

BRIGHTON & HOVE CITY COUNCIL**CABINET****4.00PM 27 MAY 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

Also in attendance: Councillor Mitchell (Leader of the Labour Group), Randall (Convenor of the Green Group) and Watkins (Opposition Spokesperson, Liberal Democrats)

Other Members present: Councillors Fryer and Hamilton

PART ONE**1. PROCEDURAL BUSINESS****1a Declarations of Interest**

1a.1 There were none.

1b Exclusion of Press and Public

1b.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).

1b.2 **RESOLVED** – That the press and public be not excluded from the meeting.

2. MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** - That the minutes of the meeting held on 22 April 2010 be approved as a correct record.

3. CHAIRMAN'S COMMUNICATIONS

3.1 The Chairman noted that the meeting would be webcast.

- 3.2 The Chairman welcomed those in attendance to the first Cabinet Meeting of the new civic year and the start of a new cycle of decision-making meetings.
- 3.3 The Chairman welcomed the new Cabinet Member for Central Services; Councillor Trevor Alford, and reported that Councillor Fallon-Khan had accepted the portfolio of Enterprise, Employment and Major Projects.
- 3.4 The Chairman congratulated the city's three new MPs on their success in the General Election and added that she looked forward to working with them.
- 3.5 The Chairman reported that the Brighton Festival had been hugely successful, with both the Festival and the Fringe having been bigger and better than ever before and the Fringe reporting that a 12% increase in ticket sales in spite of the difficult economic conditions.
- 3.6 The Chairman reported that following the success of the first Brighton and Hove Marathon, the council had agreed with the organisers to expand the event to fifteen thousand runners; even so it was approaching a sell out.

4. ITEMS RESERVED FOR DISCUSSION

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

5. PETITIONS

- 5.1 Residents Mr Wilf Nicholls and Mr Andy Hampson presented a petition signed by 2996 residents, in addition to 72 separate business signatures and 485 online signatures, requesting that the council reconsider proposals to introduce a controlled parking zone (CPZ) in the Hanover & Elm Grove area.
- 5.2 The Chairman advised that, as Mr Hampson would be presenting a deputation on the same subject, Councillor Theobald would respond the issues raised at that time.
- 5.3 **RESOLVED** – That the petition be noted.

6. PUBLIC QUESTIONS

- 6.1 The Chairman reported that one public question had been received.
- 6.2 Mr Roy Pennington asked the following question:

“Given the need for transparency, well-being and true democracy what steps will be made to ensure that the Hanover & Elm Grove Residents Parking Review questionnaire responses will take into account the number of individuals in any given household which chooses to respond, given that there is no guidance on this in the documents sent to the households?”

6.3 Councillor Theobald gave the following response:

“Thank you very much for your question about responses to the consultation questionnaire. The policy on questionnaire content, distribution and returns has been consistent across all parking schemes. The questionnaire clearly asks for a name and address to prevent multiple submissions. However, I can assure you that any comments in additional correspondence from the same address will be included in the final report.

We know that households will vary from those with no car to those with multiple car ownership, but we initially offer one permit per household and consult on that basis. Properties which are divided into separate living quarters will receive a questionnaire for each separate area.”

6.4 Mr Pennington did not ask a supplementary question.

7. DEPUTATIONS

7.1 The Chairman reported that one deputation had been received.

7.2 The Cabinet considered a deputation presented by Mr Andy Hampson concerning proposals to introduce a controlled parking zone (CPZ) in Hanover and Elm Grove. Mr Hampson explained that residents and businesses strongly opposed the introduction of a CPZ and raised concerns over the adequacy of the consultation process and the legality of introducing a CPZ in the area. He advised that a CPZ would have a detrimental effect on both the residential and business community for a number of reasons and that residents wished to work with the council to devise an effective solution to the parking problems in the area.

7.3 Councillor Theobald thanked Mr Hampson for his deputation and advised that the policies agreed by the council were legal and that the council had powers to create CPZs under the Road Traffic Act.

Councillor Theobald explained that Hanover & Elm Grove had been on the CPZ timetable prior to the change of Administration in 2007 and that its inclusion had been approved by the cross-party Environment Committee with support from Ward Councillors Edmond-Smith and Wrighton. Councillor Wrighton had also submitted a letter and a petition requesting for the area to be prioritised.

In 2008 the Environment Committee agreed for Hanover & Elm Grove to remain on the CPZ timetable and informal meetings with ward councillors had taken place since that decision. At the Environment Cabinet Member Meeting on 25 March 2010, Councillor Randall, ward councillor for Hanover & Elm Grove, spoke in support of proceeding to the next stage of the consultation process and Councillor Theobald explained that he had wanted to be certain of this support before agreeing to the consultation.

Councillor Theobald stated that the council would not introduce a CPZ where residents and ward councillors were not in favour; the three CPZs that had been introduced under his leadership had been tailored to suit the consultation responses and wishes of

residents. He explained that he had to rely on guidance from ward councillors in such matters, but that the council would ultimately listen to the wishes of residents.

Councillor Theobald assured Mr Hampson that, while it was not possible to halt the consultation, proposals were currently at an early stage and the consultation results would be considered at the Environment Cabinet Member Meeting in September. He gave a commitment to meet with residents at the appropriate stage of the process to discuss the matter further.

7.4 The Chairman encouraged residents to respond to the consultation and confirmed that the council would not introduce a CPZ if the majority of residents were against it.

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

8. LETTERS FROM COUNCILLORS

8(a) Letter – proposals for Portslade Community College to become an Academy

8.1 A letter was received from Councillor Fryer concerning proposals for Portslade Community College (PCC) to become an Academy. Councillor Fryer raised concerns in relation to the speed at which the proposals were being progressed and that consideration should be given to the option of a National Challenge Trust School. She stated that by creating an Academy choice would be taken away from parents in Portslade and that there were implications of having two academies in the city with the same sponsor and same specialisms. She requested that the council write to the Department for Children, Schools and Families (DCSF) to demand a deferment on the decision of whether to become an Academy until September 2011.

8.2 Councillor Brown advised that the background to the Academy proposal for PCC had been previously covered in a report to the meeting of the Cabinet in April, which included the recommendation to initiate a consultation process with parents, the local community and other stakeholders with a view to submitting an expression of interest. She made the following comments

- PCC was a National Challenge school and the need for structural change had been agreed with the National Challenge agency, the Office of the Schools Commissioner (OSC), Partnership for Schools (PfS) and the DCSF. Options considered by the Council and DCSF were closure, federation with a high performing institution, becoming a National Challenge Trust School, or becoming an academy. In discussion with the National Challenge agency, the OSC, PfS and the DCSF the council had agreed that the academy route would best satisfy the external demand for structural change and provide the best outcome from the options available, in order to secure a transformation in standards and investment in refurbishing the existing accommodation.
- The consultation period during the creation of the Expression of Interest (EOI) for an academy was for the length proscribed in the legislation related to academies and following the consultation it would be determined by Cabinet whether the EOI should be submitted to the DCSF which, in turn, would determine whether the next stage of the process (the creation of an outline business case) should proceed.

- The appointment of a sponsor was made by the DCSF and for the proposed PCC Academy the DCSF (now Department for Education (DfE)) had appointed the Aldridge Foundation as lead sponsor. The council had requested their inclusion as co- sponsor and this had been agreed by the DfE.
- Although becoming a National Challenge Trust School was discussed with DCSF alongside other options there had been a strong steer from the DCSF that an Academy would bring the acceleration in improvement required.
- The Brighton Aldridge Community Academy (BACA) had specialisms of Entrepreneurship and Sport; the proposed PCC Academy would have specialisms of Entrepreneurship and Science.
- Academies were schools that sat outside of Local Authority control, but the council's work with the Aldridge Foundation so far had indicated that they wished their academies to play their full part in coordinated planning and partnership between all secondary schools in the city. Although the council's admissions process gave priority to children living in a particular school catchment area, parents remained able to express preferences for any other school within the city.

8.3 Councillor Brown advised that plans were still at the proposal stage and that consultation was now underway; much emphasis had been made in the consultation publications and for planned public meetings to ensure that the local community would be an integral part of changes at the school for the future.

8.4 In response to further questions from Councillor Fryer, Councillor Brown stated that the council was in agreement with the DSCF that an Academy was the best option and that no further comments would be made until the consultation had been completed. She added that a total of four public meetings would take place and that all members of the local community were welcome to attend.

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

9. WRITTEN QUESTIONS FROM COUNCILLORS

9.1 The Chairman reported that one written question had been received.

9.2 Councillor Hamilton had submitted the following question:

"There are seven cemeteries in the city, containing a great number of trees. Yet I am told that there is no budget for the maintenance of these trees. Is there a long term risk assessment plan in place including regular inspection to ensure that the trees in Portslade Cemetery, many of which are very high, are not a risk to the residents of Victoria Road?"

9.3 The following response from Councillor Alford, Cabinet Member for Central Services, had been circulated:

"Thank you for your question Councillor Hamilton.

The Health and Safety Executive guidance around the safe management of trees suggests that it is not necessary for the Council to establish a long term risk assessment plan. However, we do, as a matter of course, annually assess the risk of any hazards,

including long-term hazards, of trees on our land and property. We, therefore, do have a system in place for managing trees based on the level of risk. Where Health and Safety issues are flagged up as a result of the assessments, essential works will be authorised.

We will set aside a specific reserve for the wider maintenance of all the city's cemeteries as part of the finalisation of the council's accounts for 2009/10 and this will be reported to the June Cabinet meeting for approval."

- 9.4 Councillor Hamilton had to leave the meeting prior to consideration of his question and the Chairman advised that Councillor Alford would be happy to answer any further questions that he may have.

10. NOTICES OF MOTION

- 10.1 There were none.

11. CREATING A COUNCIL THE CITY DESERVES...PROPOSALS FOR A NEW ORGANISATIONAL STRUCTURE

- 11.1 That Cabinet considered a report of the Chief Executive concerning proposals for the council's new organisational structure as part of the 'Creating a Council the City Deserves' programme.
- 11.2 The Chief Executive explained that the main change to the proposals since the Cabinet considered his initial report was the retention of a separate finance function in order to maintain the focus on the Value for Money Programme in response to the inevitable reduction in the council's grant from central government.
- 11.3 Councillor Mitchell raised concerns around the clarity of lines of accountability and the appropriateness of the proposed salaries for the new senior posts. She also queried some of the service groupings within the proposed Delivery Units and where Sustainability and Equalities would sit within the new structure. She stated that the council must consider carefully whether it was the right time to progress the proposals given the prevailing political and economic uncertainty.
- 11.4 Councillor Randall stated that he believed the proposals could enable the council to be more prudent about its spending. He welcomed the opportunity for more Third Sector involvement and echoed the importance of keeping Sustainability and Equalities at centre of the council's work. He echoed concerns in relation to the proposed salaries for the new senior posts, and advised that they did not sit well with the job losses and pay freezes taking place throughout the city.
- 11.5 Councillor Watkins stated that despite comments the proposals in the report were not political, he felt it important that the Cabinet also assume ownership as they had the ultimate responsibility of agreeing them. He advised that, although the proposals represented a good blueprint for change, he was concerned about the pace at which they were being progressed, given that a new government had recently been formed and their priorities were yet clear.
- 11.6 The Chairman explained that the structural changes were proposed by the Chief Executive in his capacity as Head of Paid Services, and that Group Leaders had been given the

opportunity to raise concerns at Leaders' Group meetings. She stated that the need for change within the organisation was first recognised some time ago and that the time had come for a more radical approach to ensure that the council could continue to deliver services for residents effectively. She added that, while she understood the concerns around proposed salaries, they had been market-tested.

In response to a question from Councillor Mitchell, the Chairman reported that the new government had made clear their intention to allow some councils to return to a committee system of governance; however, it would be necessary to wait for more detail before discussions could take place about this.

- 11.7 Councillor Young stated that the Value for Money Programme had been initiated more than a year ago and it was hoped the proposed changes would contribute to this and enable the council to achieve the £45-50 million of savings required over the next three years.
- 11.8 The Chief Executive advised that there was a need to invest in the Community and Voluntary Sector, as well as the statutory sector, in order to work through the 'total place' approach and begin to tackle the difficult financial conditions; proactive change was necessary to allow the council to have an open and transparent conversation with the city in relation to priorities before decisions about savings were made. He explained that the principle behind the structure was to make the necessary links across services, both inside and outside the council, to deliver effectively for the city and that the purpose of the consultation period was to determine whether any improvements could be made to the structure proposed in the report.

In response to concerns raised by opposition Members the Chief Executive made the following comments:

- Services would not be provided on contractual basis; the idea was to agree the specification of services jointly with those who deliver them.
- Accountability and Member involvement would be achieved through Overview & Scrutiny of the proposals throughout the process to ensure that the needs of the city were met and through opportunities to comment on and validate the end result; the new structure offer would more in terms of accountability.
- Sustainability and Equalities would remain firmly embedded in the ethos and working of the council.

- 11.9 Councillor Mitchell thanked the Chief Executive for the assurances given and added that it was important that opposition Members comment on and question the proposals in public.
- 11.10 In response to a comment from Councillor Watkins about Full Council involvement in the process, the Chairman reported that the Chief Executive had attended meetings of all political groups to explain the proposals and listen to the views of Members.
- 11.11 Councillor Simson reported that the Chief Executive had met with members of the Community and Voluntary Sector and that they had recognised the important part they would play in the future of the council and the city.
- 11.12 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (a) That the establishment of the new Strategic Leadership Board be approved.
- (b) That authority be given to proceed to select and appoint the four new Strategic Director posts as described in paragraphs 13.2 to 13.7.
- (c) That authority be given to proceed to statutory consultation, on 1 June 2010 for 90 days, with those directly and indirectly affected by the proposed changes to the organisational structure as described in paragraph 4.1–4.3
- (d) That it be noted that the proposals are likely to be amended, in response to consultation, and will be re-presented to Cabinet in September for formal agreement
- (e) That it be noted that a report will go to the Governance Committee to seek authority for changes to the schemes of delegation to officers and any other aspects of the constitution that require Council and/or Governance Committee approval.
- (f) That the Chief Executive be authorised to take all steps necessary to progress recommendations a. to d. and any decisions necessary or incidental to the establishment of the Strategic Leadership Board.

12. 10:10 ACTION PLAN

- 12.1 That Cabinet considered a report of the Director of Finance & Resources concerning the actions proposed to help the council to reduce carbon emissions from its operations by 10% in 2010/11.
- 12.2 Councillor Fallon-Khan reported that Brighton and Hove had been named as a model city nationally by Environmental Protection UK for its work on the 10:10 campaign.
- 12.3 Councillor Mitchell welcomed the report and thanked officers for their hard work in devising innovative initiatives. She added that she looked forward to continued momentum.
- 12.4 Councillor Randall echoed Councillor Mitchell's comments and added that sign up to the 10:10 campaign across the city had been very encouraging. He suggested that the council take the opportunity to replace the outgoing mobile library with a sustainable vehicle that could be seen across the city.
- 12.5 In response to queries from Councillor Randal, Councillor Fallon-Khan advised that the hot-desking and home working pilot project with the ICT team at Hove Town Hall was proving successful; it had helped the council to cut carbon emissions and also had the potential to improve productivity and job satisfaction. He added that in considering at the council's fleet, all vehicles would be looked at.
- 12.6 Councillor Brown reported that a variety of work was being done with school children to promote sustainability including rubbish collecting on the seafront, and looking after allotments and chickens.
- 12.7 Councillor Watkins welcomed the report and paid tribute to the Head of Sustainability and Environmental Policy and the Sustainability Team; this was echoed by all Members.

- 12.8 Councillor Young added that hot-desking and home working were an integral part of the Value for Money Programme.
- 12.9 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That progress on the citywide 10:10 campaign be noted and the council's continued support for this initiative be endorsed.
 - (2) That the council's 10:10 Action Plan be agreed and the establishment of longer term targets for cutting council emissions be considered after the 10:10 year is complete, to learn from experience.

13. ADVERTISING AND SPONSORSHIP - PERMISSION TO TENDER

- 13.1 That Cabinet considered a joint report of the Director of Environment and the Director of Finance & Resources requesting permission to tender to procure a range of city wide advertising and sponsorship opportunities.
- 13.2 Councillor Mitchell advised that she could not support the proposals; she stated that more advertising in the city could have a detrimental effect on its attractiveness to visitors and could encourage fly posting. She was also concerned about the potential effect on the city's World Heritage Site bid.
- 13.3 Councillor Randall stated that he appreciated the council's need to consider every possibility for generating revenue and that many other cities used advertising in the ways proposed. Providing that the council proceeded cautiously the proposals could prove positive for the city.
- 13.4 Councillor Watkins raised concerns over increased clutter in the city, but recognised the potential financial benefits. He advised of the importance of careful monitoring of the content of adverts.
- 13.5 The Chairman restated the financial significance of the proposals, not only for the council, but for the charities that would receive a percentage of the revenue. She explained that that the proposals also included sponsorship initiatives, which would help to enhance the city, and assured Members that the council would proceed cautiously.

The Chairman advised that discussions were ongoing with regard to the World Heritage Site bid, but that it was proving to be complicated and there would be a financial cost in the long term. Alternative methods for enhancing the city would be explored through Visit Brighton if the council did not pursue the World Heritage bid.

- 13.6 Councillor Smith suggested that the council could sell advertising space to local event organisers to let residents and visitors know what was happening in the city.
- 13.7 Councillor Fallon-Khan stated that, in the challenging economic conditions, it was not harmful to the city to explore new ways of generating revenue; however, the council would be following other cities that were using these initiatives successfully. He added that the advertising could also be purchased by local business, which would help support the city's economy.

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

- (1) That the commencement of a tendering process for the procurement of a range of city wide advertising and sponsorship opportunities to increase the council's income be agreed, based on six lots as detailed in the report.

The meeting concluded at 5.58pm

Signed

Chair

Dated this

day of