

05 December 2013

This record relates to Agenda Item 72

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: COUNCIL TAX PROPERTY DISCOUNTS

AUTHOR: PAUL ROSS-DALE

THE DECISION

- (1) That the reduction of the Council Tax discount for empty and unfurnished properties (known as the Class C discount) from six weeks to four weeks, with effect from 1 April 2014 be approved;
- (2) That the removal of the Council Tax discount for empty properties that are intended for use as furnished lets, with effect from 1 April 2014 be approved;
- (3) That to give effect to the preceding recommendations (1) and (2), the formal determinations and decisions for the financial year commencing 1 April 2014 and subsequent financial years as set out in Appendix 1 to the report be agreed; and
- (4) That delegated authority be granted to the Director Finance & Resources to take all appropriate steps to implement and administer the preceding recommendations, including the publishing of any related data or information in accordance with statutory requirements.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

We have considered whether the six week “empty and unfurnished” discount should be removed completely, but our policy is still to encourage good management and turnover of properties and provide some support to do that. If we remove the discount entirely, it would mean landlords and property owners are responsible for paying full Council Tax in between lets, even if the period of time is only a few days and the amount of tax payable is small. This would introduce a significant increase of bills into our system, which would impact on the service we provide, because we would have more queries to deal with, and more processes to follow for unpaid arrears.

A nominal figure of seven days could be used, but creates another set of problems. It would rule out billing for some very small debts, but would give only a very modest amount of support. Furthermore, due to the number of empty periods that exceed seven days, there would *still* be a large number of bills for small amounts (e.g. if a property is empty for ten days, we would have to bill for three days once the seven day discount had expired).

CONCLUSION

The grounds for these decisions are outlined in the report.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:

A handwritten signature in black ink, appearing to read 'Mark Wall', written over a horizontal line.

CALL-IN FOR SCRUTINY

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05 December 2013

This record relates to Agenda Item 73

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: COUNCIL TAX REDUCTION REVIEW

AUTHOR: JOHN FRANCIS

THE DECISION

- (1) That the analysis undertaken on the implementation and operation of the Council Tax Reduction scheme in 2013/14 including the feedback from consultation be noted;
- (2) That the proposed Council Tax Reduction scheme for 2014/15 which is unchanged from 2013/14 be recommended to council for approval;
- (3) That it be noted that the Executive Director Finance & Resources will, prior to 1st April 2014, exercise her delegated powers to increase the appropriate calculative elements of the scheme, to give effect to national changes;
- (4) That the council be recommended to agree that the discretionary element of the scheme budget be set at £100,000 recurrently whilst maintaining one-off resources of £100,000 to top it up if necessary; and
- (5) That delegated authority be granted to the Executive Director Finance & Resources to continue to commission an independent money advice service for people who claim Council Tax Reduction for 2014/15.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Prior to the introduction of CTR, people on a low income claimed CTB to get help with their Council Tax. CTB was based on the full amount of Council Tax.

With the reduction in funding available for CTR, claimants of working age no longer have their full Council Tax paid. Now with the working age contribution, the average weekly amount a working age household claiming CTR has to pay is £1.55 or £80.60 per annum before any taper deductions are applied. The maximum amount a person would have to pay as a result of these changes is £3.00 a week or £156.00 per annum. Of those working age people who have claimed CTR this year, indicative figures show that 18,088 accounts are up to date with payments and 2,703 have arrears. Of these households in arrears, 2,523 have made an arrangement to bring their account up to date. In many of these cases the arrears built up before people were on CTR.

Of the 180 households with no current arrangement to pay, the Revenues & Benefits Service are working through these cases and trying sensitively to establish a dialogue with the households concerned to set up arrangements to pay or to refer people to the discretionary fund.

However this position is not static, there is a constant turnover of cases with people coming off and on CTR as their circumstances change. In addition, payment arrangements are sometimes defaulted or need to be altered requiring further intervention.

Based on initial estimates, the 8.5% that working age recipients of CTR are due to pay cumulatively totals £1.2million.

Analysis of payments made through the year so far show that a significant number of families are choosing to clear the full amount owing in one payment rather than to set up a monthly arrangement. Many families are only entitled to CTR for short periods of time, for example during brief periods of unemployment. Distinguishing between payments made against arrears which have accumulated in periods where a person is not on CTR, as opposed to when they are, is not possible. The end of year Council Tax collection position will be reported within the Annual Performance Update to Policy & Resources Committee scheduled for July 2014.

In January 2013 the number of people claiming CTB was 27,506; this reduced to 27,025 people claiming CTR in June 2013 and 26,678 at the end of October.

The grant funding for CTR is now incorporated into the Revenue Support Grant and Business Rate Retention funding. Revenue Support Grant will reduce significantly across the current spending review period and is expected to reduce further in future years. Any reduction in cost due to lower caseload is expected to be minor against the overall reduction in funding over the next five years.

Discretionary Scheme

The Discretionary Council Tax Reduction scheme (DCTR) was established to assist vulnerable people meet the full cost of their Council Tax through temporary difficulties. The scheme prescribes that DCTR will be funded at a minimum of £100,000. For 2013/14, due to the unknown nature of the entire scheme being new, ongoing funding was increased to £200,000 and a further £100,000 was added as a one off top up if required. DCTR expenditure is currently forecast to be £70,000 for the full year.

All staff receive training about the discretionary scheme so people can be referred to it where it is appropriate to do so. Information about the scheme is on the council's website including how to access support in applying. Advice agencies and community groups have been briefed about it so they can support people to claim it. The Welfare Rights Team have provided training about CTR and the discretionary scheme. Promotion of take up for this scheme (and discretions in general) is central to the work of the service and the Welfare Reform Team who work with teams across the council about this and will continue after April 2014.

Given that the DCTR spend is forecast to be lower than the current budget, it is proposed that it is reset to £100,000 to add £100,000 to the corporate savings required for 2014/15. This can be achieved even with an increase in take up over the current year position. To ensure a safe transition to this change it is also proposed an amount of at least £100,000 which exists as a current corporate contingency against multiple discretionary schemes is rolled forward to 2014/15 to protect against an unexpected sharp rise in demand.

Specific Aspects of the scheme

The council doubled the amount single people can earn before it is taken into account for CTR from £5 to £10. The intention was to incentivise work and address issues the consultation highlighted about the vulnerability of young single people. When the scheme was introduced, 1185 cases attracted this disregard. As at July 2013, 1205 people were single working and claiming CTR showing a small increase in the working caseload.

When the scheme was introduced transitional protection was provided for a year which meant that no one person would have to pay more than £3 per week as a result of the changes. At the point of transition this meant 44 cases were protected. Through the year, nine cases had a change of circumstances which meant this protection was lost. The scheme is only due to run for one year and expires on 31st March 2014. If, as a result of this protection ending, families find themselves facing difficulties, they will be invited to apply for the discretionary fund.

The council retained an aspect of Council Tax Benefit in its own scheme called Second Adult Rebate. Second Adult Rebate means that single people who decide to offer room in their own home to a person with a low income (often an elderly relative) do not have to pay more council tax than they did when they lived alone and had a single occupancy discount of 25% on their council tax bill. At any one time there are approximately 180 households which receive a reduction to their bill because they receive Second Adult Rebate.

Equalities

An equalities impact assessment based on people of working age who claim CTR shows that (taking recovery action as the key measure of impact) no one group with protected characteristics are significantly more or less negatively affected than others or non-protected groups.

The equalities profile of CTR recipients is complex and can be broken down into more detailed characteristics based on both socio-economic profiles and geography in Brighton & Hove. Information from the first set of consultations provided new insight about which groups may be considered particularly vulnerable – for example young single people who are under 25. More recent work by the financial inclusion team has identified ex-servicemen as a particularly vulnerable group.

As such the council's position is that the discretionary fund is the best way in which vulnerability can be addressed. This is because all unique circumstances can be taken into account, which would be impossible were one of more groups of people to be excluded from the requirement to make payment. This in turn would require higher payments from those who were not excluded.

Additionally, further support can be offered to households on an individual basis via budgeting and financial support through the Money Advice and Community Support contract.

Alternative Options

The council could choose to increase the minimum % of the Council Tax bill that a household would be liable for from 8.5% to some higher figure. Alternatively it could be reduced, potentially to zero. This report has explained why there is insufficient information at this early stage of the introduction of the scheme to propose major revisions. The council's overall financial position means that any reduction in % payable would create significant additional financial pressures elsewhere in the

budget.

Administration

The CTR scheme is administered by the Revenues & Benefits Service. Staff that helped customers make claims for CTB now do the same for CTR.

A specific debt prevention team was established to work sensitively with customers who were affected by these changes. This has meant undertaking a pro-active approach in contacting customers directly by phone to explain and work through the details of the changes with them, to set up arrangements, refer to the Money Advice service or assist with a claim for discretionary payments as appropriate. This team has also been working with staff from the Housing Income Management Team so that customers who are also tenants of the council can have their needs met at the same time rather than having to deal with two different services separately.

The change to CTR effectively means the Revenues side of the service are now dealing at any one time with approximately 17,000 extra people who are due to pay an amount of Council Tax. This inevitably has led to a greater number of customer contacts for staff to deal with, in addition to the extra outreach work which has been done. The cost of extra resources to provide this support was built into the original proposal.

CONCLUSION

The current scheme has been running for less than a year. Data so far suggests that the scheme is operating as expected. More comprehensive information will be available once the scheme has run for a full year. Changing the scheme prior to this could mean doing so when we do not fully understand the implications.

Communicating the changes to CTR is a very significant challenge. This work is ongoing but having a central message around which to press the message is vital. A clearer understanding of the scheme will result in greater engagement of the people affected. Keeping the scheme the same in year 2 will help deliver this message.

Reducing the contribution recipients of CTR are expected to pay would place either a greater burden on other Council Tax payers or extra costs to the council.

The budget process this year is being planned on the basis that the 8.5% contribution will not have to be increased.

Council Tax Reduction as a change is not happening in isolation. The Government's programme of welfare reform is ongoing. This means changes in people's Housing Benefit, sickness and disability benefits and the eventual transition to Universal Credit. Given the scale and number of the other changes recipients have to respond to, and understand, stability in the Council Tax Reduction scheme may be prudent.

Support is in place for the most vulnerable people through the discretionary scheme.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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05 December 2013

This record relates to Agenda Item 74

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: TREASURY MANAGEMENT POLICY
STATEMENT 2013/14 - MID YEAR
REVIEW

AUTHOR: MARK IRELAND

THE DECISION

- (1) That the action taken during April - September 2013 to meet the Treasury Management Policy Statement 2013/14 and associated treasury management practices and the Annual Investment Strategy 2013/14 be endorsed;
- (2) That it be noted that the maximum indicator for risk agreed at 0.05%, the authorised borrowing limit and operational boundary have not been exceeded; and
- (3) That the Full Council be recommended to agree changes to the Annual Investment Strategy 2013/14 as set out in paragraphs 3.12 to 3.16 and appendix 3 of this report.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

This report sets out action taken in the six months to September 2013 and proposed changes to the AIS. The changes to the AIS are designed to optimise flexibility in investment decisions and potentially improve investment returns whilst keeping within agreed risk parameters. An alternative would be to keep the AIS unchanged but this could lead to lower returns and higher risk.

CONCLUSION

The council's external treasury advisors have been consulted in the drafting of this report. No other consultation was necessary.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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Groups represented on the Council.

05 December 2013

This record relates to Agenda Item 75

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: TARGETED BUDGET MANAGEMENT
(TBM 7)

AUTHOR: JEFF COATES

THE DECISION

- (1) That the total forecast outturn position for the General Fund, which has an overspend of £2.045m be noted. This consists of £1.762m on council controlled budgets and £0.283m on the council's share of the NHS managed Section 75 services;
- (2) That the forecast outturn for the Housing Revenue Account (HRA), which has an underspend of £0.237m be noted;
- (3) That the forecast outturn position for the Dedicated Schools Grant which has an underspend of £0.629m be noted;
- (4) That the forecast outturn position on the capital programme be noted; and
- (5) That the following changes to the capital programme be approved:
 - i) The variations and reprofiles in Appendix 3 and the new schemes as set out in Appendix 4.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The provisional outturn position on council controlled budgets is an overspend of £1.762m. In addition the council's share of the forecast overspend on NHS managed Section 75 services is £0.283m. Any underspend at year-end would release one off resources that can be used to aid budget planning for 2014/15. Any overspend will need to be funded from available general reserves which may need to be replenished if the working balance falls below the approved level of £9.000m.

CONCLUSION

The underlying month 7 position has not improved further since Month 5 due primarily to continuing pressures and difficulties in delivering planned savings across Adult Social Care. At this stage of the year, the use of remaining risk provisions of £0.587m is now appropriate to partially mitigate the position. The remaining forecast risk will need to be taken into account in setting the 2014/15 General Fund revenue budget.

Executive Directors will continue to keep the position under close scrutiny and will take appropriate action to reduce spending, manage vacancies and develop financial recovery plans where necessary to improve the position as far as possible by the year end.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:

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05 December 2013

This record relates to Agenda Item 76

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: BUDGET UPDATE AND SAVINGS
2014/15

AUTHOR: MARK IRELAND

THE DECISION

- (1) That the updated forecasts for resources and expenditure for 2014/15 and an estimated budget savings requirement for 2014/15 be noted;
- (2) That the indicative allocations of one-off resources for 2014/15 set out in table 1 subject to the identification of sufficient further one-off resources to fund the proposed allocations be noted;
- (3) That the revised savings targets for 2014/15 and considers the budget strategies and detailed savings proposals relating to the General Fund for 2013/14 shown in appendix 5 be noted and their release for the scrutiny review be approved;
- (4) That the update on the HRA budget set out in paragraph 3.36 to the report be noted;
- (5) That the summary Capital Investment Programme set out in paragraphs 3.40 to 3.45 and appendix 6 to the report be noted.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The budget process allows all parties to engage in the scrutiny of budget proposals and put forward viable alternative budget and council tax proposals to Budget Council on 27 February. Budget Council has the opportunity to debate the proposals put forward by the Committee at the same time as any viable alternative proposals.

CONCLUSION

The council is under a statutory duty to set its budget and council tax before 11 March each year. This report sets out the latest budget assumptions, process and timetable to meet the statutory duty.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 77

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: CASH IN TRANSIT AND ANCILLARY SERVICES

AUTHOR: DEBBIE SARGENT

THE DECISION

1. Authorises the procurement of a contract for the provision of a cash in transit service with ancillary services for a 2-year period with an option to extend for a further 12 month period.
2. Grants delegated authority to the Executive Director Finance & Resources:
 - 2.1 to award the contract for 2 years under the East Sussex Procurement Hub Framework to the single supplier on that Framework, Coin Co International Plc; and
 - 2.2 at the end of the 2-year initial period, to exercise the option to extend the contract for 12 months subject to satisfactory performance

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Consideration of further extension of the contract had been given, particularly in the light of potential progression toward cashless parking facilities in order to understand the impact of such changes on cash in transit arrangements. However, further analysis indicates that the move to cashless arrangements will not have significant implications on the contract or value for money. The balance is now significantly in favour of procurement via the East Sussex Procurement Hub Framework which is an appropriate and timely procurement route.

The council could look to enter into a contract from another framework – however, the council has had no involvement in the development of other frameworks which are not therefore tailored to the council's requirements. Also, analysis of other frameworks has found that prices are not as competitive, in many cases very significantly so, as those on the East Sussex Procurement Hub Framework.

The council could extend its current contract with Coin Co International and in the meantime conduct its own tender process to award a new contract. This would take over 12 months to complete and there would be no guarantee that a better solution than currently recommended, would be found. This would not be an efficient use of time due to the resources needed to complete the tender and given the fact that the East Sussex Procurement Hub Framework will provide for all our requirements. As mentioned above, analysis of other frameworks suggest that prices would not be as competitive.

Although the contract price on the East Sussex Procurement Hub Framework has increased, this is common across this industry (e.g. due to fuel prices, stricter regulatio

and other inflationary factors). The East Sussex Framework is therefore considered to offer better value for money than other alternative frameworks or seeking tenders.

CONCLUSION

By entering into a contract with Coin Co International from the East Sussex Procurement Hub Framework this will allow both our procurement and service requirements to be met efficiently and effectively. The new contract with Coin Co International would also allow for new cashless methods for payment of parking charges which will enable costs to be lowered.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 78

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: BRIGHTON CENTRE CATERING
PROVISION

AUTHOR: HOWARD BARDEN, PENNY PARKER

THE DECISION

- (1) That the procurement of a Services Concession Agreement for the provision of catering at the Brighton Centre for a 4 (four) year period with an option to extend for a further 2 (two) year period be approved;
- (2) That delegated authority be granted to the Assistant Chief Executive and Head of Law to award the Concession Agreement for 4 (four) years following the recommendations of the evaluation panel and the results of the tendering process; and
- (3) That at the end of the 4 (four) year initial period, delegated authority be granted to the Assistant Chief Executive and Head of Law to extend the Agreement for 12 months, and thereafter a final period of 12 months, subject in both cases to satisfactory performance of the Concessionaire in respect of the initial or first extended period (as appropriate).

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

A recent study and report was undertaken by an independent catering consultant (April 2013) to assess the viability of operating an in-house catering option at the Brighton Centre. It was concluded that due to the levels of investment required, and constraints in resources and time, this option was not viable at this time.

CONCLUSION

It is imperative for the Brighton Centre's business continuity that a high quality catering offer is part of the service expectation of customers and clients.

There is little commercial value within this market in offering anything less than a 4 year term to attract investment into the catering infrastructure. For a 4 year term (with an option to extend, subject to satisfactory performance of the concessionaire), we would look to achieve anywhere between £150k and £200k worth of investment into equipment upgrades.

Additionally a 4 year term is vital to build confidence and business relationships with clients and similarly essential within the sales process of the venue around securing world class conferences to the city.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services
Signed:



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05 December 2013

This record relates to Agenda Item 79

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: LONDON ROAD CAR PARK - SUNDAY
PARKING TARIFFS

AUTHOR: MARK CHEE

THE DECISION

- (1) That the proposal to permanently lower the Sunday parking tariffs at London Road car park, so that they match the existing weekday rate, from 29th December 2013 onwards be approved; and
- (2) That a report be brought back to the next meeting of the Environment, Transport & Sustainability Committee setting out options for a reduction to half the weekly rate for Sunday parking charges at Hove's Norton Road car park.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The table in Appendix 3 shows the existing and proposed rates at London Road car park and includes the reduced price tariffs proposed in the 'Small Business Saturday' report as Option 2.

In general, parking charges can benefit businesses by encouraging turnover of spaces, which helps to increase footfall and spend. Charging can also help to reduce congestion making it easier for people to access businesses and reduce pollution, making the city a more attractive place. That said the London Road car park has been assessed as being under-used on Sundays and there is scope for lower charges (see Appendix 2).

CONCLUSION

Implementing a reduced tariff on Sundays at London Road car park, when there is spare capacity, will support local businesses whilst still encouraging a degree of turnover within the car park.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 80

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: HOME ENERGY EFFICIENCY
INVESTMENT OPTIONS - GREEN DEAL
/ ENERGY COMPANY OBLIGATION

AUTHOR: MARTIN REID

THE DECISION

- (1) That the progress of the West Sussex County Council led procurement of a Delivery Partner under the Sussex Energy Saving Programme be noted;
- (2) That delegated authority be granted to the Executive Director for Environment, Development & Housing, in consultation with Executive Director for Finance & Resources (and subject to legal advice regarding the details of the membership agreement) to enter into Affiliate membership of the Sussex Energy Saving Partnership SPV.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The Council can choose to not actively engage in the Green Deal and allow the market place to develop to offer services to local residents.

Subject to identifying suitable resources the Council could choose to invest directly into housing stock in the city along the lines of the previous Home Energy Efficiency grants and assistance scheme delivered through the Private Sector Housing Renewal Assistance programme.

In terms of ECO funding, should the Council chose not to follow the WSCC partnership route and start a separate procurement activity we would not achieve the risk sharing and cost benefits of a wider partnership approach and would risk missed ECO funding in the private sector whilst any separate procurement took place.

In terms of gaining best value from ECO funding via the WSCC led partnership, Carillion will be able to go onto the open market and secure the best priced ECO funding, and maximise and Green Deal finance available, where as any direct agreement that may be reached with an obligated energy company would be based on their price for ECO funding.

CONCLUSION

Nationally, Green Deal and Energy Company Obligation have been the main source of finance and delivery of energy efficiency to both households and businesses from January 2013 onwards. All previous sources of energy company subsidies and funding finished at the end of 2012.

The Sussex Energy Saving Partnership presents an opportunity to address a number of challenges including; addressing fuel poverty, reducing energy bills for all city residents, reducing CO2 emissions from housing and commercial buildings,

improving our own corporate buildings and supporting local businesses and creating local employment opportunities.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:

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05 December 2013

This record relates to Agenda Item 81

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: 6 MONTH PERFORMANCE UPDATE

AUTHOR: RICHARD TUSET

THE DECISION

- (1) That the areas of highlighted performance be noted;
- (2) That the resources at the Committee's disposal, including officers in the local authority and the city's partnerships to maintain progress and tackle issues of concern highlighted in the report.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Through consultation with The Chief Executive, Directors and Heads of Service the proposed Performance and Risk Management Framework was deemed to be the most suitable model. This was agreed by Cabinet and the BHSP.

Possible alternative options to developing the Partnership Performance Plan included not developing a plan. This was deemed unsafe and unwise by the PSB.

CONCLUSION

The council must ensure that it uses a robust performance and risk management framework to meet the challenges of delivering services in the financial context that local authorities are now working in.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 82

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: BRIGHTON & HOVE CITY COUNCIL
COMMUNITIES AND THIRD SECTOR
DEVELOPMENT POLICY 2014-2017
AND COMMISSIONING OUTCOMES

AUTHOR: MICHELLE POOLEY, SAM WARREN

THE DECISION

- (1) That the Communities and Third Sector Development Policy 2014 – 2017 and the implementation plan as set out in Appendix 1 of the report be approved;
- (2) That the learning from the Neighbourhood Governance Pilots and that this has been incorporated into the Policy and the implementation plan be noted;
- (3) That the Communities and Third Sector Outcomes, as set out in appendix 2 to the report, which aim to support the implementation of the Policy be approved;
- (4) That delegated authority be granted to the Assistant Chief Executive to:
 - (i) Use the outcomes agreed above to procure, in partnership with the Clinical Commissioning Group, Third Sector infrastructure support, community development and engagement for 2014-2017 using a 'Prospectus' approach and subject to annual budget setting agreements; and
 - (ii) Extend the existing funding agreements for the Third Sector infrastructure support (representation and influence), community development, neighbourhood governance and community engagement until the completion of the above commission.
- (5) That the establishment of a co-ordinated approach to Third Sector commissioning that enables the authority and its partners to work more collaboratively, pool budgets and resources, reduce duplication and increase efficiency be approved.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Do nothing and continue to commission activity through individual commissions and process with and outside the Communities, Equality and Third Sector team. This would prevent any synergy being achieved, not only within those individual commissions but also across the council.

Reallocate the commissioning for community development, engagement and infrastructure held in the Communities, Equality and Third Sector Team to service areas already pursuing similar but serviced based outcomes. This would prevent the synergy and joining up of outcomes and investment across the council.

CONCLUSION

Committee is recommended to approve the policy to set a clear policy position on the council's commitment to and role in building communities and the Third Sector's capacity to enable them to play their critical and vital roles in the city and the council's success. This gives a position that can easily be understood and communicated across the council, communities and Third Sector and built on over the lifetime of the policy.

Moving to a commissioning approach for community development, engagement and infrastructure support will enable the authority to respond to the required changes in service delivery in a timely fashion, help achieve improved outcomes through joint commissioning with the CCG and help start establish a more coordinated approach to Third Sector Commissioning and support as set out in the Policy.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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05 December 2013

This record relates to Agenda Item 83

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ADULT SERVICES - FUTURE SERVICE
MODEL

AUTHOR: ANDY WINTER

THE DECISION

- (1) That a business case be developed to demonstrate whether establishing a Local Authority Trading Company (LATC) to deliver ASC Services is in the best interests of the City Council;
- (2) That the Business Case be brought back to Policy & Resources Committee for a decision on whether to establish an LATC for ASC services; and
- (3) That a detailed analysis in relation to alternative models (for example, in-house provision and social enterprise), as recommended by the Scrutiny Review, be brought back to Policy & Resources Committee alongside the Business Case.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

In light of financial challenges this year and forecast challenges over the next 3-4 years a corporate review has been carried out to assess all possible options going forward, taking into account the need to maintain the services for users

The following options were identified.

- **Option A-** Stay as is- deliver the efficiency savings as planned with an on-going focus to provide services only for people with complex, high level needs, crisis and services of last resort.
- **Option B-** Tender current services and provide through the private and/or voluntary sectors
- **Option C-** create an independent social enterprise
- **Option D-** Set up a Local Authority Trading Company with the council holding the sole interest
- **Option E-** shared services/joint venture with another local authority or Health Trust

Part of the review was to gather information from a number of sources, including local authorities. Appendix 1 sets out an overview of the options, Appendix 2 sets out more detail on these options and examples from other local authorities.

CONCLUSION

From the Board meetings and feedback through informal consultation there appear to be only 2 options which ensure BHCC retain control of the Service of Last Resort and that the DASS is able to direct services in order to meet her statutory responsibilities.

The 2 options are:-

- (1) Retain services in-house and continue to deliver savings- £6 million will need to be saved by 2016 (total gross budget is £18 million). The services will be focused in the future on providing crises and emergency support, meeting high level and complex needs, providing services in partnership with health that provide short term reablement interventions that promote independence and deliver long term savings; or
- (2) Establish a Local Authority Trading Company and transfer services and staffing into a council owned company that has the ability to improve efficiency, reduce costs and attract new business and income.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 84

RECORD OF HOUSING COMMITTEE

ADULT CARE & HEALTH COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: EXTRA CARE HOUSING - BROOKE MEAD UPDATE

AUTHOR: MARTIN REID

THE DECISION

- (1) That a capital programme budget up to a maximum of £8.3 m for the delivery of Brooke Mead extra care scheme to be financed through unsupported borrowing in the Housing Revenue Account, HCA Grant and a contribution from ASC be approved;
- (2) That it be agreed to fund up to £2.1 million (with maximum increase limited to 10%) as the ASC contribution to enable Brooke Mead to be built; and
- (3) That delegated authority be granted to the Executive Director for Adult Services, in consultation with the Executive Director for Finance & Resources, to determine whether that funding is provided from capital or revenue funding, or a mixture of the two.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

In proposing the Brooke Mead scheme a number of alternatives have been considered as listed below:

A 'do nothing' option would continue to leave the land wastefully without economic use and reduce the council's ability to meet its strategic objectives, specifically the Budget commitment to identify and promote cost effective alternatives to residential care to meet the needs of the ageing population of the City.

Alternative land could be sought for the provision of extra care schemes. If the proposed Brooke Mead scheme was abandoned in preference to searches for alternative sites, the work completed to date on Brooke Mead would be lost and the HCA subsidy would be rescinded and reallocated to other registered providers. The time lost in identifying alternative sites would delay addressing the Budget priority for the development of additional extra care housing. Officers are continuing to identify suitable sites for the development of further extra care housing to compliment the number of existing schemes and new initiatives such as the proposed Brooke Mead project. However site appraisal and design would alter the time line for delivery of increased numbers of new units for older people and move build completion beyond 2015.

Any alternative to the proposed Brooke Mead scheme would result in an abandoned site due to a lack of alternative funding sources. The HRA would loose the

opportunity to fully utilise the site and the City would lose the economic benefit that could be realised from this asset. Residents would again be blighted by the effects of an empty former sheltered housing scheme and anti social behaviour.

CONCLUSION

The Brooke Mead extra care housing proposal meets corporate and strategic objectives as well as budget commitments. Specifically it provides an opportunity to increase the supply of suitable housing for older people at an affordable cost. In moving toward the next phase of the proposed scheme, delegated powers are sought by the Director of Environment, Development and Housing to enable HCA capital subsidy to be claimed, for the legal agreement to be signed and for procurement plans to proceed including the award of contract to the successful bidders.

It is envisaged that procurement including award of contract will be completed in late Spring, with the build expected to be complete in the summer of 2015.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 85

RECORD OF HEALTH & WELLBEING BOARD

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: DECLARATION ON TOBACCO CONTROL

AUTHOR: TOM SCANLON

THE DECISION

RESOLVED: That the adoption of the declaration to be signed by the Chief Executive, Leader of the Council and Director of Public Health be agreed.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The Declaration is being considered for adoption across all of Sussex and Surrey and in effect it does not commit us to do anything more than we are doing at present.

CONCLUSION

The Health and Social Care Act 2012 provides a transition towards the establishment of a new public health system and confirms the Government's vision for the new public health role in local authorities. Under this new framework, local authorities are responsible for tobacco control and smoking cessation services.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 86

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ACCESS TO SOUTH DOWNS
NATIONAL PARK - DITCHLING ROAD

AUTHOR: ABBY HONE

THE DECISION

- (1) That the appropriation of the areas of land highlighted on the plans (See Appendices 5, 6 & 7) should they be required for the construction of the shared pedestrian and cycle path be authorised;
- (2) That the Executive Director Finance & Resources be instructed to undertake necessary formalities for appropriation of the land including the negotiation of any necessary variations to the tenant farmer's lease.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

It may be that following detailed design and construction work the areas of land referred to in this report are not required. This report highlights those areas in case there should be a need. The project cannot afford delay to construction should these areas of land be required due to funding timescales.

CONCLUSION

The Ditchling Road proposals are designed to create pleasant walking, cycling and public transport environment for people to access the South Downs National Park. The off-road path is a key part of achieving this environment.

Though some of the verge area is already in the Highway Authority boundary it is likely that the width of the shared path will vary as it runs alongside Ditchling Road. Allowing Highways to consider appropriate use of all area of the verge up to the fence, bunding or vegetation boundary will allow greater flexibility in design and construction while ensuring that necessary formalities are in place.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 87

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: SALTDEAN LIDO

AUTHOR: IAN SHURROCK

THE DECISION

- (1) That the Saltdean Lido Community Interest Company be awarded preferred bidder status and Freedom Leisure be released from their position as reserve bidder;
- (2) That the Heads of Terms relating to the Lido for the Agreement for Lease, the 60-year Lease and Library Lease back to the council as set out in Appendix 1 to the report be agreed and the Head of Legal Services be authorised to complete the Agreement for Lease substantially in accordance with the Heads of Terms;
- (3) That the proposed Heads of Terms between SLCIC and Wave Leisure set out in Appendix 2 to the report be noted and it be agreed that they are satisfactory;
- (4) That the indicative programme referred to at paragraph 3.10 of the report be noted.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The report to Policy and Resources Committee on 24th January 2013 set out the alternative options to marketing the site. These were to operate the site 'in-house' or to let it under a management contract.

A robust evaluation process was used to consider both bids and select the preferred option.

CONCLUSION

The successful marketing exercise and robust evaluation of bids has demonstrated that the council has undertaken best consideration of the long-term future of the Saltdean Lido site and met the key outcomes set out at the start of the process as referred to in 3.2 above.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 88

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: PRESTON BARRACKS
REDEVELOPMENT

AUTHOR: MARK JAGO

THE DECISION

- (1) That the proposals submitted to the council by the University and Cathedral, and the considerable progress that has been made during the past 3 months, progress which suggests a financially viable solution is in reach be noted, and the Project Board's view that negotiations should continue be supported;
- (2) That the financial offer made to the council by the University and Cathedral, and their proposals to work in Joint Venture to acquire the freehold of the Preston Barracks site from the council be noted, and the principles of the financial offer and the deal structure that supports this as the basis for further negotiation be agreed;
- (3) That the draft Heads of Terms in the Part II Appendix and the current state of play regarding ongoing negotiations be noted;
- (4) That the Executive Director for Finance & Resources, Executive Director for Environment, Development & Housing and the Head of Law be authorised to continue negotiations as directed by the Project Board, and that the outcome of these negotiations should be reported to a future meeting of the Project Board for endorsement prior to completion; and
- (5) That subject to (4) above, the Head of Law be authorised to complete the required suite of documents in consultation with the Executive Director for Finance & Resources and Executive Director for Environment, Development & Housing.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

As set out in the previous report to this committee, the Project Board considered a range of options with the aim of developing a viable approach to the delivery of a successful scheme at Preston Barracks. These included seeking significant revisions to the 2012 masterplan; disposal of the council owned Preston Barracks site to the University; consideration of the third party offer to acquire the entire Preston Barracks site; and marketing the site for sale. It was through analysis of these options that the Project Board and the Policy & Resources Committee concluded that senior officers should enter into further negotiations to actively consider disposal of the site to the University and/or its development partner.

CONCLUSION

The council's partnership with the University was formed in 2009, as it was considered to offer the best prospect of bringing about a high quality development to

meet the demands of the city and the University, as well as promoting the regeneration of the Lewes Road corridor; a development that should also better integrate with surrounding communities.

This remains the case, something reaffirmed by the Policy & Resources Committee in July 2013. Disposal of the Preston Barracks site to the University and its preferred partner will address the previous financial viability issues and is considered to be an appropriate route by which to deliver a successful scheme. Agreement to the recommendations in this report will enable the University to make headway with its academic and student priorities, the pressures on which are increasing, while also supporting the delivery of much needed homes and employment space, with increased business growth potential through stronger links with the University, a key element of the Greater Brighton City Deal 'Growth Hub' proposals.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 89

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: RESPONSE TO THE REPORT OF THE
PUBLICLY ACCESSIBLE TOILETS
SCRUTINY PANEL
RECOMMENDATIONS

AUTHOR: JAN JONKER

THE DECISION

- (1) That the evidence, findings and recommendations of the Scrutiny Panel on publicly accessible toilets be noted;
- (2) That the actions and comments summarised in Appendix 1 to the report, in response to the Panel's recommendations be agreed; and
- (3) That the Committee's response be referred to the Full Council for information.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The scrutiny process identified a number of options to be explored in relation to the future provision of public toilets. These will be considered and evaluated as part of the development of the Action Plan.

CONCLUSION

The recommendations have been developed by the scrutiny panel considering the future provision of public toilets.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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05 December 2013

This record relates to Agenda Item 90

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: ANNUAL SURVEILLANCE REPORT
(DECEMBER 2013)

AUTHOR: JO PLAYER

THE DECISION

- (1) That the continued use of covert surveillance be approved as an enforcement tool to prevent and detect crime and disorder investigated by its officers, providing the activity is in line with the Council's Policy and Guidance and the necessity and proportionality rules are stringently applied;
- (2) That the surveillance activity undertaken by the authority since the report to Committee in September 2012 as set out in Appendix 2 be noted; and
- (3) That the continued use of the Policy and Guidance document as set out in Appendix 3 be approved.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The only alternative is to curtail the use of RIPA, but this is not considered an appropriate step.

CONCLUSION

It is essential that officers are able to use the RIPA powers where necessary and within the new threshold, but only after excluding all other methods of enforcement. An authorisation will only be given by the relevant 'Authorising Officer' following vetting by the 'Gatekeeper', therefore it is unlikely that the powers will be abused. There is also now the additional safeguard of judicial sign off.

The implementation of the Annual review has made the whole process transparent and demonstrates to the public that the correct procedures are followed.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services
Signed:



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05 December 2013

This record relates to Agenda Item 91

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: REVIEW OF MEMBERS ALLOWANCES

AUTHOR: MARK WALL

THE DECISION

- (1) That the Panel's desire to undertake a full review of the Members Allowances Scheme be noted,
- (2) That the Council be recommended to adopt the existing Members Allowances Scheme for the payment of allowances in 2014/15, with effect from day after the Annual Council Meeting in May 2014;
- (3) That the Chief Executive be authorised to issue the Brighton & Hove Members' Allowances Scheme in accordance with the regulations following council approval;
- (4) That the allowance payable to each of the members of the Independent Remuneration Panel be increased by 1% in line with the Public Sector Pay award with effect from 1 September 2013, in recognition of the time commitment and the role of the Panel.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.

The Panel took the view that in line with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the introduction of the committee system in May 2012 would undertake a comprehensive review of the Members' Allowances Scheme and make recommendations to the Council on :

- (a) The level of Basic Allowance to be paid to all councillors;
- (b) The responsibilities for which Special Responsibility Allowances (SRA's) should be payable (only one Special Responsibility Allowance is payable per councillor);
- (c) The levels of SRA payable;
- (d) The payment of Travel & Subsistence Allowances and appropriate mileage and subsistence rates payable to councillors undertaking approved council duties;
- (e) The payment of a Co-optee's Allowance;
- (f) The payment of Childcare & Dependant Carer's Allowances, the level of

such payments, any upper limits and capping that should apply.

The Panel will take account of the latest regional and national earnings information in relation to any increase in allowances and will make comparisons with the council's own salary inflation rate, public sector pay awards and comparable authorities.

When the Panel next review the scheme for Members' allowances, the option of formulating a scheme that covers a longer period of, say, 4 years will be considered. Such a scheme could provide the basis for a basic formula that gets updated annually by reference to the retail prices index or some other benchmarks. This would avoid some of the uncertainty and enable any Councillors standing for elections for the first time, as well as continuing Councillors, clarity in terms of what to expect so far as allowances are concerned.

CONCLUSION

The Panel have recommended an increase to the Basic Allowance with effect from the 2014 municipal year and will be undertaking a full review of the allowances scheme prior to reporting to the Council in October 2014.

The Panel believe that there is a justification for equity in recommending that the Basic Allowance is increased in line with the public sector pay award. The Panel were also mindful that allowances had remained at their current level for the last three years.

The Basic Allowance is paid in recognition of the decision to become a councillor and to help support a councillor to fulfil their role. Having heard from Members of the changes to their roles, the Panel were of the opinion that an increase in the Basic Allowance was justified as this would be across all councillors and was in line with that given to public service officers.

The Panel wish to review both the number and level of Special Responsibility Allowances which it feels are based on pre-dated models and to give consideration to the level and how dependant care allowances are set and paid.

Proper Officer:

Date: 09/12/13

Mark Wall, Head of Democratic Services

Signed:



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