

BRIGHTON & HOVE CITY COUNCIL

CABINET

4.00pm 20 NOVEMBER 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Also in attendance: Councillor

Other Members present: Councillors Mrs Cobb, Elgood, Oxley, Taylor and West

PART ONE

99. PROCEDURAL BUSINESS

99a Declarations of Interests

99a.1 Councillor Kemble declared a personal and prejudicial interest in item 117 'Taxi tariff setting under the new constitution' as a taxi driver.

99a.2 Councillor Mears declared a personal interest in item 117 'Taxi tariff setting under the new constitution' as a relative was a taxi driver.

99a.3 Note: Item 117 was not called or discussed.

99b Exclusion of Press and Public

99b.1 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

99b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 119 onward.

100. MINUTES OF THE PREVIOUS MEETING

100.1 RESOLVED – That the minutes of the meeting held on 18th September 2008 be approved as a correct record.

101. CHAIRMAN'S COMMUNICATIONS

101.1 The Chairman noted that the Cabinet meeting was being web cast.

101.2 The Chairman noted that two additional items of information had been tabled; a) copies of the public questions to be taken at the meeting. b) an extract from the Governance Committee held on 18th November that related to Item 117.

101.3 The Chairman made a statement on the action the council was taking to shield the city from the worst effects of the economic downturn. This included supporting small businesses by paying for goods and services within 10 days of receiving an invoice and offering monthly rent payments on premises, as opposed to quarterly payments.

101.4 The council would also be offering small businesses the opportunity to pay their business rates in 12 annual instalments, as opposed to 10. The council would also be funding more business support clinics, contacting bank managers to ask them to help support businesses and campaigning to promote the local businesses that help to make Brighton a unique place.

101.5 The council would also be setting up a 'taskforce', with representatives from the public and private sectors, to monitor the situation and drive action forward.

101.6 The Chairman was pleased to announce that all major roadworks in the city centre would be suspended over the Christmas period. Both utility companies had agreed to suspend all major works by December 5th.

101.7 The Chairman informed the meeting that just prior to the next Cabinet meeting on 18th December, there would be a Cabinet Committee Meeting to progress the next stage of the project to develop the Local Delivery Vehicle for housing. This would take place at 2.00pm.

102. ITEMS RESERVED FOR DISCUSSION

102.1 Item 116 was reserved by Cabinet.

102.2 Items 111, 112, 113 and 118 were reserved by Councillor Mitchell.

102.3 **RESOLVED** - That with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate.

103. PUBLIC QUESTIONS

- 103.1 The Chairman noted that four public questions had been received and welcomed Mr. Hawtree, Mr Furness, Mr Poole and Valerie Paynter to the meeting. The Chairman invited Mr Hawtree to put his question.
- 103.2 Mr. Hawtree thanked the Chairman and asked the following question:
- 103.3 'Can Councillor Mears please confirm that the closing date for public consultation about the Libraries Plan has been extended until December 31st?'
- 103.4 The Chairman invited Councillor Smith to respond. Councillor Smith replied as follows:
- 103.5 'I can confirm that the closing date for public consultation on the Libraries Plan has been extended to the 31 December 2008.'
- 103.6 Anticipating a supplementary query Councillor Smith offered additional information as to the opening hours of libraries and the book fund.
- 103.7 The Chairman noted that Mr. Hawtree had the right to pose one supplementary question and invited him to put a further question.
- 103.8 Mr. Hawtree asked if the final Libraries Plan would be presented to the Culture & Tourism Cabinet Member Meeting before being offered to full Council for determination.
- 103.9 Councillor Smith replied that the final plan would be submitted to Council direct.
- 103.10 The Chairman invited Mr Furness to put his question.
- 103.11 Mr. Furness thanked the Chairman and asked the following question:
- 103.12 'Could Councillor Mears please tell us how many of the conditions within the King Alfred planning permission were met by Karis?'
- 103.13 The Chairman invited Councillor Kemble to respond. Councillor Kemble replied as follows:
- 103.14 'Of the 48 planning (of a total of 98) conditions needed before Karis/ING could start work on the King Alfred site, only one planning condition was approved. The condition met was for the highway Stopping Up order which went directly to the Government Office for the South East for a decision and was approved in October. However, as the Karis/ING scheme is no longer going to take place, this order is no longer valid.'
- 103.15 The Chairman noted that Mr. Furness had the right to pose one supplementary question and invited him to put a further question.

- 103.16 Mr Furness felt the current situation was due to the breakdown of the developers' plans rather than the current economic crisis. He suggested that in the time it had taken for the scheme to dissolve a previous version could have been completed. He asked, whilst alternatives were being considered, whether it would be possible for the bowling alley to be refurbished and the water temperature of the pool to be lowered.
- 103.17 Councillor Kemble offered a written response to these technical points.
- 103.18 The Chairman invited Mr Poole to put his question.
- 103.19 Mr Poole thanked the Chairman and asked the following question.
- 103.20 'The Council has neglected both the King Alfred and Brighton Centre in the hope of redevelopment. Both are vital to residents. Surely it would be wrong to re-direct any funds to the Brighton Centre, at the expense of the King Alfred, if Hove is an equal partner in the city?'
- 103.21 The Chairman replied, 'The Brighton Centre remains this administration's number one priority for redevelopment and as we have also made clear with the report brought to Cabinet today on the King Alfred – keeping the King Alfred open is also a high priority for us. The Council's contribution towards the redevelopment of the Brighton Centre is being financed through prudential borrowing, not from taking funding from other projects. Funds that have been allocated for the King Alfred will remain with the King Alfred.'
- 103.22 The Chairman noted that Mr. Poole had the right to pose one supplementary question and invited him to put a further question.
- 103.24 Mr Poole noted that the estimates for the complete refurbishment of the King Alfred Sports Centre were quoted as being in the region of 16 million pounds. He asked where these figures had come from.
- 103.25 The Chairman noted a report that had been prepared for a meeting of the (now defunct) Policy & Resources Committee in 2003. The figures being discussed had been included in the report when considering proposals for development on the King Alfred site.
- 103.26 The Chairman invited Valerie Paynter to put her question.
- 103.27 Valerie thanked the Chairman and asked the following question.
- 103.28 'Given that each annual Budget allocates some £50 million to Capital Funding, is there any reason why some part of that sum could not be allocated as part or total payment of a refurbishment, a creative makeover by appointed architects or even a redevelopment incorporating something like a high school which could share sports facilities with King Alfred?'
- 103.29 The Chairman invited Councillor Kemble to respond. Councillor Kemble replied as follows:

- 103.30 The capital programme for the council is in the region of £55m for 2008/09 and incorporates education, housing, transport, social care, culture and the environment. £10 million of this money is earmarked for education projects. The total funding is provided from a number of sources including government grants, borrowing, revenue contributions and capital receipts. Much of the funding, such as government grants and Housing Revenue Account expenditure, are ringfenced, which means that the conditions of the funding require that it is spent on the services identified. This all adds up to very limited flexibility on funds.
- 103.31 Creative makeovers or refurbishments still cost very significant amounts of money. Having said this, we need to review all the available options we have and are not excluding any possibilities at this stage. We will be doing this in consultation with local residents at the earliest possible point in the process - this time, they must not feel as though they are having a scheme imposed upon them.
- 103.32 On the specific question of the high school, there is no identified need for an additional secondary school in Brighton & Hove at the current point in time.
- 103.33 The Chairman noted that Valerie had the right to pose one supplementary question and invited him to put a further question.
- 103.34 Valerie asked; 'Over recent years it has become very clear that tall buildings on the site of the King Alfred or, indeed, anywhere along the seafront, would destroy rather than enhance any part of Hove or the city. The King Alfred/RNR site was designated a tall building node for the purposed of redevelopment by the previous Administration and I wonder if the present Administration might be minded to revisit that anomaly with a view to removing that designation.'
- 103.35 Councillor Kemble responded that consideration was being given as to the future use of the site and that he would speak with colleagues about the suggestion.

104. WRITTEN QUESTIONS FROM COUNCILLORS

104.1 There were none.

105. DEPUTATIONS

105.1 There were none.

106. PETITIONS

106.1 There were none.

107. LETTERS FROM COUNCILLORS

107.1 There were none.

108. NOTICES OF MOTIONS REFERRED FROM COUNCIL

108.1 There were none.

109. MATTERS REFERRED FOR RECONSIDERATION

109.1 There were none.

110. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES

110.1 There were none.

111. KING ALFRED LEISURE CENTRE - REDEVELOPMENT AND URGENT WORKS*

- 111.1 The Cabinet considered a report of the Director of Environment and the Interim Director of Finance and Resources in respect of refurbishment of the King Alfred Leisure Centre and the redevelopment of the whole King Alfred/RNR site (for copy see minute book).
- 111.2 Councillor Mitchell noted that there had been suggestions from local councillors that a primary school might be developed on the site. She asked if this was a serious proposal.
- 111.3 Councillor Kemble commented that the Local Plan did not allow for a school to be developed on the site.
- 111.4 Councillor Mitchell noted the 1.5 million funding required to maintain the current building. She asked how long the works would hold good.
- 111.5 The Chairman noted that the funding was ring-fenced and that details about the programme of works would be the subject of a future report.
- 111.6 Councillor Mitchell asked when plans would be produced that considered the future of the site.
- 111.7 Councillor Mears noted that until the current agreement with the Developer had ceased it would have been inappropriate for the Administration to be publicly discussing alternative plans. Work was ongoing considering the use of the site and any plans would take into account the views of residents so that any development was acceptable to the city.
- 111.8 Councillor Mears invited Councillor Taylor to address the meeting.
- 111.9 Councillor Taylor was sorry that the opportunity to develop low cost housing had been lost. He noted that any new plans should be sustainable and suggested that there might be an opportunity to exploit the Governments current thinking on boosting funding to public works. He suggested that any new plans should take heed of the 2004 planning brief.

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

(1) That it be noted that the initial condition assessments and surveys of the King Alfred Leisure Centre have identified approximately £1.5 million of health and safety and maintenance works as detailed in Part B of Appendix 1 to keep the building operational.

(2) That an allocation of £859,000 be approved to the capital programme (from the £2m capital reserves identified for affordable housing on the King Alfred site) to carry out the urgent health and safety items indicated in Part A of Appendix 1.

112. TARGETED BUDGET MANAGEMENT (TBM) MONTH 6*

112.1 The Cabinet considered a report of the Interim Director of Finance and Resources that set out the forecast outturn position on the revenue and capital budgets as at the end of September 2008 (month 6). (for copy see minute book).

112.2 Councillor Mitchell congratulated the Finance Team on their skilful treasury management. She asked if Councillor Young might provide her with information regarding the status of the 108 clients noted in paragraph 3.9 of the report.

112.3 Councillor Young offered a written response.

112.4 Councillor Mitchell asked if agreement had been reached with the NHS Trust in regard to the shared risk in relation to NHS Trust managed Section 75 Services. Councillor Young noted that discussions were ongoing.

112.5 Councillor Norman added that the Section 75 discussions with the Primary Care Trust were drawing to a conclusion.

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

(1) That forecast outturn for the General Fund, Section 75 Partnerships and Housing Revenue Account (HRA) for 2008/09 as at month 6, be noted.

(2) That release of £0.142 million from Local Authority Business Growth Incentive (LABGI) in respect of projects to support local employment and businesses to be determined by the Cabinet be agreed.

(3) That it be noted that the Primary Care Trust, as the Lead Commissioners of Mental Health Services, are continuing to work with Sussex Partnership Trust, as providers, to address current overspending, financial recovery plans, current Value for Money concerns in respect of the Dementia Care at Home service, and ensure ongoing funding issues and the potential shared financial risks to the council are resolved.

(4) That the forecast outturn position on the capital budgets as at month 6 be noted.

- (5) That following changes to the capital programme be approved.
 - Budget re-profiles (Appendix 5)
 - Budget variations (Appendix 6)
 - New schemes (Appendix 7)

113. TREASURY MANAGEMENT POLICY STATEMENT 2008/09 (INCLUDING ANNUAL INVESTMENT STRATEGY 2008/09) - MID YEAR REVIEW*

113.1 The Cabinet considered a report of the Interim Director of Finance and Resources that advised on the action taken during the period April to September 2008 to meet the policy statement and practices and the investment strategy (for copy see minute book).

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

That the Cabinet:

- (1) endorse the action taken during the half-year to meet the TMPS and associated TMPs and the AIS;
- (2) endorse the action taken to tighten the investment parameters set out in the AIS as detailed in paragraph 3.3.3;
- (3) note the authorised limit and operational boundary set by the Council have not been exceeded;
- (4) earmark any surpluses generated on the Financing Costs budget in 2008/09 to contribute towards possible future shortfalls in the investment interest budget as a result of base rate cuts;
- (5) note the budgeted support from net investment income to the General Fund in 2008/09 is £4.1m, the equivalent to circa £45 in council tax on a Band D property; and
- (6) note the latest projection for investment income on all funds in 2008/09 is £7.7m of which £4.9m is for the General Fund.

114. ICT STRATEGY 2008-11

114.1 The Cabinet considered a report of the Interim Director of Finance and Resources that introduced the initial Information and Communication Technologies (ICT) strategy which set out the council's approach to the delivery of technical and information services 2008 – 2012. The strategy superseded the 2006 'Review of ICT Strategy – The Transformation Agenda' (for copy see minute book).

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

- (1) That initial ICT strategy 2008-2012 attached as Appendix 1 of the report be approved.
- (2) That the scrutiny of the strategy by the Overview and Scrutiny Commission at its meeting on 21st October 2008 be acknowledge and responses to the points raised noted.
- (3) That it be noted that the initial strategy will be updated further including a development plan by March 2009, for reporting to the Cabinet thereafter

115. THREE-YEAR GRANT PROCESS 2010-2013

115.1 The Cabinet considered a report of the Director of Cultural Services that offered information to consolidate and build upon the corporate Discretionary Grants Programme 2007-10 in recognition of its role in underpinning council's working relationship with, and the continuing sustainability of, Brighton and Hove's community & voluntary sector (for copy see minute book).

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

- (1) That future discretionary grants programme for 2010-2013 be approved. The size of the programme to be determined by the 2010-11 budget strategy subject to the council's financial position, the indicative amount being equivalent to the 2008-09 budget level plus appropriate inflationary uplift (approx £1,584,000 pa. please see 5.1).
- (2) That revised vision for the discretionary grants programme, as detailed in paragraph 3.9, accompanied by updated eligibility criteria reflecting the new corporate priorities, be adopted.
- (3) That the current application procedure, appraisal process & delivery mechanism including the recommended timetable (see Appendix 1. 'Timetable Three Year Strategic Grants 2010-13') be approved.

116. COMMUNITY ENGAGEMENT FRAMEWORK*

116.1 The Cabinet considered a report of the Director of Strategy & Governance that considered the draft Community Engagement Framework that had been developed in response to a range of recent national policy and legislative drivers as well as local evidence presented to the Local Strategic Partnership in December 2007 (for copy see minute book).

116.2 Councillor Simson noted that, just prior to the cabinet meeting; political representation to the Stronger Communities Partnership had been agreed.

116.3 As Chair of the Overview and Scrutiny Commission Councillor Mitchell welcomed the agreement on political representation.

116.4 The Chairman congratulated officers and members for their work in drafting the framework.

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

- (1) That the adoption of the Community Engagement Framework at the 2020 Community partnership meeting 2nd December 2008, be supported.
- (2) That the Framework be 'signed up to' subject to its approval by the 2020 Community Partnership.

117. TAXI TARIFF SETTING UNDER THE NEW CONSTITUTION

117.1 The Cabinet considered a report of the Director of Strategy & Governance that proposed a new procedure for setting taxi fares to comply with the law whilst retaining the expertise of the Licensing Committee (for copy see minute book)

117.2 An extract of the meeting of the Governance Committee held on 18th November was tabled. The Governance Committee had made an amendment to the recommendations as noted below.

117.3 *'that if the Director was minded to reject the Advisory Committee's recommendations that they would be referred to the Cabinet for consideration. It was therefore agreed that the wording in paragraph 3.6 should be amended accordingly to remove the words 'be expected to' and that recommendation 2.3 be amended to include reference to the revised report.'*

117.4 **RESOLVED** - That having considered the information and the reasons set out in the report, and the extract from the Governance Committee, the Cabinet accepted the following recommendations:

(1) That an advisory committee to the executive be established for the purpose of advising on licensing functions that are the responsibility of the Executive, including setting taxi fares;

(2) That the membership of the advisory committee mirror the Licensing Committee membership;

(3) That power be delegated to the Director of Environment to set taxi fares after considering the recommendations of the advisory committee in (1) above in accordance with the report as amended by the Governance Committee; and

(4) That the Head of Law be authorised to make the necessary amendments to the Constitution to reflect the above.

118. WELLSBOURNE SITE PROPOSED REDEVELOPMENT*

- 118.1 The Cabinet considered a report of the Interim Director of Finance & Resources in relation to the disposal of part of the site to AH Medical Properties plc (Ashley House, the developers for the PCT) for the development of an integrated health facility, GP surgery, on a long lease (for copy see minute book).
- 118.2 Councillor Mitchell welcomed the report and was pleased that the proposal was being progressed. She asked for an assurance that the building and its environs would be fully accessible.
- 118.3 Councillor Fallon-Khan noted that a new access path was being created to comply with legislation.
- 118.4 The Chairman apologised that Councillor Mitchell (as a Ward Councillor) had not been adequately consulted on the project and agreed that a site visit be organised as soon as practically possible.
- 118.5 **RESOLVED** - That having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendation:
- (1) That the demolition proposal of the existing vacant Wellsbourne Centre building (shown dashed on the Appendix A, of the plan) be approved.

PART TWO SUMMARY

119. WELLSBOURNE CENTRE SITE PROPOSED REDEVELOPMENT

119.1 The Cabinet considered a report of the Interim Director of Finance & Resources in relation to the disposal of part of the site to AH Medical Properties plc (Ashley House, the developers for the PCT) for the development of an integrated health facility, GP surgery, on a long lease (for copy see minute book).

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

(1) That the demolition proposal of the existing vacant Wellsbourne Centre building (shown dashed on the Appendix A, of the plan) be approved.

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

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

120.2 **RESOLVED** – That item 119, contained in Part Two of the agenda and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 4.55pm

Signed

Chair

Dated this

day of