

BRIGHTON & HOVE CITY COUNCIL

CABINET

4.00PM 11 NOVEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Also in attendance: Councillors Mitchell (Opposition Spokesperson) and Randall (Opposition Spokesperson)

Other Members present: Councillors Davey, Fryer, Hamilton and Hawkes

PART ONE

90. PROCEDURAL BUSINESS

90a Declarations of Interest

90a.1 Councillor Randall declared a personal, but non-prejudicial, interest in Items 104 and 110, reports from the Strategic Director, Place concerning the council's response to the financial and commercial offer from Brighton & Hove Seaside Community Home Ltd, as he was a Board Member of the company.

90b Exclusion of Press and Public

90b.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

90b.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 112 onwards.

91. MINUTES OF THE PREVIOUS MEETING

91.1 **RESOLVED** - That the minutes of the meeting held on 14 October 2010 be approved as a correct record.

92. CHAIRMAN'S COMMUNICATIONS

- 92.1 The Chairman noted that the meeting would be webcast.
- 92.2 The Chairman welcomed the council's four new Strategic Directors; Terry Parkin, Geoff Raw, Charlie Stewart and David Murray.
- 92.3 The Chairman announced that funding had been found to complete the transformation of the remaining 11 children's parks which were originally part of the Playbuilder programme. Officers would draw up a revised work schedule and it was hoped that the first playgrounds would be completed by spring 2011.
- 92.4 The Chairman reported that approval had been received from the Secretary of State in relation to the council's Local Enterprise Partnership (LEP) bid: 'Coast to Capital'. The LEP would cover the whole of West Sussex, Brighton & Hove, the Gatwick Diamond and the London Borough of Croydon and would have the potential to create 100,000 jobs in the private sector over 25 years.
- 92.5 The Chairman reported that The 'Decentralisation and Localism Bill' was due to be published in November and that the council was keen to take advantage of the freedoms and opportunities it would provide in order to take the City forward. She advised that the Governance Committee would consider the Bill in more detail, but that many of the proposals already appeared to be promising, including radically decentralised planning, housing and economic development.
- 92.6 The Chairman highlighted the success of the recent White Night festival and thanked all those involved for increasing the number of events and visitors.
- She also highlighted the opening of the new temporary ice rink in the Pavilion Gardens, which would be an exciting attraction for the city in the run up to Christmas.
- 92.7 The Chairman noted items on the agenda in relation to the Brighton Station Gateway and the Local Delivery Vehicle (LDV) for housing and their potential to bring significant improvements to the city. She paid tribute to all those involved in both projects including partner organisations.
- 92.8 The Chairman noted that Armistice Day was being recognised across the city and reported that a portrait of Henry Allingham, commissioned by the Civic Awareness Commission and painted by local artist Mary Jane Ansell, had been unveiled at Brighton Town Hall to commemorate his life.

93. ITEMS RESERVED FOR DISCUSSION

- 93.1 **RESOLVED** – That all the items be reserved for discussion.

94. PETITIONS**94(i) Petition – trees in Portslade Cemetery**

94.1 Ms Heather French had submitted an e-petition signed by 7 people calling for the council to prune the trees in Portslade Cemetery. The petition stated that the trees had not been pruned for 14 years and were causing a number of problems for residents with gardens backing on to the cemetery.

94.2 Councillor Hamilton presented the e-petition on behalf of Ms French, along with an additional paper petition signed by 37 people.

94.3 Councillor Alford advised that he had visited the cemetery with officers to look at the problems identified and confirmed that the trees in the cemetery were mature, large and stable. He reported that officers from the Arboriculture Team, Legal Services and Life Events had looked into the issues raised and made the following comments:

- A technical health and safety audit had recently been carried out and a small number of trees were identified as needing some remedial attention; work would commence shortly and a further inspection was planned before the end of the year.
- Where there was encroachment across garden boundaries, residents were within their rights to prune and could liaise with the council if the foliage was difficult to dispose of; this would remedy the leaf fall and light issue.
- The size of trees alone was not cause for remedial work.
- There were no recorded instances of trees in the cemetery being struck by lightning and any such occurrence would be unlikely.
- While light and leaf fall may impact on a garden, they were not issues subject to legislation.
- The council assessed the risk of hazards every year and used a system for managing trees based on the level of risk and this included trees in the cemetery.
- The budget for grounds maintenance for cemeteries was for all grounds maintenance issues, and repair work to damaged pathways and roads had been prioritised following a health and safety assessment.

Councillor Alford advised that he had instructed officers to continue working with residents and Councillor Hamilton, and that this, along with the council's inspection regime, would mitigate any perceived element of risk.

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

95. PETITIONS DEBATED AT COUNCIL**95A Connexions**

95a.1 The Cabinet considered a petition referred following a Full Council debate on 21 October 2010 concerning the impact of cuts to Connexions Service on young people and staff.

95a.2 The Chairman advised that a Notice of Motion on the same subject had also been debated at the Council meeting and that both items would be responded to under Item 100A.

95a.3 **RESOLVED** – That the petition be noted.

96. PUBLIC QUESTIONS

96.1 The Chairman reported that 3 public questions had been received.

96.2 Mr Paul Sutherland asked the following question:

“Is the failure of a new business venture in Brighton & Hove and the loss of 12 employment opportunities in a recession a proportionate cost considered against the minor change to road layout of New Road at no cost to the council?”

96.3 The Chairman advised that Councillor Theobald, Cabinet Member for Environment, was unable to attend the meeting and that she would respond to the question. She gave the following response:

“The council is committed to encouraging local businesses to locate and grow in the City and to support the private sector in creating jobs.

This issue is not merely a minor change in the road layout but concerns moving a Disabled Bay in New Road to allow outside seating of a proposed restaurant. The changes made to New Road in 2007 transformed the area into an award winning shared space that has helped business growth in the area and is now one of the most visited locations in the city. The street layout was carefully refined through consultation in order to reach a balance that addresses the needs of its various users.

The council takes the matter of equal access for all very seriously and it is important that disabled visitors are given equal access to enjoy the benefits of New Road as others are able to do.”

96.4 Mr Sutherland asked the following supplementary question:

“With the government encouraging new business to revive the economy, why is our new business not allowed to operate on the same level playing field as similar establishments in the same road?”

96.5 The Chairman gave the following response:

“I am going to come down and have a look myself. I will come going along New Road and look at the issue you are raising and I will respond to you.”

Note: Mr Sutherland provided photographic evidence to the Democratic Services Officer for the Chairman to consider.

96.3 Ms Penny Gilbey asked the following question:

“As the Cabinet member for Central Services you have Hangleton Bottom as part of your portfolio. You are also a councillor for the ward in which Hangleton Bottom is situated. It is clear that the majority of residents in North Portslade Ward do not want any business development at Hangleton Bottom. In light of this are you prepared to cancel the marketing exercise that your party started earlier this year and give an undertaking that the Conservative Administration will abandon any proposals to sell this green field site on the urban fringe?”

96.4 Councillor Alford gave the following response:

“In 2005 the Labour Administration, which included Councillor Mitchell as Chair of Environment, Councillor Hamilton as Chair of Planning and Councillor Carden as Mayor, agreed to allocate Hangleton Bottom as a waste recycling station within the Waste Local Plan. My own views on Hangleton Bottom are well known; I do not want any form of commercial recycling on this downland site. Personally, with our 10,000 person waiting list for housing, I’d like to see some of the site given over for family housing; I believe there are lots of uses it could have.

For some years, since the road contractors moved in, the site has been left in a state of disuse. Under the Corporate Property Strategy and Asset Management Plan the council continually reviews its property portfolio to ensure that its buildings and sites are being used in the best possible way: economically, efficiently and effectively. This includes vacant redevelopment sites particularly as the council’s available redevelopment sites are limited and cannot remain vacant indefinitely. As approved and agreed at the Central Services Cabinet Member Meeting earlier this year on 18 January, we are currently working up ideas for an informal planning and development brief with a view to exploring the market interest out in the property market once the brief is finalised and agreed. Soft market testing of the property interest needs to be done to enable the council to take informed decisions about the possible future uses for the site.

Last year the council made the decision to market test the site; this is not about selling the site, it’s about seeking ideas from the business community as to what thoughts they may have for what the site may be used for. I believe the council was correct in suggesting this course of action and it’s the responsible thing to do to seek a sustainable future for this site. The process is still in its infancy stages, but when and if suitable ideas come along, the local residents will expect to be fully consulted on any options.”

96.6 Ms Gilbey asked the following supplementary question:

“Given that industrial waste was not included in the waste plan, which the Conservative party voted for, will you cancel the marketing exercise, yes or no?”

96.7 Councillor Alford gave the following response:

“The Local Plan contains what the Local Plan contains and only what is in there can be considered for the site.”

96.4 Mr Peter Crowhurst asked the following question:

“In February 2007, the tenant of 50 Kensington Place died. The Council confirmed the property would be renovated in the summer 2007; then November 2007; then April 2009. This has still not been done. Three sets of squatters have broken in. The Council has failed the local residents inflicting stress and distress on them due to their neglect, has failed the people on the housing list, has facilitated the destruction of a grade II listed house and wasted taxpayers’ money due to numerous police visits. It is time to sell this property. Who benefits from the Council retaining this property?”

96.5 Councillor Caulfield gave the following response:

“I do know 50 Kensington Place very well and do have a number of empty properties in my own ward so I do know the impact that having a empty property in your area can have on neighbours and on residents. The council is desperate, as you say, for family housing; we inherited over 100 properties in this state in 2007 and each year we are bringing more and more of them back into use. This year alone we have spent £300,000 bringing 46 of those properties back into use across the city and the ones we have left are the very expensive ones; if we had the money, we would open them all up tomorrow.

However, for 50 Kensington Place we will be able to bring it back into use very shortly. The disappointing element of this particular case is that the couple of times that we have had the money there have been squatters in place, and these squatters, who emailed me on a regular basis, were asking to stay in the house and set it up as an art gallery. However, events surpassed themselves and I do believe a party took place very recently and with our court hearings we were able to close the property up and they actually left of their own accord.

While all of this was going on the money we did have set aside for 50 Kensington Place has been spent on opening up other properties. So following the lengthy and costly court proceedings to get the squatters removed, we have found the money to repair other buildings instead. However, in this Cabinet meeting today, we do have a report coming on the agenda which outlines our plans to secure funding for a housing company. The funding generated from this project aims to be used to bring all of our expensive empty properties across the city, including 50 Kensington Place, back into use.

This report demonstrates that, even with the considerable damage that the squatters have done, the Council is committed to finding the investment so that the property can be restored and let to a family who has been waiting patiently on the council housing waiting list.

I therefore do not agree that it is time to sell the property as a strategy is in place which aims to generate the investment required to refurbish the property and ensure that the property is retained as social housing and allocated to one of the many families in the city who are in housing need.”

96.8 Mr Crowhurst asked the following supplementary question:

“If this money from the LDV does not materialise, and I understand that the LDV still has to secure the funding, and you have not started work on this property by the end of the year, as promised today in email to Peter Harold, will you focus on the needs of the residents of Kensington Place and sell this property, or will the policy of ignoring the needs and rights to security of local residents be continued?”

96.9 Councillor Caulfield gave the following response:

“Work is going to be starting in the next few days. Our Asset Manager is going to be visiting the property, which he has to do with local planners because, as most people know, it’s a Grade II listed building. They have done this work several times before, but because of the recent involvement of the squatters we are going to have to reassess, so there will be workers going in there before Christmas to establish what work needs doing, costing it back up and to see what building regulations and planning requirements will be done. So that work will be done before Christmas, and the actual work itself – once we’ve got the cost and know exactly what’s in place – will then be starting shortly afterwards.

If the LDV doesn’t go ahead then there are other options that we are considering, but that is our first plan and we need to do that. In terms of meeting residents’ needs, we have all residents in the city to consider and that property is a valuable asset to this council to meet the housing needs of residents of this city.”

97. DEPUTATIONS

97.1 The Chairman reported that two deputations had been referred from the Council meeting on 21 October 2010. The first was from Ms Christina Summers and concerned the Connexions Service, and the second was from Ms Pip Tindall and concerned the future of Portslade Community College.

The Chairman explained that, as both deputations had received responses at the Council meeting, they were reported to the Cabinet for information only.

97.2 **RESOLVED** – That the deputations be noted.

97.3 The Cabinet considered a further deputation presented by Mr John Melson concerning the use of the Local Delivery Vehicle (LDV) to secure the investment required to improve council homes and refurbish empty properties to help meet housing need in our City.

Mr Melson reported that tenants across the city were in favour of the LDV as the best option to secure the funding needs to improve their homes and urged the Cabinet to accept the recommendations in the report under Item 104. He advised that tenants were disappointed with the financial information in the report; they felt that the valuation seemed low and that the risk to the council was negligible. The LDV would provide a capital sum to repair homes and also provide a hidden saving by reducing the need to place people in expensive private sector housing; tenants agreed that it was the only way to achieve the council’s aim of improving its housing stock.

97.4 The Chairman noted that a draft extract from the proceedings of the Housing Management Consultative Committee (HMCC) meeting held on 8 November had been circulated and that it endorsed Mr Melson's comments and highlighted tenant involvement in and support for the LDV.

97.5 Councillor Caulfield stated that the report at Item 104 had been discussed at the HMCC meeting and tenants' comments had been taken on board. She agreed with Mr Melson that, while it was important to be cautious, not investing in the housing stock would have a significant impact on people's lives. The proposals had received cross-party support and tenants continued to be heavily involved in the work towards a common goal.

The money required to achieve the Decent Homes Standard had decreased and the Standard would soon be achieved, however, the council was committed to achieving the higher standard expected by the tenants in the city and the success of the LDV was key to that aim. The LDV would also enable the council to bring empty properties back into use and begin building new council homes for the first time in 30 years.

Councillor Caulfield noted that pursuit of the express consents route caused a delay. However, the HMCC had agreed to draw a line under the issue and concentrate on the LDV. She urged the Cabinet to take into account the minutes from the HMCC along with the deputation from Mr Melson when considering Item 104 later on the agenda.

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

98. LETTERS FROM COUNCILLORS

98.1 There were none.

99. WRITTEN QUESTIONS FROM COUNCILLORS

99.1 There were none.

100. NOTICES OF MOTION

100.1 The Chairman reported that two Notices of Motion had been referred to the Cabinet from Full Council on 21 October 2010 under procedural rule 8.5.

100A MAINTAIN THE BRIGHTON & HOVE CONNEXIONS SERVICE

100a.1 The Cabinet considered the following Notice of Motion proposed by Councillor Hawkes:

"This council recognises and values the work of the Brighton and Hove Connexions Service that provides high quality, impartial guidance to 13 – 19yr old young people relating to personal development, training and careers and seeks to ensure that young people make a smooth transition to adulthood and working life. It also recognises the specialist work undertaken with young people who have special educational needs.

This council acknowledges that the work of the Connexions Personal Advisors has directly contributed to the reduction in entrants to the Youth Justice System and numbers of teenage pregnancies in the city, where the council's own performance indicators demonstrate falling numbers.

In addition, there have been early signs of a welcome reduction in the numbers of young people not in education, employment or training. (NEET).

Therefore, this council expresses its great concern at the total reduction of £700,000 funding to the Connexions budget that has put the jobs of up to 40 Connexions workers at risk as well as significantly reducing the service to young people and jeopardising the progress made.

It calls on the Cabinet to continue the Brighton & Hove Connexions Service while urgently carrying out the following work:

- To properly examine the government proposals for the future of careers guidance and support contained within the Education Bill, due to be published in Autumn 2010.
- To fully consult with schools as to their capacity and willingness to take on this work and the implications for the transfer of statutory responsibilities.
- To carry out an Equality Impact Assessment to show how the impact of closing the Connexions service will affect service users, particularly those with SEN.
- To take into account the implications of the Government spending review.
- To bring forward a report to Cabinet that sets out how a personal development, careers advice and training guidance service will be maintained in the city and supported so that young people can be best helped to make decisions affecting their future.”

100a.2 The Chairman invited Councillor Hawkes to speak to the motion.

100a.3 Councillor Hawkes stated that unanimous agreement had been reached at the Council meeting. However, since that meeting the message from Government was that the Connexions Service would no longer exist in its current form from 2011/12. She advised that the council had a responsibility to sustain the service until that time, including safeguarding jobs, and to consider how best to provide the services in the future; key to this would be working closely with the schools to ensure that provision was appropriate, successful and available to vulnerable users who currently relied on the Connexions Service.

100a.4 Councillor Brown advised that the council would consider fully the implications for future careers guidance and support in terms of what might be contained in the forthcoming Education Bill. She noted the comments from John Hayes MP, Minister of State for Further Education, Skills and Lifelong Learning, concerning the establishment of an all-age guidance service independent of local authorities from September 2011, the responsibility of schools in ensuring young people received the necessary

information and guidance, and the continuing role of local authorities in supporting vulnerable young people and those not in education, employment or training (NEET).

Councillor Brown explained that, as part of the service redesign process, schools would be consulted on their role and responsibilities and support and resources would be provided to enable them to fulfil their statutory responsibilities. The general principles of the service redesign had been discussed at the Headteachers Steering Group, the 14-19 Partnership Board, and the 14-19 Partnership Board Information, Advice and Guidance Sub-Group. Senior managers from schools and college had agreed to work in partnership with the council to fill any gaps in provision to provide the best possible service.

An Equalities Impact Assessment (EIA) was in progress and would be available at the same time as the service redesign proposals, which would be brought forward following consideration of the impact of the government's spending review and would ensure that the council fulfilled its statutory responsibilities.

100a.5 The Chairman thanked Councillor Hawkes for her commitment to supporting young people in the city and confirmed that a report would be considered at a future meeting of the Cabinet.

100a.6 **RESOLVED** –

- (1) That the Notice of Motion be noted.
- (2) That a report be brought back to a future meeting of the Cabinet.

100B THE IMPACT OF CUTS ON CHILDREN AND YOUNG PEOPLE.

100b.1 The Cabinet considered the following Notice of Motion proposed by Councillor Fryer:

“This Council recognises that children and young people are uniquely vulnerable. As a result they mostly depend on adults to voice their needs to government and in political debate, and we acknowledge that responsibility.

This Council notes that proposals by the national government and the Local Administration unfairly target children and young people by:

- Withdrawing funding for Connexions services;
- Restricting child benefit in a way which can unfairly penalise certain types of families;
- Withdrawing free school meals for those families on low incomes;
- Requiring significant cuts to the education budget whilst also preparing the way for increased university tuition fees;
- Significantly reducing road safety budgets when 13 children have been killed or seriously injured on the city's roads;
- Drastic NHS reorganisations and budget freezes which will inevitably impact the city's Children & Young People's Trust.
- Cutting the £1.1m playbuilder scheme that would have seen children's playgrounds across the city renovated or rebuilt.

- Scrapping guaranteed 1to 1 tuition in schools.

Excessive cuts have dampened the economy leading to a lack of job creation which risks a lost generation for our young people

This Council disputes the need for such rapid and hard hitting cuts especially when they affect the most vulnerable in our society and calls on the Cabinet to:

- Reconsider budget cuts affecting children and young people;
- Consider children and young people as a specific 'at risk' group in the equality impact assessment of the 2011-12 council budget;
- Carry out an urgent consultation with schools to assess their readiness to take any further responsibilities and capability to deal with the impact of the National Coalition Government's cuts to Children and Young People;
- To carry out an Equality Impact Assessment to fully show how the impact of cuts will affect children and young people."

100b.2 The Chairman invited Councillor Fryer to speak to the motion.

100b.3 Councillor Fryer highlighted her concerns regarding cuts imposed on services for children and young people and the impact this would have in short term and in the longer term for the city as a whole. She noted cuts to child benefit, specialist services, youth services and higher education and advised that it would become increasingly difficult to create a safer and more sustainable society.

100b.4 Councillor Brown made the following comments in response:

- Funding was still available for the Connexions Service and consideration was being given at how best to target it.
- Government changes to child benefit meant that those who were financially better off would receive less, which was in line with Green Party policy on taxation.
- No child currently eligible for free school meals would lose this benefit.
- The government had made a commitment to protect the schools budget and increase it by reducing bureaucracy.
- University students would only begin repaying tuition fees when they began earning £21,000 and universities had welcomed the changes.
- Work on road safety projects around schools and school travel plans would continue, and the council had been the local authority to deliver sessions on scooter safety.
- Proposals for the NHS would reduce bureaucracy and give more power to health professionals.

Councillor Brown stated that the council would carefully consider any government proposals that were likely to impact on young people in the city.

100b.5 **RESOLVED** – That the Notice of Motion be noted.

101. TARGETED BUDGET MANAGEMENT (TBM) 2010/11

- 101.1 The Cabinet considered a report of the Director of Finance concerning the council's revenue and capital forecast outturn position as at month 6.
- 101.2 Councillor Mitchell welcomed the funding from government to complete the Playbuilder scheme and requested further information on the timetable of works. She highlighted the deficit forecast on the Collection Fund and asked whether the council would achieve the remaining capital receipts for 2010/11 within the financial year.
- 101.3 Councillor Young stated that she was confident that the total estimated for capital receipts would be achieved.
- 101.4 The Chairman advised that officers were working on a timetable for completion of the Playbuilder scheme and that it would be circulated once finalised.
- 101.5 Councillor Randall also noted the problems associated with the Collection Fund and highlighted the importance of the Local Delivery Vehicle (LDV) for preventing the council from continuing to lose money as a result of its own empty properties. He advised that properties owned by the council, such as 50 Kensington Place, were sometimes left empty for too long.

He requested more information in relation to the council's bursary programme for newly qualified social workers and whether the council was able to successfully retain social workers once the scheme concluded. Councillor Brown offered to respond in writing.

- 101.6 Councillor Caulfield advised that the council was working hard to bring empty properties back into use and that the success of the LDV would be key to this. She added that she would be happy to meet with Councillor Randall to discuss any other ideas that he had.
- 101.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the provisional outturn position for the General Fund be noted.
 - (2) That the provisional outturn for the Section 75 Partnerships and Housing Revenue Account (HRA) for 2010/11 be noted.
 - (3) That progress against achievement of the 2010/11 efficiency savings, as set out in Appendix 2, be noted.
 - (4) That the changes to the capital programme, as set out in appendices 3, 4 and 5, be approved.

102. TREASURY MANAGEMENT POLICY STATEMENT 2010/11 (INCLUDING ANNUAL INVESTMENT STRATEGY 2010/11) - MID YEAR REVIEW

- 102.1 The Cabinet considered a report of the Director of Finance concerning action taken during the period April to September 2010 to meet the Treasury Management Policy Statement 2010/11 (TMPS) and the Treasury Management Practices (including the schedules) (TMPs) and the investment strategy.
- 102.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the action taken during the half-year to meet the TMPS and associated TMPs and the AIS be endorsed.
 - (2) That it be noted that the maximum indicator for risk agreed at 0.05% has not been exceeded.
 - (3) That it be noted that the authorised limit and operational boundary set by the Council have not been exceeded.

103. BRIGHTON STATION GATEWAY

- 103.1 The Cabinet considered a report of the Strategic Director, Place concerning initial feasibility work to enhance the Brighton Station area, and recommending next steps that will enable aspirations for an enhanced Brighton Station Gateway to be realised.
- 103.2 Councillor Mitchell welcomed the proposals and called for radical changes in order to make long term improvements to the area. The station gateway was congested and the problems facing it were complicated. She highlighted the importance of effective consultation with the many stakeholders.
- 103.3 Councillor Randall echoed Councillor Mitchell's comments and added that consultation with the strong local community would be key. He asked for the proposals to include clearer signposting to the North Laine area.
- 103.4 Councillor Smith stated that the proposals would demonstrate that Brighton & Hove was open all year round. He suggested that Network Rail could give more consideration when planning track maintenance during traditional off-peak times. He advised that the project would benefit visitors, residents and commuters, and suggested that a Visitor Information Centre be included in the station building.
- 103.5 The Chairman reported that Network Rail and Southern Rail would be partners in the project and that this would be key to its success. She advised that pilot schemes would be carried out to ensure any measures could work in the long term.
- 103.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the Brighton Station Gateway project be formally recognised and that the project be further developed within a Planning Brief.
 - (2) That the establishment of an Urban Design Framework Contract be approved.

104. BRIGHTON & HOVE SEASIDE COMMUNITY HOMES LTD – RESPONSE TO FINANCIAL & COMMERCIAL OFFER FROM BRIGHTON & HOVE CITY COUNCIL

- 104.1 The Cabinet considered a report of the Strategic Director, Place concerning the council's response to the financial and commercial offer from Brighton & Hove Seaside Community Home Ltd (BHSCH) in relation to moving forward with generating funding for investment in the Housing Revenue Account to improve council homes and assist the council in meeting the decent homes standard.
- 104.2 Councillor Caulfield thanked tenants, councillors and the members of the BHSCH Board for their time and ongoing hard work in pursuit of making the LDV work. She advised that correspondence from the Valuers, Savills, had indicated that the housing market in the city had not substantially changed in the last 9-12 months and was not expected to change for some time. Therefore, the Cabinet was confident that best consideration would be achieved.
- 104.3 Councillor Mitchell added her thanks to all of those involved in the project and stated that, despite the obstacles, tenants and Members alike wanted to see proper continued investment the council's housing stock. She added that it was important to be mindful the potential risk to the council.
- 104.4 In response to a comment from Councillor Mitchell regarding the revised total cost of the LDV, Councillor Caulfield advised that understanding the process had proved challenging and that, following further consideration, the management costs would be reduced appropriately to reflect costs for temporary accommodation tenants. She explained that changes to the local housing allowance meant that rates for two bed properties would be more favourable, therefore a more favourable receipt could be achieved by change the mix of properties.
- 104.5 Councillor Randall stated that he had been supportive of the LDV from the beginning and he hoped that the banks would be equally as supportive of the council. He added that research had shown significant pressure on two bed houses and flats in the city and that house prices had not suffered much compared to the rest of the country.
- 104.6 The Chairman recognised the risk of not investing in tenants' homes and the impact it would have. This outweighed the need to be cautious about the financial risk to the council because the council had a responsibility to tenants to make the necessary improvements. She reported that she had set an operational deadline of 31 March 2011 for the LDV.
- 104.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet agreed the following recommendations:
- (1) That the revised financial and commercial approach set out in the provisional offer from BHSCH, as set out in paragraphs 5.1 – 5.9 of the report and detailed in the Part 2 report, be accepted in principle, subject to the effects of the council's and funder's due diligence.

- (2) That the revised risk table in appendix 2 be accepted and that the table be subject to a final review of the risks relating to income streams and additional funder requirements.
- (3) That authority be delegated to the Chief Executive, Strategic Director of Place and Director of Finance, in consultation with the Leader of the Council, the Cabinet Member for Housing and the Cabinet Member for Finance, to take all necessary steps to conclude the matter and bring about financial, legal and commercial close, including the completion of any and all documents as necessary.
- (4) That a further tranche of set up funding of up to £600,000 be made available to enable the project to reach financial and commercial close, on the basis that officers seek to recover BHCC set up costs as part of the overall funding arrangement (see paragraph 6.4).
- (5) That the revised timetable, detailed in paragraph 6.3, be noted.

105. BUILDING NEW COUNCIL HOMES & HOUSING ESTATE MASTER PLANNING

- 105.1 The Cabinet considered a report of the Strategic Director, Place concerning the work of the Building New Council Homes Tenant Working Group and the Housing Revenue Account (HRA) Estates Master Plan work being undertaken to identify sites and properties across the City with the potential for development, refurbishment or regeneration.
- 105.2 Councillor Caulfield reported that the tenant group had met with planners and an architect to discuss the proposals for Ainsworth House and that a planning application was expected in a matter of weeks with work scheduled to begin in 2011.
- 105.3 Councillor Randall welcomed the plans to begin building new council homes and reported that there was a shortage of family homes in the city. He advised that smaller units could be built in order to liberate family homes without forcing people out of their local community, but that new homes should not be crammed on to existing estates. He added that the proposals were of increased significance given the difficulties being experienced by Housing Associations.
- 105.4 The Chairman also highlighted the importance of not breaking up communities and advised that the proposals in the report would ensure family homes were made available without removing older people from their communities. It was important to house people in areas with existing infrastructure without causing overcrowding and tenants would be actively involved in the proposals as they developed.
- 105.5 Councillor Mitchell stated that she was in favour of genuinely mixed developments and queried whether the requirement to provide a percentage of affordable housing would continue.
- 105.6 In response to Councillor Mitchell's comments, Councillor Caulfield advised that she wanted to see mixed communities, but that mixed housing wasn't necessarily required;

the council would allow developers to provide the affordable housing off site if it could not be achieved on site.

She reported that an architect had been employed for the Ainsworth House project and that external contractors had been employed to undertake the estate master planning work because the council did not have the required expertise in-house.

105.7 Councillor Alford advised that there was significant demand for social housing in his ward and he therefore welcomed the proposals and the aims of the work.

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

- (1) That the development of a comprehensive estates masterplan, in partnership with tenant representatives, to inform best use of HRA assets and identify opportunities to build new Council homes be approved.
- (2) That the development of procurement, design and delivery options for new Council housing on identified sites be approved.
- (3) That authority be delegated to the Lead Commissioner for Housing in consultation with Cabinet Member for Housing to further develop options to enable delivery of estate masterplan objectives and building of new Council homes.

106. CHARTER HOTEL 12-15A KINGS ROAD - DISPOSAL UPDATE

106.1 The Cabinet considered a report of the Strategic Director, Resources concerning the disposal of the Charter Hotel on a 150 year lease to the preferred bidder for a premium and a peppercorn rent, following a marketing exercise, full evaluation of informal bids and recommendations by the Council's appointed agents.

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

- (1) That approval be given for the disposal of the Charter Hotel on a 150 year lease to the preferred bidder for a premium and a peppercorn rent, following a marketing exercise, full evaluation of informal bids and recommendations by the Council's appointed agents.
- (2) That approval be given for the detailed terms to be settled by the Strategic Director Resources and the Solicitor to the Council provided terms are certified by the valuer to be best consideration reasonably obtainable.
- (3) That approval be given to continue with the disposal to the reserve bidder should the preferred bidder withdraw or are unable to agree detailed terms.

107. SUSSEX STATIONERY CONSORTIUM CONTRACT

- 107.1 The Cabinet considered a report of the Strategic Director, Resources seeking approval for the re-tendering of the Sussex Stationery Consortium contract, for the provision of office stationery, office sundries, computer consumables and paper, for a period of three years with an option to extend for up to 12 months.
- 107.2 The Chairman welcomed the report and the savings that it would bring to the council; it was important to look carefully at how the council spent money in order to ensure that frontline services could be protected.
- 107.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That approval be given to tender for the provision of office stationery, office sundries, computer consumables and paper ("Office Supplies") for a period of 3 years with an option to extend for up to 12 months (the "Contract").
 - (2) That the Director of Finance, in consultation with the Cabinet Member for Central Services, be given delegated authority to award the contract to the successful bidder following evaluation and recommendations of the evaluation team and to determine whether to award the twelve month extension when such consideration becomes due.

108. SHAKEDOWN MUSIC EVENT, STANMER PARK, BRIGHTON

- 108.1 The Cabinet considered a report of the Strategic Director, Communities seeking approval for landlord's consent to stage Shakedown, a major music event to be held in Stanmer Park, Brighton, on Saturday 9 July 2011.
- 108.2 Councillor Mitchell welcomed the new music event for the city, but reported that the Labour Group ward councillors were disappointed that their comments had not been included in the report.
- 108.3 Councillor Randall also welcomed the event and noted the importance of the council's Sustainable Events Policy.
- 108.4 In response to a question from Councillor Randall concerning the clean up process after an event, Councillor Smith confirmed that promoters were required to put funds into a bond to guarantee the clean up, and that all costs were borne by event organisers.
- 108.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That landlord's consent be granted to stage the Shakedown Music Event in Stanmer Park, Brighton, on Saturday 9 July 2011 between midday and midnight with music and the sale of alcohol to finish no later than 11pm.
 - (2) That officers be authorised to enter into formal agreement with the event organiser for the staging of the event subject to the event being approved by the Safety Advisory Group.

109. SURVEILLANCE POLICY

- 109.1 The Cabinet considered a report of the Director of Finance concerning the activities undertaken utilising the powers under the Regulation of Investigatory Powers Act 2000 (RIPA) since the last full report to Cabinet in November 2009 and since the quarterly report on surveillance activity in September 2010.
- 109.2 In response to a request from Councillor Randall for clarification in relation to the number of directed surveillance authorisations, the Director of Finance advised that a written response would be provided.
- 109.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the continued use of covert surveillance and the accessing of communications data as an enforcement tool to prevent and detect all crime and disorder investigated by its officers, providing the necessity and proportionality rules are stringently applied, be noted.
 - (2) That approval be given for the continued use of the corporate Policy and Procedures, which was updated in line with the recommendations made by the Surveillance Commissioner in June 2009 and the recommendations made in the revised Code of Practice on Covert Surveillance and Property Interference and the revised Code of Practice on Access to Communications Data that came into force on 6th April 2010 and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, and the Regulation of Investigatory Powers (Access to Communications Data) Order 2010.
 - (3) That the surveillance activity undertaken by the Authority since the last full report to Cabinet in November 2009 be noted.
 - (4) That the Government's current position regarding the use of surveillance by Local Authorities be noted.

PART TWO SUMMARY

110. BRIGHTON & HOVE SEASIDE COMMUNITY HOMES LTD – RESPONSE TO FINANCIAL & COMMERCIAL OFFER FROM BRIGHTON & HOVE CITY COUNCIL

110.1 The Cabinet considered a Part Two report of the Strategic Director, Place concerning the council's response to the financial and commercial offer from Brighton & Hove Seaside Community Home Ltd (BHSCCH) in relation to moving forward with generating funding for investment in the Housing Revenue Account to improve council homes and assist the council in meeting the decent homes standard.

110.2 **RESOLVED - That, having considered the information and the reasons set out in the report, the Cabinet accepted the recommendations as detailed in the Part Two confidential report, as amended.**

111. CHARTER HOTEL 12-15A KING'S ROAD - DISPOSAL UPDATE

111.1 The Cabinet considered a Part Two report of the Strategic Director, Resources concerning the disposal of the Charter Hotel on a 150 year lease to the preferred bidder for a premium and a peppercorn rent, following a marketing exercise, full evaluation of informal bids and recommendations by the Council's appointed agents.

111.2 **RESOLVED - That, having considered the information and the reasons set out in the report, the Cabinet accepted the recommendations as detailed in the Part Two confidential report.**

112. PART TWO ITEMS

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

112.2 **RESOLVED** – That items 110 and 111, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of