

Decision No: CAB33 16/10/08

Forward Plan No: CAB3292

This record relates to Agenda Item 88 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ENVIRONMENT
SUBJECT:	SECRETARY OF STATE'S PROPOSED MODIFICATIONS TO THE DRAFT SOUTH EAST PLAN
AUTHOR:	MIKE HOLFORD

THE DECISION

(1) That following response to the South East Plan be approved;

The City Council:-

i). Supports the need to demonstrate and employ best practice in design and construction for waste minimisation and recycling in Growth Points and Strategic Development Areas including Shoreham Harbour (policy W2).

ii). Welcomes the recognition that policy CC8 gives to the importance of green infrastructure, and the biodiversity, recreational, and cultural benefits it can help to deliver.

iii). Objects to policies RE2 and H2 as failing to give local authorities sufficient guidance in the preparation of their Local Development Documents.

iv). Objects to the housing provision figure for the City of 620 dwellings per annum as the Secretary of State has not demonstrated that this can be accommodated in the City without adverse impact on the quality of life, the character of the urban environment and the economy. The high level of residential completions noted by the Secretary of State has been at the height of the housing market. Amongst other things, the City Council is looking to deliver housing that meets local needs, particularly family housing which is likely to reduce the number of units to be completed on relevant sites. The City Council asks the Secretary of State to take note of the findings Council's Strategic Housing Land Availability Assessment produced in-line with government guidance.

v). Is concerned that the emphasis on delivering housing numbers in the wider Shoreham Harbour Strategic Development Area could prejudice broader and longer term economic development objectives. The City Council believes that 10,000 units in the wider Harbour area is likely to be the absolute maximum achievable and that a more realistic figure is 5,000 to 6,000 dwellings to be able to develop a genuine mixed-use sustainable community. The City Council believes that the potential to deliver a significant number of jobs at the Harbour should be identified as part of the Strategic Development Area.

vi). Informs the Secretary of State that not all of the proposed Shoreham Harbour Strategic Development Area lies in Adur District, West Sussex but is also in Brighton and Hove and to provide the scale of development suggested by the Secretary of State will need to encompass a wider area than the operational port (see comments at point v above).

vii). Requests that the City's housing provision figure is reduced to reflect that a significant proportion of the Shoreham Harbour Strategic Development Area lies within the City boundaries, as has been done for Adur District Council.

viii). Requests (in view of the points raised at iv to vii above) that the relevant housing provision figures are set at 10,400 (520 pa) for Brighton and Hove and a total of 600 dwellings for the Shoreham Harbour Strategic Development Area.

ix). Requests that the Secretary of State clarifies that should the Shoreham Harbour Strategic Development Area not deliver the amount of housing ultimately indicated in the South East Plan, that the City Council and its partner authorities will not be required to make up this shortfall elsewhere.

x). Objects to policy W3. The methodology to apportion London's waste still does not adequately recognise the difficulties of providing sufficient landfill space to meet London's need. For Brighton & Hove and East Sussex those difficulties mainly concern the large proportion of Areas of Outstanding Natural Beauty in the Plan area, the distance that waste would have to travel to reach any future landfill and the difficulty of moving that waste. These difficulties are reflected in that there is no historical disposal of London's waste in Brighton & Hove or East Sussex.

xi). Requests that should the Secretary of State not amend W3 in line with the City Council's objection (point ix. above), the City Council re-iterates the need for local testing of the apportionment on London's waste through Waste Development Frameworks to examine the practicalities of the approach.

xii) Objects to policy T3 which encourages the consideration of road charging in regional hubs, and considers that road charging schemes are neither appropriate nor desirable for Brighton & Hove.'

REASON FOR THE DECISION

The alternative would be to accept the SoS recommendations which officers believe would have a detrimental impact on the City and conflict with the City Council's priorities

DETAILS OF ANY ALTERNATIVE OPTIONS

The alternative would be to accept the SoS recommendations which officers believe would have a detrimental impact on the City and conflict with the City Council's priorities

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision

Date:

16 October 2008

Decision Maker:

Councillor Mary Mears
Leader of the Council

Signed:

Proper Officer:

16 October 2008

Mark Wall, Head of Democratic Services

Signed:

SCRUTINY

Note: This decision will come into force at the expiry of 5 working days from the date of the meeting at which the decision was taken subject to any requirement for earlier implementation of the decision.

Call-In Period

16-23 October 2008

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)

Decision No: CAB – 34 16/10/08

Forward Plan No: CAB 2205

This record relates to Agenda Item 89 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	FINANCE & RESOURCES
SUBJECT:	ASSET MANAGEMENT PLAN & CORPORATE PROPERTY STRATEGY 2008-11
AUTHOR:	ANGELA DYMOTT

THE DECISION

- (1) That the Asset Management Plan & Corporate Property Strategy (AMP & CPS) 2008-2011 as set out in Appendix 1 of the report be approved.
- (2) That it be noted that the views of the Overview and Scrutiny Commission of the 9th September 2008 have been sought and comments as minuted in Appendix 2 of the report have been covered in the report and included in the AMP & CPS 2008-11.

REASON FOR THE DECISION

- (1) The council needs an overarching property strategy and asset management plan to ensure that it is making best use of its property asset base and achieving value for money. It needs to demonstrate the rationale for continuing to hold property assets and show how the property objectives link to the council's corporate priorities, improve performance, service delivery and facilities for the City.
- (2) The decision is required to endorse the adoption of the refreshed AMP & CPS 2008-11 and enables the council to fulfil its commitment to deliver the targets and asset management action plan.

DETAILS OF ANY ALTERNATIVE OPTIONS

The document is a statutory requirement and set out accordingly. All Local Authorities Asset Management Plans are structured to a prescriptive form as specified under the Royal Institution of Chartered Surveyors (RICS) guidance notes and endorsed by the Institute of Public Finance (IPF) and the Department of Communities & Local Government (DCLG).

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Proper Officer:

16 October 2008

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Call-In Period

16-23 October 2008

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in (<i>if applicable</i>)

Decision No: CAB – 35 16/10/08

Forward Plan No: CAB 3342

This record relates to Agenda Item 90 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	CHILDREN'S SERVICES
SUBJECT:	UPDATE AND OUTCOME OF THE FORMAL CONSULTATION STAGE FOR THE PROPOSED FALMER ACADEMY
AUTHOR:	LORRAINE O'REILLY

THE DECISION

- (1) That progress since the Cabinet Report of 10th July 2008 be noted.
- (2) That the outcome of the statutory stage of consultation undertaken between 1 September and 13 October 2008 be considered.
- (3) That, taking into account the requirements of the Education and Inspections Act 2006, the statutory guidance contained in the DCSF document entitled 'Closing of a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies' and the responses to consultation, the conditional approval be given to close Falmer High School on 31st August 2010 to enable the immediate opening of Falmer Academy on 1st September 2010. This approval is conditional upon the making of an agreement under Section 482(1) of the Education Act 1996 for the establishment of an Academy. This condition must be met by 31st January 2009.
- (4) That the Director of Children's Services be delegated authority to submit the Outline Business Case (OBC) to the DCSF to enable the project to move into the Implementation Stage.

REASON FOR THE DECISION

- (1) It is recommended that the proposals to close Falmer High School are approved subject to the condition that an agreement under Section 482 (1) of the Education Act 1996 is made for the establishment of an Academy on the same site. This agreement must be made by 31st January 2009. The signing of the Funding Agreement effectively constitutes this agreement.
- (2) The proposal to close Falmer High School is inextricably linked to the proposal to open an Academy on the same site the following day. Consequently the Academy proposal is instrumental in the factors to be considered in determining the closure proposal.
- (3) The Academy proposal will afford significant capital investment in the school which will enable the development of the curriculum going forward. This will contribute to raising standards at the school improving attainment for children and young people.
- (4) The setting up of an Academy on the site of Falmer High school will contribute to a strategic approach to diversity in choice for secondary education within the city.
- (5) The Academy will offer a focal point for the community providing a range of extended services to all ages. The Academy will encourage business and community participation in all types of events and activities.
- (6) The Academy will adhere to the Councils admissions arrangements which is based on catchment areas. This provides a truly local school which serves its most immediate community and assists in the aspirations of the Local Authority in terms of green travel arrangements.
- (7) The proposed Academy will have an on site sixth form which Falmer High school does not currently provide. This will enable students to access a coherent and exciting 14 to 19 curriculum offer. It is believed that this will encourage more young people to take up the opportunity for further and higher education.
- (8) Falmer High School currently hosts the Swan centre. This is a valuable and successful facility for young people on the Autistic spectrum. This facility will be housed within the Academy in new purpose built accommodation so there will be no loss of provision as a result of these proposals.
- (9) There has been a wide ranging consultation with the school, stakeholders and the wider community. The results of the pre statutory notice consultation is included in the full proposal and shows that on balance there is support for the proposals.

DETAILS OF ANY ALTERNATIVE OPTIONS

(1) Officers and the Lead Member of the CYPT have considered the alternatives to improve not only the outcome for pupils (which have improved considerably over the last few years but which fall short of the 30% benchmark for GCSEs when including English and Maths) and the possibility of rebuilding the current school.

(2) As Falmer High School comes within the National Challenge Programme, the CYPT submitted an Action Plan for Improvement. The development of the Academy in such circumstances is accepted by Government as an appropriate option for significant improvement.

(3) The Council does not enter the Building Schools for the Future (BSF) Programme until 2015. Although the DCSF recently announced a reconsideration of the programme, they have also made clear that local authorities would be expected to widen parental choice and take action to develop Academies, Trust or Federated Schools. Given this, the improvements at Falmer High School so far and the uncertainty of any future BSF programme, officers consider that the Academy offers the best option for the pupils and the local community and the site.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Councillor Mary Mears
Leader of the Council

Signed:

Proper Officer:

16 October 2008

Mark Wall, Head of Democratic Services
Signed:

SCRUTINY

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Call-In Period

16-23 September 2008

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 36 16/10/08

Forward Plan No: CAB2379

This record relates to Agenda Item 91 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ENVIRONMENT
SUBJECT:	CORPORATE ENFORCEMENT POLICY
AUTHOR:	JOHN PEERLESS

THE DECISION

That the revised Corporate Enforcement Policy be approved and its implementation by all enforcement sections in the Council be authorised.

REASON FOR THE DECISION

The proper implementation of the Policy will help the Council achieve its objective to have fair law enforcement across all regulatory services.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) Consideration was given to the maintaining the status quo but such action could lead to an inconsistent approach to enforcement activity.
- (2) Environmental Health and Trading Standards could be asked to develop, publish and implement a service specific policy as required by the Compliance Code. However this could also lead to inconsistencies and this approach lacks openness and transparency.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Proper Officer:

Mark Wall, Head of Democratic Services

Signed:

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 37 16/10/08

Forward Plan No: CAB 2381

This record relates to Agenda Item 92 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	ENVIRONMENT
SUBJECT:	SURVEILLANCE POLICY
AUTHOR:	JOHN PEERLESS

THE DECISION

- (1) That the continued use of covert surveillance and the accessing of communications data as an enforcement tool be approved; this to prevent and detect all crime and disorder investigated by its officers, providing that necessity and proportionality rules are stringently applied.
- (2) That the implementation of an Annual Review relating to the use of RIPA powers be approved.
- (3) That the use of the National Anti Fraud Network as the Single Point of Contact for accessing communications data be approved and that the Head of Trading Standards and Head of Operations be identified as the 'Designated persons' as required by legislation.

REASON FOR THE DECISION

(1) The introduction of the Corporate Enforcement Policy should help to ensure that identified breaches of the law are dealt with in the most appropriate manner. However it is essential that officers are able to use the RIPA powers for all crimes regardless of how trivial some may be perceived, but only after exhausting all other methods of enforcement. As authorisation is generally given at Head of Service level and above it is unlikely that these powers will be abused.

(2) The implementation of an Annual Review would make the whole process transparent and demonstrate to the public that the correct procedures are followed.

(3) The 'access to communications' process would be more effective, efficient and objective if it single point of contact service was carried out by the National Anti Fraud Network

DETAILS OF ANY ALTERNATIVE OPTIONS

(1) Consideration was given to recommending that Cabinet stipulate those crimes that were trivial and therefore the powers referred to in the report should never be used. This approach is not considered necessary given the level at which authorisations are made.

(2) A review of 'surveillance activities' could be the subject of the normal scrutiny process and this option has equal merit.

(3) The status quo could be maintained in respect of the 'access to communications data' process but moving the SPOC service to NAFN would be more effective and an efficient use of resources.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 38 16/10/08

Forward Plan No: CAB5126

This record relates to Agenda Item 93 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA:

SUBJECT: ACCEPTANCE OF CIVITAS FUNDING
AND STAGE ONE RESEARCH

AUTHOR: TOM CAMPBELL

THE DECISION

That the Cabinet accepts the EU funding to initiate Stage 1 of the CIVITAS project, this will involve some research and feasibility design for the projects in the CIVITAS programme (see Appendix I of the report).

REASON FOR THE DECISION

- (1) Participation in the programme will bring an additional £2.2m of EU Funding into the city over the next four years. This will be used initially for feasibility studies then design and implementation of innovative sustainable transport projects.
- (2) Involvement in the programme will greatly assist the achievement of local and national policy targets in the field of transport and sustainability. The council will have the opportunity to share and benefit from best practice through knowledge sharing with other European cities.
- (3) Once a city has been a partner on one CIVITAS bid, it can lead on another. As such, participation in the CIVITAS programme opens up an opportunity for Brighton & Hove to access further funding through a future CIVITAS programme subject to cabinet approval.
- (4) The bid will enable the council to implement innovative transport projects that will benefit the City and further expand existing Local Transport Plan projects, such as School Travel Plans.
- (5) CIVITAS will also provide funding for resources to deliver the projects

DETAILS OF ANY ALTERNATIVE OPTIONS

If the council does not accept the funding, it loses the opportunity to deliver the additional projects made possible through the bid.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Mark Wall, Head of Democratic Services

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 39

Forward Plan No: CAB2195

This record relates to Agenda Item 94 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	FINANCE & RESOURCES
SUBJECT:	PATCHAM COURT FARM – UPDATE ON DISPOSAL
AUTHOR:	ANGELA DYMOTT

THE DECISION

That the Cabinet approve the re-marketing of the site with a broadened planning brief through the council's agents DTZ, by contacting potential interested parties to test the market now and following re-assessment of the market to re-launch the site in Spring 2009. This course is not to preclude consideration of disposal in the event that an appropriate prior bid emerges in line with the current planning criteria.

REASON FOR THE DECISION

(1) To test the market in accordance with option 6.1 c) and establish a value for the site in difficult economic conditions and obtain funds to meet the Council's objectives in the rest of the City. This approach will also enable us to test the market now and re-launch the property on the market in Spring 2009 in time for the anticipated market upturn. Subsequent evaluation of offers and negotiation will provide an opportunity to reappraise as (and if) the market improves, but this course does not preclude consideration of disposal in the event that an appropriate prior bid emerges in line with the current planning criteria.

(2) To make best use of an existing asset and provide employment opportunities for the City.

DETAILS OF ANY ALTERNATIVE OPTIONS

(1) An option analysis of alternatives was undertaken by our agents DTZ at the Council's request. Six main options have been explored

a) Sale to original bidders: these options have been pursued by DTZ but the Developers are now unwilling to proceed.

b) Encourage approaches from other parties for office development and other appropriate uses: DTZ could contact the parties who did not make the short list and others who the agents consider might be interested. This approach may miss potential bidders and may not maximise value in current market conditions. Other uses such as an hotel would produce a lower price and again selected approaches to a limited number of parties would miss out other potential bidders.

c) Re-market site: This option would ensure that all potential bidders are made aware of the availability of the site and that a disposal achieves best consideration to comply with our legal obligations. The best time for marketing would be either autumn or spring. The autumn market is predicted to be slack and the timing may not be best before the Christmas break. Spring marketing will enable ample preparation and should be better in market terms.

d) Submit a Planning Application for the site: this would remove some uncertainty for the successful developer but would not be appropriate for every party. There is the likelihood that a further planning application would be made varying the planning permission negating the time saved. The estimated cost for a full planning application with an Environmental Assessment is £100,000 which may not be fully recovered by any increase in the price.

e) Set up Joint Venture to deliver planning permission and potentially develop: this would be undertaken by approaching selected parties of sufficient standing. It would involve a more complicated legal structure and documentation. There would be a share in the potential upside to compensate for a lower current price but the Council would not receive 100% of the uplift in land values if market conditions improve.

f) Wait until the economy improves before going to the market: This may not be until 2009 /2010 and this option remains open if acceptable offers are not forthcoming in the spring.

(2) Our agents DTZ therefore recommend option 6.1 c) to re-market the site and test the market in spring 2009.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 40

Forward Plan No: CAB 2912

This record relates to Agenda Item 95 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA: ENVIRONMENT

SUBJECT: AGENCY CONTRACT FOR
TEMPORARY STAFFING

AUTHOR: LANCE RICHARD

THE DECISION

- (1) That the award of the contract to Plan Personnel, following the outcome of a tender submission and formal presentation, be approved.
- (2) That the contract start date be approved as Monday 12th January 2009

REASON FOR THE DECISION

- (1) Following a tender process in line with both EU and council regulations the contractor has shown through his tender submission and subsequent presentation that they are the company which has provided most evidence to support they ability to deliver on this contract.
- (2) The contract will support a number of the council's priorities in both better use of public money and increased opportunities for employment of local people contributing to the growth of the local economy.

DETAILS OF ANY ALTERNATIVE OPTIONS

- (1) Alternative options for the provision of workers to CityClean:
- (2) Consideration of an in-house bid has been reviewed in view of the payment complexities at CityClean and the salary costs this is not financially viable.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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16-23 October 2008

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 41 16/10/08

Forward Plan No: N/A

This record relates to Agenda Item 96 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER: CABINET

PORTFOLIO AREA:

SUBJECT: WAIVER OF CONTRACT STANDING
ORDERS: ANNUAL REPORT

AUTHOR: CLAIRE JONES

THE DECISION

That Cabinet note the trends and statistics drawn from the information in Appendices A & B of the report

REASON FOR THE DECISION

(1) The analysis does not suggest any failure to comply with CSOs. The decrease in the value of waivers is consistent with the streamlining of the waivers authorisation and notification processes. This demonstrates achievement of value for money and reflects the changing nature of procurement, including the move to greater use of partnership working and collaboration.

(2) Corporate Procurement continues to increase the profile of procurement with officers seeking advice about tendering and the use of more innovative approaches to procurement, which are allowed for within CSOs without the need for a waiver for e.g. the increase in collaboration with neighbouring councils and the use of consortium contracts. The revised Corporate Procurement Strategy has also supported this profile raising and the need for best practice procurement.

DETAILS OF ANY ALTERNATIVE OPTIONS

None

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Proper Officer:

Mark Wall, Head of Democratic Services

Signed:

SCRUTINY

N/A

Call-In Period

N/A

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CAB – 42 16/10/08

Forward Plan No: N/A

This record relates to Agenda Item 97 on the agenda for the Decision-Making

RECORD OF CABINET DECISION

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	STRATEGY & GOVERNANCE AND ENVIRONMENT
SUBJECT:	COASTAL PROTECTION SCHEME: LITIGATION
AUTHOR:	LOUSIE HANRAHAN

THE DECISION

(1) That the recommendations be agreed as per the report.

REASON FOR THE DECISION

N/A

DETAILS OF ANY ALTERNATIVE OPTIONS

N/A

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

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Results of Call-in *(if applicable)*