

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 12 MARCH 2009****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

Also in attendance: Councillor Mitchell (Opposition Spokesperson), Councillor Kennedy (Green Spokesperson), Councillor Watkins (Liberal Democrat Spokesperson)

Other Members present: Councillors Kitcat and Oxley

PART ONE**175. PROCEDURAL BUSINESS****175a Declarations of Interests**

175a.1 Councillor Theobald declared a personal interest in item 190 as a relative was an employee of a consultancy firm used by the council.

175b Exclusion of Press and Public

175b.1 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

175b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 190 onward.

176. MINUTES OF THE PREVIOUS MEETING

176.1 **RESOLVED** - That the minutes of the meeting held on 12 February 2009 be approved as a correct record.

177. CHAIRMAN'S COMMUNICATIONS

177.1 The Chairman noted that the meeting would be web cast.

177.2 The Chairman reported three recent awards that the council had gained;

- A Four Star 'excellent' rating from the Audit Commission
- A 'Beacon Status' award in respect of managing the night time economy.
- "Investors in People" - recognizing the value placed on staff.

177.2 The Chairman reported the outcome of a Special Cabinet Meeting held the week before to discuss leasing arrangements at the Newhaven Waste Site. Special Cabinet had agreed to progress with negotiations in respect of the leasing arrangements.

177.3 The Chairman noted recent press reports about the decision of the Learning and Skills Council not to fund proposed redevelopments at City College, BHASVIC and Varndean. The Chairman was disappointed with the situation, but would ensure that the funding situation was closely monitored.

177.4 The Chairman invited Councillor Brown to address the Cabinet. Councillor Brown informed the meeting that plans to expand Balfour Junior School had been bought forward. This progress meant that all parents who had submitted appeals for their children to go to Balfour had been informed that their appeal had been conceded.

178. ITEMS RESERVED FOR DISCUSSION

178.1 All items were reserved for discussion.

179. PETITIONS

179.1 The Cabinet considered a petition presented by Councillor Oxley and signed by in excess of 2000 people.

'We, the undersigned, believe that the arrival of a major food retailer in Portland Road, would be devastating to local trade, would ultimately reduce competition and choice for local residents as businesses would be forced to close and would do nothing to help local traders manage the effects of the worsening recession.'

We also believe that another store selling alcohol is not necessary given the large number of outlets already selling such items in the area.

We call on Brighton & Hove City Council to defend small and medium sized businesses in the city in view of the economic downturn and for the future diversity of the city's economic base.'

179.2 The Chairman noted that there was also a Deputation and Member Letter on the same issue.

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

180. PUBLIC QUESTIONS

179.1 There were none.

181. DEPUTATIONS

181.1 The Cabinet considered a deputation presented by Mr Gavin Beatty. Mr Beatty spoke on behalf of residents and traders in and around Portland Road. He noted their concerns as regards the possibility of a large retailer moving into the area, citing unfair competition, the current economic climate and the healthy proliferation of stores in Portland Road as reasons against.

181.2 The Chairman thanked Mr. Beatty for his deputation.

181.3 Councillor Kennedy spoke in support of the deputation noting the impact of large retailers on smaller independent businesses.

181.4 **RESOLVED** – That the deputation be noted.

182. LETTERS FROM COUNCILLORS

182.1 (a) The Chairman invited Councillor Oxley to speak to his letter. Councillor Oxley spoke on behalf of residents and traders in Portland Road, noting objections to plans for a major food retailer to move into the area.

182.2 The Chairman thanked Councillor Oxley and Mr Beatty for their presentations, noting the work they had carried out on behalf of others since the plans had become apparent. The Chairman noted that many small businesses in Portland Road had worked extremely hard to bring in trade to the neighbourhood shopping areas and she appreciated the threat that they might feel should a large retailer move into the area.

182.3 The Chairman noted the priority the Administration had given during the recession to smaller businesses in the City. Assisting them with measures such as: promoting uptake of small business rate relief and the 'Be Local Buy Local campaign'.

182.4 The Chairman reported that she had requested officers examine information and research on the impact of major retailers locating in particular areas of the City, particularly in light of the current recession.

182.5 The Chairman recommended that Cabinet formally note the letter, the deputation from Mr Beatty and the petition. And that a report be brought to a future meeting on officers' work.

182.6 The Chairman concluded that the Cabinet would continue to work positively with existing retailers through Ward Councillors to do as much as possible to ensure the best outcome for all parties.

182.7 **RESOLVED** – That the letter be noted.

183.8 (b) The Chairman invited Councillor Kitcat to speak to his letter. Councillor Kitcat spoke, hoping to enable dialogue that would deter inappropriate submissions to the Planning Committee as regards the redevelopment of the Brighton Centre.

183.9 The Chairman welcomed the letter noting the protocols already in place as regards consultation about development. She noted the Supplementary Planning Document for the Brighton Centre adopted in 2004 and that the Brighton Centre steering group would be setting up an Advisory Consultation Panel to work with the developer and council to input into the feasibility stage work. Councillors Rufus and Kitcat would be invited to attend.

183.10 **RESOLVED** – That the letter be noted.

183. WRITTEN QUESTIONS FROM COUNCILLORS

183.1 The Chairman noted that there were two written questions and asked Councillor Kitcat to put his question.

183.2 By reference to tabled matter, Councillor Kitcat asked:

“Could the Cabinet Member for Central Services detail how many separate websites and domain names the council operates and at what annual cost?”

183.3 By reference to tabled matter, Councillor Fallon-Khan replied:

‘There is no consistent method of recording this at the moment, however, there appear to be around 33 Domain names registered with Nominet (.uk .org.uk .sch.uk and .gov.uk). There is an additional domain registered with JANET for the main site (.gov.uk) and around 5 other .org domains making 39 in total. The Nominet domains cost £5.00 per 2 year registration. The others are unlikely to cost much more than that so the total estimate is around £100.00 pa for the domain names.

In terms of websites, schools have around 70 and there are around a further 40 other satellite sites although a federated register is not maintained. 10 of these sites are run from the Council’s main web server including the main council and schools sites. We also support the Southdowns Trust internet and intranet sites (for which we charge them approx. £10k pa). Some of the sites are maintained by 3rd parties and some are no longer used.

We estimate that there are 2.5 Full Time Equivalent staff resources used in maintaining these sites, including ICT and Communications staff.’

183.3 Councillor Kitcat posed a supplementary question. He asked if it would be better value for money for the council to have a single website rather than the arrangement that it currently offered.

183.4 Councillor Fallon-Khan replied that a review of the councils ICT was imminent and would benefit to cross-party consultation. The opportunity to develop the councils web-presence would be part of the debate.

183.5 By reference to tabled matter, Councillor Kitcat asked a second substantive question.

‘Could the Cabinet Member for Central Services provide an estimate on the officer time and costs incurred as a result of the recent virus infection of the council network?’

183.6 By reference to tabled matter, Councillor Fallon-Khan responded

‘The bulk of the costs equates to loss of employee productivity as a result of the infection. We estimate that around 750 hours (104 man days) standards hours ICT resource will have been utilised by the end of this week to contain and clear the infection. This equates to approx. £125.00 per day totalling an estimated £13,000. In addition there has been some out of hours work to remove the worm from the network of £3,600.

Total cost of office time from ICT services = £16,600.

Februarys ‘Service Interruption Report’ shows that core infrastructure components were unavailable sporadically for 4 days between 10th – 13th Feb. This would have resulted in some impact to live services but we don’t record sufficient detail to allow us to identify the full impact of this.’

183.7 Councillor Kitcat posed a supplementary question. He noted the recent virus outbreak and asked why the council persisted in using software that was susceptible to such attacks in favour of cheaper and less vulnerable ‘open source’ software.

183.8 Councillor Fallon-Khan offered a written response.

183.9 **RESOLVED** – That the questions and responses as given be noted.

184. NOTICES OF MOTION

184.1 There were none.

185. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES

185.1 The Cabinet considered a report of the Interim Director of Strategy & Governance that reported the recommendations of the Overview and Scrutiny Commission in respect of their ‘call-in’ of the Cabinet decision made on 12th February 2009 as regards the disposal of the former ice rink site in Queens Square (for copy see minute book).

185.2 The Chairman thanked the Overview and Scrutiny Commission for their report and recommendations and noted the speed with which the scrutiny had been carried out.

185.2 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet rejected the following recommendation:

- (1) To amend the Cabinet decision of the 12th February as regards the disposal of the Queens Square Ice Rink site.

The Cabinet responded to the further recommendations of OSC as set out below;

- (a) That the decision taken by Cabinet on 12 February 2009 in relation to the disposal of the Ice Rink, Queen Square, be noted.
- (b) That the subsequent call-in request be noted.
- (c) That the additional information supplied by the Interim Director of Finance and Resources be noted.
- (3) That recommendations (b – d) are not accepted; namely
 - (b) That the Planning Department be requested to draw up a robust Planning Framework for this site that would include consultation with the local community before any subsequent decision is taken
 - (c) That this Planning Framework be appended to any future cabinet report pertaining to the disposal of this site
 - (d) That relevant extracts from the Hotel Futures Supplementary Planning Guidance be appended to any future Cabinet report if it is decided to pursue the option of an hotel for the site
- (4)
 - (a) To accept the recommendation that Cabinet ensure that the Council consults properly with Ward Councillors
 - (b) To note the recommendation that, in consultations with Ward Councillors it is made clear that their views are being sought and that relevant information will be available to them to form a view. And that a reasonable timeframe for requesting further information and for replies to be made be clearly indicated.

186. PLANNED MAINTENANCE BUDGET ALLOCATION 2009-10 AND PROGRAMME OF WORKS FOR THE COUNCIL'S OPERATIONAL BUILDINGS

186.1 The Cabinet considered a report of the Interim Director of Finance & Resources that reported on the proposed 2009/10 allocation of improvement and repair works to civic offices, historic, operational and commercial buildings within the Corporate Planned Maintenance Budget and the Social Care Planned Works Budget (for copy see minute book).

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

- (1) That Cabinet approve the financial allocation to an annual programme of works to the operational buildings at an estimated cost of £4,182,000 as detailed in Appendices A and B, in accordance with Financial Regulation A.5.6.7.

187. TREASURY MANAGEMENT POLICY STATEMENT 2009/10

187.1 The Cabinet considered a report of the Interim Director of Finance & Resources that provided information in relation to Part 1 of the Local Government Act 2003, which introduced a new capital finance system with effect from April 2004. This required the council to; comply with the requirements of 'the Code of Practice for Treasury Management in the Public Services' issued by CIPFA; and comply with investment guidance issued by the Secretary of State (for copy see minute book).

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

- (1) That the Treasury Management Policy Statement 2009/10 as set out in Appendix 1 to the report be approved.
- (2) That the Treasury Management Practices 2009/10 as set out in Appendix 2 to the report be approved.
- (3) That the Schedules to the Treasury Management Practices 2009/10 as set out in Appendix 3 to the report be approved.

188. ANNUAL INVESTMENT STRATEGY 2009 / 10

188.1 The Cabinet considered a report of the Interim Director of Finance & Resources that provided information regarding The Local Government Act 2003 that had introduced a prudential capital finance system whereby levels of borrowing and investments were decided locally by each council (for copy see minute book).

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

- (1) That the Annual Investment Strategy 2009/10 as set in Appendix 1 to the report be approved.
- (2) To recommend that Council to approve the Strategy at its meeting on 19 March 2009.

189. 2008/09 QUARTER 3 PERFORMANCE REPORT

189.1 The Cabinet considered a report of the Interim Director of Strategy & Governance that reported on progress against the Local Area Agreement and the 'health of our organisation' indicators (for copy see minute book)

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

- (1) That progress against the LAA outcomes and proposals for remedial actions against the indicators that are significantly off track are noted.
- (2) That Cabinet Members review their areas of poor performance in greater detail at future Cabinet Members Meetings and/or discusses with the relevant leading partnership progress on the action plans.
- (3) That changes in national performance management framework from CPA to CAA from April 2009 are noted.

PART TWO SUMMARY**190. PRESTON BARRACKS**

190.1 The Cabinet considered a report of the Director of Cultural Services that advised on the significant developments in the delivery of the Preston Barracks scheme. Most notably the Preferred Developer's response to deteriorating property market conditions, resulting in submission of revisions to the scheme granted landowner consent in September 2007. The report summarised the nature of the proposed revisions, set out key issues arising from these, and advised of the Project Board's recommendations (for copy see minute book).

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

- (1) That the project's complex history and background be noted and that these factors that had a significant influence on the city council's decision to grant landowner consent in September 2007, thus giving the developer a final opportunity to progress the scheme.
- (2) That the revised proposals submitted by the Preferred Developer be noted, and that the considerable efforts it has made over the past 5 years to deliver a high quality scheme at Preston Barracks be recognised.
- (3) That the assessment findings and the officers' view that the latest proposals, as set out in Section 3 of the report, add risk and uncertainty to an already difficult scheme.
- (4) That the recommendations of the Project Board, which concluded that the revised proposals should not be supported and that landowner consent and preferred developer status should therefore be withdrawn (Option 4) be approved.

(5) That in the absence of an agreed scheme, and in view of the many options considered over time, it is agreed that it is appropriate for the city council to review the development opportunities and to explore alternative delivery arrangements with interested parties.

(6) That whilst it is appropriate for the full content of this report to remain confidential, the above recommendations should, subject to the Cabinet's final decision, be made public.

190.3 The Cabinet determined that the recommendations contained within the confidential report should be made public following their approval.

191. PART TWO MINUTE OF 12 FEBRUARY CABINET MEETING

191.2 **RESOLVED** – That the Part Two Minute of the Cabinet Meeting as held on 12 February be agreed as a correct record.

192. TO CONSIDER WHETHER OR NOT ANY OF THE ABOVE ITEMS AND THE DECISIONS THEREON SHOULD REMAIN EXEMPT FROM DISCLOSURE TO THE PRESS AND PUBLIC

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

192.2 **RESOLVED** – That items 190 and 191; contained in Part Two of the agenda remain exempt from disclosure to the press and public.

The meeting concluded at 5.30pm

Signed

Chair

Dated this

day of

