 storey development, noting that none of the sketch proposals envisages 6 storeys above ground level.
- 172.9 Councillor Mitchell welcomed the development of the site, but questioned the lack of consultation with local groups. She was also concerned about the sensitivity of the location, noting the church and churchyard in the immediate vicinity.
- 172.10 Councillor Mitchell asked which background documents had been referenced to support the provision of additional hotel bed spaces in the city.
- 172.11 Councillor Fallon-Khan appreciated the need for sensitive development in the area and the specific issues relating to the church and its environs. He ensured Members that there would be proper consultation at the appropriate time.
- 172.12 Councillor Kemble noted that a Local Development Framework document contained reference to the number of bed spaces designated for the city. He requested that officers provide the information to Councillor Mitchell.
- 172.13 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That Cabinet approve and authorise
 - (a) the disposal of the Ice Rink site and 11 Queen Square on a 150 year lease to the successful bidder for a premium and a peppercorn rent, following the full evaluation of informal bids and recommendations by the council's appointed agents, Oakelys, as outlined in item 3.9 of this Agenda and detailed in the part two report.
 - (b) the detailed terms to be settled by the Director of Finance & Resources, Assistant Director Property & Design and the Solicitor to the Council provided the terms are certified by the valuer to be the best consideration reasonably obtainable.
 - (2) Should the disposal to the preferred party not be completed, to approve and authorise the disposal to either of the short listed parties, or other bidders on similar terms with an agreed target premium.

PART TWO SUMMARY

173 ICE RINK, QUEEN SQUARE, UPDATE ON DISPOSAL

173.1 The Cabinet considered a report of the Interim Director of Finance & Resources that sought approval for the disposal of the Ice Rink Site and the adjoining office building at 11 Queen Square, Brighton (for copy see minute book).

173.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the recommendations as set out in the report.

174 TO CONSIDERS WHETHER OR NOT ANY OF THE ABOVE ITEMS AND THE DECISIONS THEREON SHOULD REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

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

174.2 **RESOLVED** – That items 173; contained in Part Two of the agenda and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 5.30pm

Signed

Chair

Dated this

day of

