

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 1 March 2010 at 10.00 am.

Present:

Chairman: Councillor P A Watkins

Councillors: T J Bartlett
S S Chandler
N J Collor
N S Kenton
I H Ward

Also Present: Councillor B W Butcher
Councillor J M Munt
Mr Stephen Pritchard (BPP Regeneration)

Officers: Chief Executive
Head of Business and Community Transformation
Head of Development and Public Protection
Head of Finance and ICT
Head of Governance
Head of Housing, Culture and Community Safety
Head of Leisure, Property and Waste Management
Head of Regeneration
Financial Services Manager
Regeneration Manager
Senior Accountant (Revenue)
Policy and Projects Officer
Democratic Support Officer

Apologies for absence were received from Councillors P G Heath, F J W Scales and C J Smith.

DECISIONS

The Decisions of the meeting of the Cabinet held on 8 February 2010 as detailed in decision Nos CAB 96 to CAB 107 were approved as a correct record and signed by the Chairman.

The formal decisions of the Executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 108 1.3.10 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply (a) Yes (b) No</p> <p>Implementation Date (a) 9 March 2010 (b) 4 March 2010</p>	<p><u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES – INTERIM CORPORATE PLAN 2010/11-2013/14</u></p> <p>(a) It was agreed that the Scrutiny (Policy and Performance) Committee's recommendation (Minute No 412), made at its meeting held on 16 February 2010, be approved.</p> <p>(b) It was agreed to recommend to Council that the Interim Corporate Plan 2010/11-2013/14 be approved, subject to the inclusion of the two amendments circulated at the meeting to page 5 of the report.</p>	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 16 February 2010, recommended that the Interim Corporate Plan be approved (Minute No 412).	

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 109 1.3.10 Open</p> <p>Key Decisions Yes</p>	<p><u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES – EMPTY HOMES STRATEGY</u></p> <p>(a) It was agreed that the Scrutiny (Community and Regeneration) Committee's endorsement of Cabinet decision CAB 104, made at its meeting held on 22 February 2010, be acknowledged.</p> <p>(b) It was agreed to recommend to Council that Cabinet decision CAB 104 be reaffirmed as follows:</p>	None.	The Scrutiny (Community and Regeneration) Committee, at its meeting held on 22 February 2010, endorsed Cabinet decision CAB 104 made at its	

Call-in to apply (a) Yes (b) No Implementation Date (a) 9 March 2010 (b) 4 March 2010	(i) That a scoping study be undertaken in order to establish the number of vacant one-bedroom flats in the District, and identify any problems arising where there is a preponderance of one-bedroom flats. (ii) That the Empty Homes Strategy 2010-2015 be approved.		meeting held on 8 February 2010.	
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Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 110 1.3.10 Open Key Decisions Yes Call-in to apply Yes Implementation Date 9 March 2010	<u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES – ADOPTION OF THE JOINT BENEFITS POLICY AND JOINT STRATEGY FOR DELIVERING THE BENEFITS POLICY</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 106, made at its meeting held on 16 February 2010 (Minute No 414), be acknowledged. (b) That CAB decision 106 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 16 February 2010, endorsed Cabinet decision CAB 106 made at its meeting held on 16 February 2010 (Minute No 414).	

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 111 1.3.10 Open	<u>COUNCIL BUDGET 2010/11 AND MEDIUM-TERM FINANCIAL PLAN 2010-2012/13</u> (a) It was agreed:		The Medium-Term Financial Plan (MTFP) is the Council's key financial planning	

<p>Key Decisions Yes</p> <p>Call-in to apply (a) Yes (b) No</p> <p>Implementation Date (a) 9 March 2010 (b) 4 March 2010</p>	<p>(i) That, subject to Council approving the 2010/11 budget, the grants to other organisations as set out in Annex 13 of the report be approved as follows:</p> <p>Vista Leisure – £285,000 The provision of leisure services at Dover Leisure Centre and Tides at Deal.</p> <p>Vista Leisure – £15,000 The provision of summer Play Scheme/Time-Out Service at various venues in the District.</p> <p>Vista Leisure – £38,115 The delivery of the Department for Culture, Media & Sport Free Swimming initiative (for persons aged 60 and over).</p> <p>Vista Leisure – £40,000 The delivery of the Primary Care Trust's Swimming Development initiative (for all age groups).</p> <p>Sandwich Town Cricket Club – £13,000 To assist the Club in defraying its expenditure in managing, maintaining and improving the recreation grounds at The Butts and Gazen Salts.</p> <p>(ii) That the Scrutiny (Policy and Performance) Committee's recommendation (a), made at its meeting held on 16 February 2010 (Minute No 413), be acknowledged as follows:</p> <p>(A) That the General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account budget, and the content of the Medium-Term Financial Plan (MTFP) be approved.</p>		<p>tool and underpins the Council's financial planning strategy and corporate planning process.</p> <p>Cabinet approval is required for the 2010/11 budget and MTFP before final approval by Council on 3 March 2010.</p>	
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	<p>(B) That the view of the Head of Finance and ICT that the budget has been prepared in an appropriate and prudent manner and that, based upon the information available, the estimates are robust, and that the estimated General Fund and Housing Revenue Account balances and reserves are considered adequate for the Council's current spending plans, be noted.</p> <p>(C) That it be noted that the budget report to Council will also include the 2010/11 Council Tax resolution.</p> <p>(D) That the Head of Finance and ICT be authorised to make minor adjustments to the MTFP before it is presented to Council in March.</p> <p>(E) That the various recommendations at the end of the sections within the attached budget be approved as follows:</p> <p>(1) The General Revenue Fund Budget for 2010/11 and the projected outturn for 2009/10.</p> <p>(2) The continued practice of delegated authority to the Head of Finance and ICT to approve revenue budget carry forwards within the guidelines set out, and to create and draw down Growth Point reserves in order to apply them to regeneration projects and support.</p> <p>(3) The policies and protocols regarding the General Fund balances and earmarked</p>			
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	<p>reserves, and transfers between reserves as set out in Annex 7 of the report.</p> <p>(4) The 2010/11 HRA budget at Annex 8A of the report.</p> <p>(5) The basis upon which the capital and special projects programmes have been compiled.</p> <p>(6) To delegate the decisions to apply capital receipts, revenue funds and other capital resources to finance the capital and special projects programmes to the Head of Finance and ICT.</p> <p>(7) The recommendations for the treatment of the 'Minimum Revenue Provision' as set out in Annex 9F of the report.</p> <p>(8) The Prudential Indicators and the Treasury Management Strategy.</p> <p>(iii) That the Scrutiny (Policy and Performance) Committee's recommendation (b), made at its meeting held on 16 February 2010, be rejected on the basis that Cabinet (like all Members) received monthly budget monitoring reports and budget monitoring information was also included in the quarterly performance report.</p> <p>(iv) That the Scrutiny (Policy and Performance) Committee's recommendation (c), made at its meeting held on 16 February 2010, be approved as follows:</p> <p>That the Head of Finance and ICT be requested to produce</p>			
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	<p>a trend analysis in a graphical summary format highlighting expenditure and revenue streams by financial year as part of the Medium-Term Financial Plan.</p> <p>(b) It was agreed to recommend to Council:</p> <p>(i) That the General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account budget, and the content of the Medium-Term Financial Plan (MTFP) be approved.</p> <p>(ii) That the view of the Head of Finance and ICT that the budget has been prepared in an appropriate and prudent manner and that, based upon the information available, the estimates are robust, and that the estimated General Fund and Housing Revenue Account balances and reserves are considered adequate for the Council's current spending plans, be noted.</p> <p>(iii) That, in setting the budget for 2010/11, the release of grants to other organisations as determined by Cabinet and set out at Annex 13 of the report, be approved.</p> <p>(iv) That the request for a supplementary budget of £395,000 for 2009/10, to be financed from £200,000 of VAT refunds and £195,000 of General Fund balances, be approved.</p> <p>(v) That the various recommendations at the end of the sections within the attached budget and MTFP at Appendix 1 of the report be approved as follows:</p> <p>(A) The General Revenue Fund Budget for 2010/11 and the projected outturn for 2009/10.</p> <p>(B) Continue the practice of delegated authority to the</p>			
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	<p>Head of Finance and ICT to approve revenue budget carry forwards within the guidelines set out, and create and draw down Growth Point reserves in order to apply them to regeneration projects and support.</p> <p>(C) The policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out in Annex 7 of the report.</p> <p>(D) The 2010/11 HRA budget at Annex 8A of the report.</p> <p>(E) The basis upon which the capital and special projects programmes have been compiled.</p> <p>(F) Delegate the decisions to apply capital receipts, revenue funds and other capital resources to finance the capital and special projects programmes to the Head of Finance and ICT.</p> <p>(G) That poolable housing capital receipts are retained and used to fund capital allowances on Regeneration and Decent Homes agendas.</p> <p>(H) The recommendations for the treatment of the 'Minimum Revenue Provision' as set out in Annex 9F of the report.</p> <p>(I) The Prudential Indicators and the Treasury Management Strategy.</p>			
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Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 112 1.3.10 Open</p> <p>Key Decisions No</p> <p>Call-in to apply No</p> <p>Implementation Date 20 May 2010</p>	<p><u>EMPLOYMENT STABILITY PHASE 2 – THE WAY FORWARD</u></p> <p>It was agreed to recommend to Council:</p> <p>(a) That the enhanced Employment Stability Approach as outlined in Option 2 of the report be adopted as the Council's policy as part of a range of measures to manage the Council's financial pressures.</p> <p>(b) That it be recognised that, through the enhanced Employment Stability process, priority functions will be identified and performance targets will be set for 2011/12.</p> <p>(c) That it be recognised that the Chief Executive will:</p> <p>(i) Develop a process that fully engages with Members to identify priority and non-priority functions and which enables Option 2 to be effectively delivered.</p> <p>(ii) Develop a behavioural competency framework to help further shape organisational culture, develop our managers and staff and improve service performance across the Council.</p> <p>(iii) Develop a Consultation and Communications Strategy for this project to ensure that the proposals emerging are properly consulted upon and communicated in line with the Council's procedures.</p> <p>(iv) Recognise that providing priority redeployment opportunities to staff, identified in non-priority functions, must meet TUPE and other employment law requirements.</p>	<p>None.</p>	<p>In order to address current and future financial pressures, it is proposed that the Council's organisational structures be reviewed to identify, amongst other things, priority and non-priority functions. Once completed, the new leaner structure will be implemented in phases, with staff offered redeployment opportunities wherever possible.</p>	

	<p>(v) Ensure that future recruitment is targeted towards the Council's agreed priority functions.</p> <p>(vi) As an ongoing process and specifically as part of the 2011/12 budget process, align budgets and service plans to the agreed performance targets for the Council's priority functions.</p> <p>(vii) Develop a series of evolving Shadow Organisational Structures for the Council as target structures from 2011/12 onwards, to reflect changes to the workforce structures.</p>			
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<p>CAB 113 1.3.10 Open</p> <p>Key Decisions No</p> <p>Call-in to apply (a) No (b) Yes</p> <p>Implementation Date (a) 4 March 2010 (b) 9 March 2010</p>	<p><u>PROPOSED FUNDING FOR ADAPTATIONS FROM THE EAST COAST PCT</u></p> <p>(a) It was agreed to recommend to Council that the offer of £150,000 in funding from the Eastern and Coastal Kent Primary Care Trust (PCT), to be spent by 31 March 2010 on disabled adaptations in the homes of the District's older and disabled tenants, be approved, subject to the Head of Finance and ICT being satisfied as to any terms and conditions applicable to the offer.</p> <p>(b) It was agreed to note that a further £150,000 may be made available in the 2010/11 financial year, subject to further approval of the PCT.</p>	None.	<p>The PCT has made £150,000 available to the Council for home adaptations for elderly and disabled tenants, with a deadline for expenditure of 31 March 2010. A further £150,000 may be made available in the 2010/11 financial year.</p> <p>(In accordance with the provisions of Section</p>	

			100(B)(4)(b) of the Local Government Act 1972, the Chairman agreed that this item, which was not detailed on the agenda, should be considered as a matter of urgency for the reason that the funding must be spent by 31 March 2010.)	
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CAB 114 1.3.10 Open Key Decisions Yes Call-in to apply Yes Implementation Date 9 March 2010	<u>2010/11 COMMUNICATION STRATEGY AND PLAN</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 107 (Minute No 415), made at its meeting held on 16 February 2010, be acknowledged. (b) That the 2010/11 Communication Strategy be approved, and ongoing work on developing the annual Communication Plan be noted.	None.	The Council's current Communication Strategy will lapse on 31 March 2010, and it is therefore necessary for it to be updated for the 2010/2011 Council year. The Scrutiny (Policy and Performance) Committee, at its meeting held on 16 February 2010, endorsed Cabinet	

			decision CAB 107 made at its meeting held on 8 February 2010 (Minute No 415).	
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<p>CAB 115 1.3.10 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 9 March 2010</p>	<p><u>BUSINESS HARDSHIP RECESSION SUPPORT</u></p> <p>It was agreed:</p> <p>(a) That the current situation relating to the Additional Hardship Relief Fund under Section 49 of the Local Government Finance Act 1988 be noted.</p> <p>(b) That the freezing of the remaining ring-fenced Recession Hardship Relief Fund be approved, and responsibility for further action delegated to the Head of Business and Community Transformation, in consultation with the Regeneration Manager, the Head of Finance and ICT and the Portfolio Holder for Corporate Resources and Performance.</p>	<p>None.</p>	<p>At its meeting on 5 March 2009, Council agreed to add £100,000 to the Business Rate Relief reserve to help businesses during the difficult economic climate (Minute No 495(b)(v)). Following the announcement of 0.1% GDP growth in January, it is considered appropriate to freeze the fund until the economic growth situation becomes clearer.</p>	

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CAB 116 1.3.10 Open Key Decisions No Call-in to apply Yes Implementation Date 9 March 2010	<u>PERFORMANCE REPORT – QUARTER 3 2009/10</u> It was agreed that the Performance Report for the 3rd Quarter 2009/10 be noted.	None.	The Performance Report is the cornerstone of the Council's performance management framework, and is key to the monitoring of progress towards achieving the Council's aims and objectives.	

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CAB 117 1.3.10 Open Key Decisions No Call-in to apply Yes Implementation Date 9 March 2010	<u>DOVER DISTRICT COUNCIL HOUSING SERVICES – REVISED ANTI-SOCIAL BEHAVIOUR POLICY</u> It was agreed that the revised Housing Services' Anti-Social Behaviour Policy be approved.	None.	The Council's Housing Services section manages circa 4,600 properties as landlord and needs to ensure that there is a clear anti-social behaviour policy in place in accordance with the Council's statutory	

			obligations.	
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CAB 118 1.3.10 Open Key Decisions No Call-in to apply Yes Implementation Date 9 March 2010	<u>DOVER DISTRICT NEIGHBOURHOOD FORUMS – THE WAY FORWARD</u> It was agreed: (a) That the success of the Forums to date be acknowledged. (b) That the continued improvements set out at Option 3 of the report, effective from 2010/11, be approved. (c) That the annual 'State of the District' report presented to Council be disseminated through the Neighbourhood Forums for local discussion.	To not amend the report's recommendations.	Established in November 2006, the Dover District Neighbourhood Forums have proved a success. However, there is a need to review the format and frequency of meetings in order to ensure the Forums remain relevant and engage effectively with local residents.	

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CAB 119 1.3.10 Open Key Decisions No	<u>NOTICE OF DELEGATED DECISION (DD06)</u> It was agreed that Delegated Decision Notice DD06 (Active Dover Grants for sporting individuals and clubs/organisations) be received and noted.	None.	To note the delegated decision taken by the Portfolio Holder for Community, Housing and Youth under delegated powers	

Call-in to apply Yes Implementation Date 9 March 2010			conferred by Part 3 (Responsibility for Functions); Section D1 (Specific Powers Delegated to Members of the Executive) of the Constitution.	
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CAB 120 1.3.10 Open Key Decisions No Call-in to apply Yes Implementation Date Immediate	<u>EXCLUSION OF THE PRESS AND PUBLIC</u> That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded from the remainder of the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A of the 1972 Act.	None.		

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CAB 121 1.3.10 Exempt	<u>DEED OF VARIATION – AYLESHAM VILLAGE EXPANSION DEVELOPMENT</u> It was agreed to recommend to Council:	None.	Since the original Aylesham development agreement was	

<p>Key Decisions Yes</p> <p>Call-in to apply No</p> <p>Implementation Date 4 March 2010</p>	<p>(a) That the terms of a Deed of Variation to the Aylesham Village Expansion Development Agreement be approved.</p> <p>(b) That authority be delegated to the Chief Executive, in consultation with the Leader of the Council and the Portfolio Holder for Economy and Special Projects to conclude the agreement.</p> <p>(c) That the change be publicised in order to reduce the risk of legal challenge at a later date.</p> <p>(d) That authority be delegated to the Chief Executive, in consultation with the Portfolio Holder for Economy and Special Projects, to continue negotiations with the developers to support their Kickstart application.</p>		<p>signed in 2007, there has been a significant fall in house and land values, which makes the original agreement no longer viable.</p> <p>At its meeting on 21 September 2009, Cabinet agreed that a Deed of Variation should be negotiated (CAB 50), and the outcome of those negotiations is now due for consideration by Cabinet.</p>	
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<p>CAB 122 1.3.10 Exempt</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p>	<p><u>DECISIONS TAKEN BETWEEN CABINET MEETINGS</u></p> <p>It was agreed that decision number U08 (Award of contract and release of funds for the renovation of Kearsney Abbey and Russell Gardens play areas) be received and noted.</p>	<p>None.</p>	<p>To note the decision taken by the Portfolio Holder for Access and Property Management, pursuant to paragraph 13 (General</p>	

Implementation Date 9 March 2010			Responsibilities) of Part 3 of the Constitution.	
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CAB 123 1.3.10 Exempt Key Decisions Yes Call-in to apply Yes Implementation Date 9 March 2010	<u>FIVE-YEAR MEDIUM-TERM CONTRACT FOR DECORATIONS AND ASSOCIATED REPAIRS 2010-2015</u> It was agreed that the best value tenders submitted by Redec Limited and Ian Williams Limited for the sums outlined in the report be accepted.	None.	The current contract for external decorations and repairs to the Council's housing stock expires on 31 March 2010. Following the issue of competitive tenders, and receipt of seven bids, it is necessary for Cabinet to award a new contract.	

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 124 1.3.10 Exempt Key Decisions	<u>PROPOSED REDEVELOPMENT OF LAND ADJOINING YORK STREET AND TOWNWALL STREET, DOVER</u> It was agreed:	None.	The Council owns a number of parcels of land in the area of York Street and	

<p>No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 9 March 2010</p>	<p>(a) That Officers be charged with exploring the proposals outlined in the report for the redevelopment of the York Street, Bench Street and Townwall Street sites.</p> <p>(b) That the Head of Regeneration, in consultation with the Portfolio Holder for Economy & Special Projects and the Head of Property, Leisure & Waste Management, with the assistance of specialist legal and commercial advisers, be authorised to negotiate and agree terms for a joint-venture with the other major landholder.</p>		<p>Townwall Street. The owners of the adjoining land have approached the Council with a joint-venture proposal to secure planning consent and develop the site. Part of the site falls within the area allocated to the Dover Waterfront development in the Local Development Framework, and it is therefore in the Council's interest to retain some control over the area in order to fulfil its wider regeneration objectives.</p>	
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<p>CAB 125 1.3.10 Exempt</p> <p>Key Decisions</p>	<p><u>PROPOSED SALE OF LAND AT NOAH'S ARK ROAD, DOVER</u></p> <p>It was agreed:</p> <p>(a) That an option to purchase the land on the terms outlined in the</p>	<p>None.</p>	<p>The Council has received an offer to purchase the freehold of a site at Noah's Ark</p>	

<p>No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 9 March 2010</p>	<p>report be granted to Brownfield Land Assembly Company.</p> <p>(b) That the Head of Property, Leisure and Waste Management, in consultation with the Portfolio Holder for Community, Housing and Youth, be authorised to negotiate and agree the terms of the option agreement and to take any necessary steps to arrange for the disposal of the site.</p>		<p>Road. This will be payable once planning consent has been secured by the Brownfield Land Assembly Company.</p>	
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The meeting ended at 10.48 am.