

**BRIGHTON & HOVE CITY COUNCIL  
POLICY & RESOURCES COMMITTEE**

**4.00pm 5 DECEMBER 2013**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Morgan (Group Spokesperson), Davey, Hamilton, Lepper, A Norman, Peltzer Dunn and Shanks

**PART ONE**

**66. PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

66.1 Councillor Davey declared that he was attending the meeting as substitute for Councillor Randall.

**(b) Declarations of Interest**

66.2 There were no declarations of interest.

**(c) Exclusion of the Press and Public**

66.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

66.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the item contained in part two of the agenda.

**67. MINUTES**

67.1 The minutes of the last meeting held on the 17<sup>th</sup> October 2013 were approved as a correct record of the proceedings and signed by the Chair.

**68. CHAIR'S COMMUNICATIONS**

68.1 The Chair stated that he was pleased to inform the committee that Members from all parties had been able to mark both Trans Remembrance Day and World Aids Day, which had seen the unveiling of the largest Red Ribbon in the world.

- 68.2 The Chair noted that the council had along with seven other private and public sector providers successfully bid for nearly £1.8m from the Government's Regional Growth Fund to support local businesses, which would hopefully help to bolster the local economy.
- 68.3 The Chair also wished to offer his congratulations to the Brighton Employability Advice and Careers Hut (BEACH), which had won a prestigious Eurocities award in the category of 'smart jobs' and was the only online place to go for employability advice.

**69. CALL OVER**

- 69.1 The following items on the agenda were reserved for discussion:

- Item 72 Council Tax Property Discounts
- Item 73 Council Tax Reduction Review
- Item 74 Treasury Management Policy Statement 2013/14 – Mid Year Review
- Item 75 Targeted Budget Management (TBM7)
- Item 76 Budget Update and Savings 2014/15
- Item 78 Brighton Centre Catering Provision
- Item 79 London Road Car Park – Sunday Parking Tariffs
- Item 80 Home Energy Efficiency Investment Options – Green Deal / Energy Company Obligation
- Item 81 6 Month Performance Update
- Item 82 Brighton & Hove City Council Communities and Third Sector Development Policy 2014-2017 and Commissioning Outcomes
- Item 83 Adult Services – Future Service Model
- Item 86 Access to South Downs National Park – Ditchling Road
- Item 87 Saltdean Lido
- Item 88 Preston Barracks Redevelopment
- Item 91 Review of Members Allowances
- Item 93 Preston Barracks Redevelopment – Exempt Category 3

- 69.2 The Head of Democratic Services confirmed that the Items listed above had been reserved for discussion; and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 77 Cash in Transit and Ancillary Services
- Item 84 Extra Care Housing – Brooke Mead Update
- Item 85 Declaration on Tobacco Control
- Item 89 Response to the Report of the Publicly Accessible Toilets Scrutiny Panel Recommendations
- Item 90 Annual Surveillance Report (December 2013).

**70. PUBLIC INVOLVEMENT**

- 70.1 The Chair noted that there were no matters to be taken under the Public Involvement item.

**71. MEMBER INVOLVEMENT**

71.1 The Chair noted that there were no matters to be taken under the Member Involvement item.

**72. COUNCIL TAX PROPERTY DISCOUNTS**

72.1 The Executive Director for Finance & Resources introduced the report, concerning Council Tax Property Discounts and the proposed reduction of the 100% discount for empty and unfurnished properties from six to four weeks on line with the practice of neighbouring authorities. It also proposed to remove the 10% discount for properties that are empty and intended for use as furnished lets.

72.2 Councillor Littman welcomed the report and thanked the officers for their work on the proposals. He felt that the change from six to four weeks was an appropriate one following the review of the situation and taking into account the practice of other authorities and feedback from the consultation on the matter.

72.3 Councillor G. Theobald stated that he supported the proposals in the main, although was a little uneasy about the reduction from six to four weeks and expressed some concern over the possible situation where a landlord may lose a tenant in a furnished property and would not benefit from the discount period.

72.4 The Executive Director for Finance & Resources stated that it was difficult to distinguish between furnished lets and what were second homes and therefore the discount only applied to unfurnished lets.

72.5 The Chair then put the recommendations to the vote.

**72.6 RESOLVED TO RECOMMEND:**

- (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.

**73. COUNCIL TAX REDUCTION REVIEW**

- 73.1 The Executive Director for Finance & Resources introduced the report which detailed the outcome of the annual review of the council's local Council Tax Reduction Scheme. She stated that it was not proposed to make any changes to the existing scheme and the reductions in funding in 2014/15 that the council receives from central government to pay for the local scheme would be absorbed by the council and not passed on to those in receipt of support.
- 73.2 Councillor Littman thanked the officers for the report and stated that he believed the scheme was working well and thanks to the hard work of officers was paying dividends for the council. He therefore fully supported the recommendation to retain the current scheme for 2014/15.
- 73.3 Councillor A. Norman stated that the success of the scheme was the result of the hard work of officers and the results were encouraging at this point in time, although she hoped it would be carefully monitored.
- 73.4 Councillor Hamilton agreed that the scheme had only been in place for a short period and therefore needed to be monitored to see if it would be successful.

**73.5 RESOLVED TO RECOMMEND:**

- (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.

**74. TREASURY MANAGEMENT POLICY STATEMENT 2013/14 - MID YEAR REVIEW**

- 74.1 The Executive Director for Finance & Resources introduced the report which provided a six monthly update in regard to the Treasury Management Policy Statement and the Treasury Management Practices for the year commencing 1 April 2013. It also detailed the action taken during the period April to September 2013 to meet the policy statement and practices and the investment strategy. She stated that due to the difficulties in finding sufficient investment counterparties of suitable financial standing in relation to

the Annual Investment Strategy, and the need to balance risks and secure investments, some changes were proposed which would need to be approved by full council.

- 74.2 Councillor Littman welcomed the report and noted that the economic climate around the world was still uncertain and therefore there was a need to review how the council's investments were made and to look at other banking organisations with a triple 'A' rating.
- 74.3 Councillor A. Norman stated that council officers had an excellent track record in this area and whilst the difficulties faced by the Co-op Bank were unfortunate, there was a need to maintain the council's position securely. She noted the possibility of utilising non-UK banks but asked if further information could be provided in regard to the RABOBANK and the Australian Banks referenced in the report at paragraph 3.15.
- 74.4 The Executive Director for Finance & Resources stated that she would ensure further checks were undertaken and confirm the outcome with Councillor Norman.
- 74.5 The Chair stated that he was sure the officers would monitor the situation carefully and noted that there was a degree of risk associated with any investment. He then put the recommendations to the vote.
- 74.6 **RESOLVED TO RECOMMEND:**
- (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.

## **75. TARGETED BUDGET MANAGEMENT (TBM 7)**

- 75.1 The Executive Director for Finance & Resources introduced the report, which set out the forecast outturn position at Month 7. She noted that the underlying overspend on council controlled budgets was £2.349m and that a significant part related to the Adult Social Care budget which had seen an increase in pressures. The Children's Services Budget was showing an underspend and whilst a the Value For Money programme had a shortfall, plans had been put in place to enable it to deliver its targets in the next financial year. She stated that officers were working hard to address the situation and action was being put in place to seek to improve the overall budgetary position by the year end.
- 75.2 Councillor Littman welcomed the report and the work that was in hand to address to the forecast overspend and hoped that a balanced position could be achieved by the end of the financial year.

- 75.3 Councillor Hamilton noted that improvements to service budgets forecasts had improved but expressed his concern over the Adult Social Care budget. He also noted that there were a number of vacant posts being held within the Child Safeguarding Team and queried whether sufficient resources were in place to protect children in care. He also asked if any clarification was available in respect of the potential £1m cost to the council for prescription charges.
- 75.4 The Executive Director for Children's Services stated that a number of vacancies were being held as the case work level for the social work team had been maintained and the numbers of children that they worked with had started to reduce. However, officers were mindful of their responsibilities and would monitor the situation carefully.
- 75.5 The Executive Director for Finance & Resources stated that she was not able to give any further update on the possible charge for prescriptions but noted that lobbying on this matter was taking place at a national level.
- 75.6 Councillor A. Norman stated that she was concerned by the size of the overspend forecast and questioned whether any action had been taken to recover the costs of fly-tipping by Travellers. She also noted that the overspend on ICT remained high and that a further £750k was proposed to be put into ICT in the Budget report. She asked whether a report could be brought to the next committee detailing the various changes that had been required by the Cabinet Office and the options on the provision of equipment and service for Members to consider. She was concerned about the changes in relation to the voluntary severance scheme and asked for an update on Craven Vale. Finally, she hoped that the coastal communities fund bid for the Volks Railway would be successful.
- 75.7 The Executive Director for Adult Social Care stated that the possibility for Craven Vale Day Centre to be used for the provision of recovery beds was not being taken forward, however it was being looked at as part of the provision for Extra Care.
- 75.8 The Executive Director for Environment, Development & Housing stated that officers were working closely with the police in regard to minimising the impact of fly-tipping. He noted that a contract had been agreed with City Clean to clear waste at the Travellers Horsdean site which he hoped would result in an improvement.
- 75.9 The Assistant Chief Executive stated that it was hoped to receive notification on the outcome of the bid to the coastal communities fund in January in regard to the Volks Railway.
- 75.10 The Executive Director for Finance & Resources stated that the ICT service had faced a range of challenges in the recent months, primarily resulting from changes required by the Cabinet Office and Information Commissioner's Office. In view of the need to take on board the required changes and adapt systems to constant changes to the requirements additional costs had resulted. She noted that the SE7 (South East 7 group of authorities) were lobbying the Cabinet Office to get agreement and clarity on what was necessary in terms of IT security for council systems. There had been difficulties experienced by Members and officers as a result of the Firewall that was provided by Vodafone as required by the Cabinet Office, which officers were seeking to address with Vodafone. She also noted that there had been under-investment in ICT

over the years and this was now being addressed. However, she was happy to bring a report to the next meeting on the overall position in regard to ICT.

75.11 Councillor G. Theobald noted that there was an under-achievement of £324k for off-street parking income and suggested that a review of charges was necessary if this was to be rectified. He also queried how it was intended to get details of customer activity in relation to the use of off-street parking.

75.12 The Chair stated that the overall parking budget was in balance and that usage was monitored and reported to committee on a regular basis. He then put the recommendations to the vote.

**75.13 RESOLVED:**

- (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.

**76. BUDGET UPDATE AND SAVINGS 2014/15**

76.1 The Executive Director for Finance & Resources introduced the report which set out the proposals for the General Fund Revenue Budget and Council Tax for 2014/15. The report also provided an update on the Capital Programme, schools funding and Housing Revenue Account. She noted that the Chancellor's autumn statement had only been released earlier in the day and that this would have a bearing on the budgetary position which would have to be taken into account as part of the budgetary process for the Budget Council meeting in February.

76.2 Councillor Littman thanked the officers involved in producing the report and all those involved in bringing forward savings proposals. He noted that the Budget report had been published early again so that comments could be made and where appropriate taken into consideration as part of finalising the budget proposals for 2014/15. There was a need to achieve the savings targets and to protect services and he hoped that over the next few months that position would become clearer.

- 76.3 Councillor Morgan noted that there was a significant budget gap predicted at present and that the opposition groups had only had the budget report for a week so it was too early to comment fully on the proposals. He was however disappointed by the piece-meal approach taken towards the savings and noted that government funding levels had been reduced. He was concerned that the voluntary severance scheme had not achieved the anticipated savings and asked for clarification in regard to the level of business that was conducted with Able & Willing and the fact that the Welfare Rights post had remained unfilled since the last Budget Council. He was unsure why it had remained open for redeployment rather than being recruited to. He also asked for reassurance that the proposed cuts to the Homelessness Budget would not impact on the level of support that was required.
- 76.4 The Executive Director for Adult Services stated that she would need to look into the contract information for Able & Willing and would respond to Councillor Morgan in writing.
- 76.5 The Executive Director for Finance & Resources stated that the cuts to the Homelessness Budget related to a 3-year plan and a number of aspects which involved other providers within the city; which it was hoped would not impact on the level of support that needed to be maintained. The budget was under-spending at present and would be monitored regularly. In regard to the voluntary severance scheme, it had not resulted in the level of savings anticipated for the current financial year and it was not proposed to repeat it in the next one. However, there was a likelihood that some services would need to be realigned and re-designed and as such would contribute to the savings target. She did not have the information in relation to the Welfare Rights Team and would therefore respond to Councillor Morgan in writing after the meeting.
- 76.6 Councillor G. Theobald stated that the Conservative Group would not seek to start from the position as outlined in the report and suggested that consideration be given to freezing council tax and accepting the government support. He also questioned why external advisers were only now being used to comment on the organisational structure of the authority rather than 3 years ago. He believed that there was a need to look at how services were delivered and commissioned and that this work should have been undertaken at a much earlier stage. There should be a much greater role for the voluntary and third sector to provide services and therefore his group could not accept the proposals as outlined in the report.
- 76.7 The Chair noted the comments and stated that the use of consultants was nothing new and would help to review how the organisation could maintain services when faced with such savings requirements and achieve value for money. He also stated that the authority had £3.7m less in available funding because of the decision to freeze council tax and this needed to be avoided this time round otherwise there was a likelihood of services being lost.
- 76.8 Councillor A. Norman stated that she was concerned about the reduction to the discretionary grants programme and the need to support the voluntary sector and to work with them more closely. She also queried the situation in relation to the business rates where she noted that the level of income was £2m higher than expected, but was being off-set by a reduction in the safety-net grant, rather than being used to cover the budget gap.



- 76.9 The Executive Director for Finance & Resources stated that business rates had been predicted to be below the safety net but for next year would be above it. This may have an impact as it would become real income but it needed to be considered in line with the information contained in the autumn statement and therefore it was intended to bring a report to committee in January. It was likely that the council would have to make some difficult decisions as had been the case last year.
- 76.10 The Chair stated that he agreed the Third Sector was an important area and needed to be supported and he would welcome any ideas in terms of whether services could be supported by or provided by Third Sector organisations.
- 76.11 Councillor Littman stated that the main difficulty arose from the reductions in grant funding made by central government and that there was a need to look at all the alternatives and make a judgement call on the need for a council tax rise. He hoped that a balanced budget for the current financial year could be achieved so that savings and alternative provision could then be considered for 2014/15. He stated that there was an aim to support Able & Willing and for the business to succeed and noted that the new Head of Procurement was looking at contracts to see if the organisation could be used.
- 76.12 Councillor Peltzer Dunn referred to page 81 of the report and questioned the £10k saving relating to traffic signals and expressed his concern that such a saving was hidden in a large report which had an impact on road and child safety. He also questioned the level of saving for on-street parking and the benefit of that which was being achieved from enabling people to pay by phone when cash machines were being removed.
- 76.13 Councillor Davey stated that the proposed removal of traffic signals was based on safety evidence figures that zebra crossings were safer than those with lights.
- 76.14 Councillor G. Theobald asked for clarification in regard to the cost of the external advisers and the total gross expenditure for the authority in 2014/15.
- 76.15 The Executive Director for Finance & Resources stated that she would provide the information following the meeting and noted that for the current year the total expenditure had been £774m. She also noted that the value for money programme that had been running for the last 3 years had been successful and that the appointment of advisers for the next programme was subject to a tender process and a budget of £75k had been identified.
- 76.16 The Monitoring Officer stated that in having regard to the Hampshire & Somerset Decision, it would be helpful to note the information contained in the Equalities Impact Assessments (EIAs), which had been made accessible to Members and therefore proposed that a further recommendation to that effect be considered.
- 76.17 The Chair noted the comments of the Monitoring Officer and stated that he was pleased to be able to put forward budget proposals for consideration and consultation at such an early stage with a view to being to amend them in light of feedback received and alternative proposals that may come forward. He noted that last year's budget

proposals had been altered as a result of comments and therefore put the recommendations with the additional one of noting the EIAs to the vote.

**76.18 RESOLVED:**

- (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; and
- (6) That the cumulative Equality Impact Assessment, (appendix 9) and the Budget Equality Impact Assessment Screening Documents (appendix 10), to the report which were made available in the Members' Rooms and online be noted.

Note: The special circumstances for non-compliance with Council Procedural Rule 3, Access to Information Procedural Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five clear days in advance of the meeting), were that some of the key financial information could not be updated until the in-year budget monitoring report elsewhere on the agenda had been completed.

**77. CASH IN TRANSIT AND ANCILLARY SERVICES**

**77.1 RESOLVED:**

- (1) That 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 be agreed;
- (2) That delegated authority be granted to the Executive Director Finance & Resources to:
  - (i) 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
  - (ii) At the end of the 2-year initial period, to exercise the option to extend the contract for 12 months subject to satisfactory performance.

**78. BRIGHTON CENTRE CATERING PROVISION**

78.1 The Assistant Chief Executive introduced the report which detailed the proposal to put the Brighton Centre catering contract out to tender. She noted that the option of providing an in-house service had been considered but the level of investment required was felt to be disproportionate to the length of the provision that would be required.

78.2 The Chair put the recommendations to the vote.

**78.3 RESOLVED:**

- (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).

**79. LONDON ROAD CAR PARK - SUNDAY PARKING TARIFFS**

79.1 The Executive Director for Environment, Development & Housing introduced the report and noted that it had been brought to the committee following the meeting of the Urgency Sub-Committee on the 12<sup>th</sup> November 2013. The report outlined the proposed level of parking charges for London Road to be effective from the 29<sup>th</sup> December onwards in light of the comments of the Urgency Sub-Committee.

79.2 Councillor Davey stated that the matter had been looked at for sometime and he believed the report outlined a sensible approach for the way forward.

79.3 Councillor A. Norman welcomed the report and noted that it was very similar to the amendment that had been previously moved at the Urgency Sub-Committee meeting. However, the position in terms of providing free-parking at the car parks stated in the run up to Christmas had been achieved and she was now hopeful that the continued reduction for London Road would also be achieved.

79.4 Councillor Peltzer Dunn moved an amendment to the recommendations which provided for a reduction in the parking charges at Norton Road, Hove in line with those at the London Road car park to be considered by the Environment, Sustainability and Transport Committee at its meeting in January.

79.5 The Chair noted the comments and put the amendment to the vote which was carried and therefore put the recommendations as amended to the vote.

79.6 **RESOLVED:**

- (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 29<sup>th</sup> 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.

80. **HOME ENERGY EFFICIENCY INVESTMENT OPTIONS - GREEN DEAL / ENERGY COMPANY OBLIGATION**

80.1 The Executive Director for Environment, Development & Housing introduced the report which detailed the proposed establishment of the Sussex Energy Saving Partnership by West Sussex County Council and the recommendation that the Council become an Affiliate Member of the Partnership. He stated that a number of neighbouring authorities were involved in the project and that it provided an opportunity for the council to take advantage of the Green Deal & Energy Company Obligation and to meet corporate objectives. The Partnership would work with Carillion Energy as the over-arching delivery provider but the agreement would enable local businesses to be involved and thereby gain from the process.

80.2 The Chair welcomed the report and noted that it provided a good example of partnership working both with public sector and private sector bodies. There were some reservations however overall he felt that it was an opportunity for the council to take advantage of the scheme and to benefit residents.

80.3 Councillor A. Norman stated that there were concerns about the Green Deal programme but she hoped that take up would increase and the benefits recognised.

80.4 Councillor Morgan echoed the concerns and noted that another consortium had been formed in Southampton and the take up had been low, although it had targeted lower income families and he questioned whether there was sufficient incentive for private landlords to get involved.

80.5 The Chair stated that officers had discussed the Southampton scheme which was different to Green Deal and noted that West Sussex County Council had taken the lead and invested over £2m into the scheme. He also noted that whilst the council would be an affiliate member it did not preclude the council from exploring other options.

80.6 The Chair noted the comments and put the recommendations to the vote.

80.7 **RESOLVED:**

- (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.

## **81. 6 MONTH PERFORMANCE UPDATE**

- 81.1 The Assistant Chief Executive introduced the report which provided a summary of the council's performance progress over the first six months of 2013/14, and highlighted the progress in the delivery of sustainable community strategy priorities and the corporate plan. She noted that a number of areas were meeting or were above their targets and that where there were exceptions; work was in hand to address these.
- 81.2 Councillor G. Theobald noted that sickness levels appeared high with an average of 11 days a year for each member of staff and expressed concern over the associated costs to the authority as a result. He noted that the average level of sickness absence for the public sector was 6.9 days and only 4.9 days in the private sector. He also expressed concern over the low rate for recycling compared to other authorities such as Bristol and Bournemouth.
- 81.3 The Executive Director for Finance & Resources stated that the level of sickness absence was broadly in-line with that for local government, however the matter was being looked at and it was hoped that following a review of the absence management process, action could be taken to seek to address the situation. She stated that she was happy to meet with Councillor Theobald to discuss the matter further and the actions being put in place to help improve the situation.
- 81.4 The Executive Director for Environment, Development & Housing stated that in terms of recycling rates, officers were looking at the matter and how improvements could be made. However, the fortnightly collections did have an impact and overall the levels of recycling were levelling off nationally.
- 81.5 Councillor Morgan stated that the level of sickness absence wasn't that surprising given the reductions in funding to local government and the need to undertake more work. He was concerned that the number of first time entrants into the Youth Justice System appeared to be increasing. He also noted that recycling rates were falling and that the current target was only 3% above that set in 2009.
- 81.6 The Executive Director for Children's Services stated that overall the number of first time entrants into the Youth Justice System was low and that changes had a disproportionate affect in percentage terms. There were challenging targets and these needed to be reviewed along with the impact of changes to the legislative arrangements.
- 81.7 Councillor A. Norman shared the concerns over recycling rates and staff sickness. She also questioned whether further work was required in relation to the School Pupil Premium as it appeared that whilst GCSE results were improving; those taking free school meals were lagging behind.

- 81.8 The Executive Director for Children's Services stated that the Children & Young People Committee shared the concerns about the impact of Free Schools and the need to improve results for those children who were eligible for free school meals. He noted that the last committee meeting had received a report on a proposed strategy to close the gap and to work with the secondary schools.
- 81.9 Councillor Peltzer Dunn suggested that it would be helpful to have a breakdown of the working days lost as a result of stress and the reasons for that stress in different service areas.
- 81.10 The Executive Director for Finance & Resources stated that the information was held and she would explore the best way of making it available to Members along with the outcome of the recent staff survey.
- 81.11 Councillor Hamilton expressed concern over the recycling rates and noted that changes to the refuse and recycling collections had been made recently but questioned the fact that there were some roads in his ward of south Portslade that were not accessible to the larger vehicles which had replaced the narrow ones, and therefore collections had fallen. He suggested that consideration should be given to restoring the narrow vehicles and maintaining a regular collection service.
- 81.12 The Executive Director for Environment, Development & Housing stated that he would investigate the matter and take on board the points raised in regard to the levels of recycling and the overall targets. The recent changes to collection rounds need to be in and with further changes starting from Monday 9<sup>th</sup> December there was likely to be some impact. However, he would bring a further report to the Environment, Transport & Sustainability Committee on the matter of recycling.
- 81.13 The Chair noted the comments and put the recommendations to the vote.
- 81.14 **RESOLVED:**
- (1) That the areas of highlighted performance be noted; and
  - (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.

## **82. BRIGHTON & HOVE CITY COUNCIL COMMUNITIES AND THIRD SECTOR DEVELOPMENT POLICY 2014-2017 AND COMMISSIONING OUTCOMES**

- 82.1 The Assistant Chief Executive introduced the report which detailed the proposed Brighton & Hove Communities and Third Sector Development Policy for 2014-17 and the implementation plan as set out in appendix 1 to the report. She noted that this was the next stage that would underpin the work of the Third Sector and that the policy included a number of key documents which would sit behind the report.
- 82.2 The Chair welcomed the report and stated that the work of officers and third sector partners was appreciated in bringing forward the policy.

- 82.3 Councillor A. Norman also welcomed the report and stated that there were a number of positive elements which highlighted the role of community and voluntary sector organisations in the city. She had two concerns however, one in relation to the level of grant funding that would be available and the second in terms of the equalities initiatives and use of HRA to supplement discretionary grants.
- 82.4 Councillor Morgan stated that he would like to see the neighbourhood council's scheme developed and more autonomy given to them in terms of budget and actions that they could take. He also wished to thank the officers involved with the two neighbourhood projects for their work.
- 82.5 The Chair noted the comments and stated that the grant funding issue would be part of the budget proposals. He also wished to add the committee's thanks to the officers and all those involved in the two neighbourhood pilot schemes and then put the recommendations to the vote.

82.6 **RESOLVED:**

- (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.

**83. ADULT SERVICES - FUTURE SERVICE MODEL**

- 83.1 The Executive Director for Adult Social Care introduced the report which detailed the potential options for the delivery of adult services taking into account the funding issues and savings targets that were being identified for the next five years. She noted that further legislative changes were due to come into force such as the Integrated

Transformation Fund and therefore consideration needed to be given to how services could be delivered in the future.

- 83.2 Councillor G. Theobald stated that in regard to paragraph 3.2 on page 214, he was concerned that the option for in-house provision did not take into account that when compared to other providers it did not provide value for money. He therefore wished to move an amendment to the recommendations which would enable consideration of all the options available to be undertaken.
- 83.3 Councillor A. Norman formally seconded the amendment.
- 83.4 Councillor Morgan noted that there had been a scrutiny review into the matter highlighted by the proposed amendment which ruled out the option of out-sourcing the service and therefore he believed that the democratic process should be respected and would not support the amendment.
- 83.5 The Chair stated that he believed the best interests of both the council and the city needed to be taken into consideration and noted that the scrutiny review and the panel's recommendations had been made on a cross-party basis. He therefore questioned the reasoning behind the amendment being brought forward at such a late stage, and suggested that the recommendations of the scrutiny panel should be respected. He therefore put the amendment to the vote which was lost and then put the recommendations to vote.
- 83.6 **RESOLVED:**
- (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.

#### **84. EXTRA CARE HOUSING - BROOKE MEAD UPDATE**

##### **84.1 RESOLVED:**

- (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.

## **85. DECLARATION ON TOBACCO CONTROL**

- 85.1 **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.

## **86. ACCESS TO SOUTH DOWNS NATIONAL PARK - DITCHLING ROAD**

- 86.1 The Executive Director for Environment, Development & Housing introduced the report which detailed the proposed appropriation of land at Ditchling Road for highway purposes and to enable the improvement to walking, cycling and public transport facilities and access to the South Downs National Park. He noted that a report had been taken to the Environment, Transport & Sustainability Committee in relation to the proposed improvements which had been approved; however as the committee responsible for corporate landlord matters, approval was sought for the appropriation of the small area of land from the council's agricultural portfolio.
- 86.2 Councillor Lepper referred to paragraph 3.2 of the report and queried whether the tenant farmer had been consulted on the proposals and what further work was required should the committee agree to the appropriation of the land.
- 86.3 The Executive Director for Environment, Development & Housing stated that the Council had the power to acquire the area of land in question and that the further work required related to the detailed design of off road path and associated improvements. The tenant farmer would be consulted as part of the public consultation exercise and he noted that the Environment, Transport & sustainability Committee had approved the recommendations without asking for anything to be reconsidered.
- 86.4 Councillor A. Norman stated that the Conservative Group generally supported the improvements but felt that the farmer needed to be consulted fully on the matter.
- 86.5 The Chair noted the comments and put the recommendations to the vote.
- 86.6 **RESOLVED:**
  - (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.

**87. SALTDEAN LIDO**

- 87.1 The Assistant Chief Executive introduced the report which sought approval to appoint the Saltdean Lido Community of Interest Company (SLCIC) as the preferred bidder for a 60-year lease of the Saltdean Lido site. She stated that this was the next stage in the process following the tender exercise and that should approval be given, then SLCIC would submit a bid to the Heritage Lottery Fund for funding and should hear the outcome of the first stage in that process early in the New Year. She noted that the second stage would be around April 2014 and that the company's success would be dependent on the success of the bid.
- 87.2 Councillor A. Norman welcomed the report and stated that she hoped the bid would be successful. In regard to the Heads of Terms she sought further clarification in respect of the cost of the post referred to as she had anticipated that as a result of awarding the lease there would be no on-going subsidy from the council.
- 87.3 Councillor Lepper also welcomed the report but queried whether the financial implications as detailed in paragraph 7.2 were correct as she believed that the Section 106 funding attributed to the whole of the Saltdean area and not just the Lido.
- 87.4 The Assistant Chief Executive confirmed that match funding of £20k was a potential one-off cost that had been identified and that the Economic Development & Culture Committee had previously taken a decision to ring fence the Section 106 funding to match that of the Heritage Lottery Bid. However, she would confirm the matter with Councillor Lepper.
- 87.5 Councillor Davey stated that it had been a long journey to reach the current position and he hoped that it would come to fruition now that the asset would be in the hands of the community.
- 87.6 The Chair stated that he wished the company every success with their proposals and welcomed the community ownership of such an asset. There had been a process to follow and it now appeared that it was reaching its conclusion. In regard to the Section 106 Agreement, he noted that it was usual to have a number of categories that related to the proposed use of the funding and that the ED&C Committee's decision would be condition that was taken into account. He then put the recommendations to the vote.
- 87.7 **RESOLVED:**
- (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.

## **88. PRESTON BARRACKS REDEVELOPMENT**

- 88.1 The Executive Director for Environment, Development & Housing introduced the report which detailed the progress made in negotiations between the council, the University of Brighton and Cathedral Group Ltd in respect of the development of the Preston Barracks site. He stated that it was an important site to the city and had raised a number of challenges which he now hoped had been met and with the committee's approval would enable the redevelopment of the site to come to fruition.
- 88.2 The Chair stated that he wished to thank the Executive Director and the team of officers involved in the project, along with the members of the Project Group. He noted that it was part of the City Deal approach and that the LEP had been very supportive. He also noted that Members had been contacted by representatives from the Community Transport service and stated that officers would work with them to enable them to move from the site.
- 88.3 Councillor Lepper stated that she wished to add her thanks to all those involved in the project and she was disappointed that she would not be a member of the council when the project finally came to fruition. However, she welcomed the cross-party support for the site's redevelopment and hoped that matters would progress. In the meantime she asked that all departments concerned work together to assist Community Transport in finding a more long-term site for their service.
- 88.4 Councillor Peltzer Dunn welcomed the report and stated that it had been quite a journey and he too wished to thank the officers involved in the project.
- 88.5 The Chair noted the comments and before moving the meeting into closed session so that discussion on the details contained in appendix 3 listed as Item No. 93 on the agenda could be held, he wished to call on the Monitoring Officer to comment.
- 88.6 The Monitoring Officer stated that the report's recommendations were predicated on the information contained in the appendix which had to be considered in Part Two of the meeting as it contained financial information that was commercially sensitive. He also noted that the committee needed to be given an update on the information before it considered the recommendations listed in the open report.
- 88.7 The Chair then asked for members of the public and the press to leave the chamber prior to moving the meeting into closed session.
- 88.8 Following consideration of the information in the closed session, the Chair put the recommendations to the vote.
- 88.9 **RESOLVED:**
- (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.

## **89. RESPONSE TO THE REPORT OF THE PUBLICLY ACCESSIBLE TOILETS SCRUTINY PANEL RECOMMENDATIONS**

### **89.1 RESOLVED TO RECOMMEND:**

- (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.

## **90. ANNUAL SURVEILLANCE REPORT (DECEMBER 2013)**

### **90.1 RESOLVED:**

- (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.

**91. REVIEW OF MEMBERS ALLOWANCES**

- 91.1 The Head of Law introduced the report, which set out the recommendations of the Independent Remuneration Panel in regard to the Members Allowances Scheme. He noted that the Panel had indicated a desire to undertake a full review and to report back in 2014 on a scheme that could be adopted for 2015 and be applied for the full four-year term of the council, subject to an annual review.
- 91.2 The Chair noted the report and stated that he wished to place on record the Committee's thanks to the Panel for their work. However, in view of the current economic climate he wished to move a cross-party amendment to the recommendations so that the level of Basic Allowance remained unchanged and the current Members' Allowances Scheme was adopted for the 2014/15 municipal year. He also welcomed the Panel's intention to put forward recommendations for a scheme that could be approved by the current council to be effective from the inception of the newly elected council in 2015 and run for the duration of that council. He hoped that such a scheme would be one that would encourage people from all communities to consider standing as a councillor and would therefore reflect the level of commitment that was required.
- 91.3 Councillor Morgan agreed that in view of the budgetary constraints faced by the authority at this point in time that it is was not appropriate to approve an increase in allowances, albeit that it was below inflation and in-line with the public sector pay rise. He was therefore happy to support the amendment, however; he also hoped that in regard to the Independent Panel's future recommendations that the council would be prepared to accept them as it was the role of the Panel to review the scheme and consider how it should reflect the council's structure.
- 91.4 Councillor G. Theobald stated that he supported the amendment and thanked the Panel for their work.
- 91.5 The Chair stated that he agreed if the Panel were asked to undertake a review then the council should be open to receiving their recommendations and taking them forward. He put the amendment to the vote which was carried and the put the recommendations as amended to the vote.
- 91.6 **RESOLVED TO RECOMMEND:**
- (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.

**92. ITEMS REFERRED FOR COUNCIL**

- 92.1 No items other than those which were due to be considered at the Council meeting on the 12<sup>th</sup> December were referred to the council meeting for information.

**PART TWO SUMMARY**

**93. PRESTON BARRACKS REDEVELOPMENT - EXEMPT CATEGORIES 3 & 5**

- 93.1 **RESOLVED:** That the information contained in the appendix to the report listed at Item 88 on the agenda be noted.

**94. PART TWO PROCEEDINGS**

- 94.1 **RESOLVED:** That the information contained in the appendix listed as Item 93 on the agenda remain exempt from disclosure to the press and public.

The meeting concluded at 7.25pm

Signed

Chair

Dated this

day of

2014