





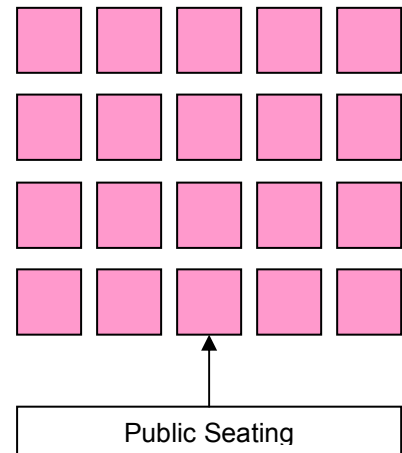
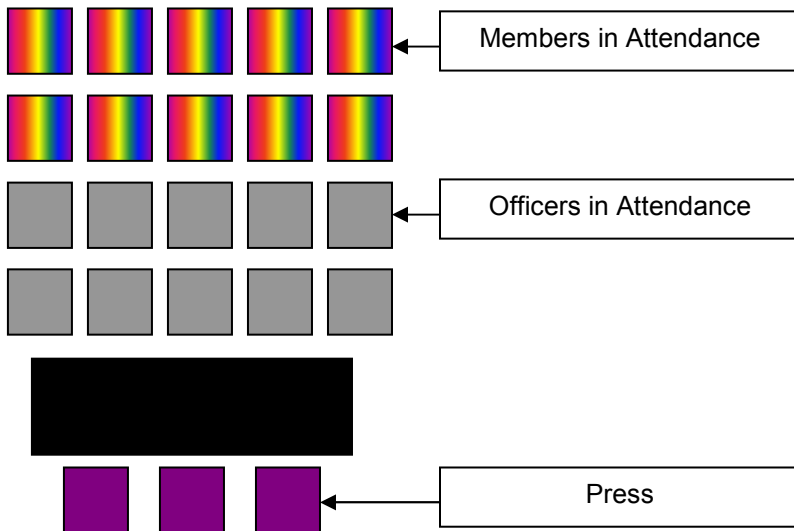
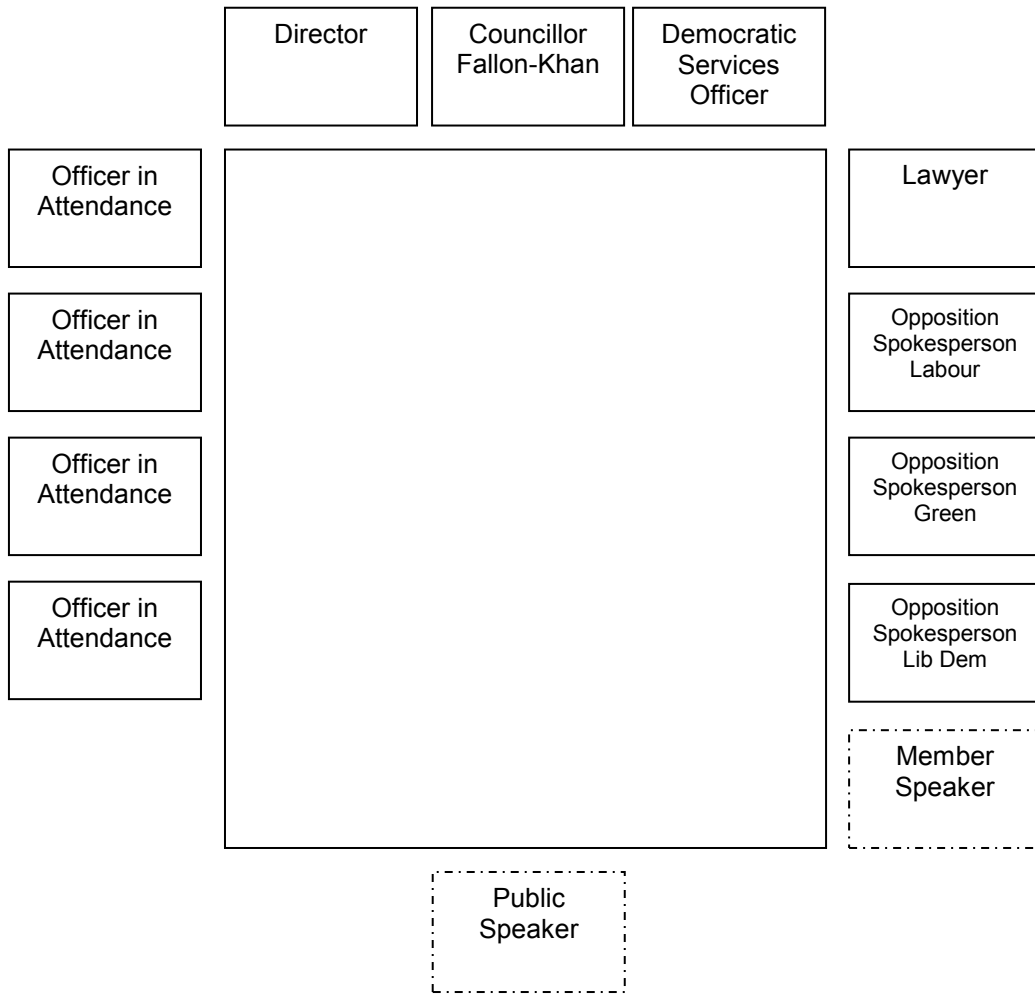
Brighton & Hove
City Council

Cabinet Member Meeting

Title:	Central Services Cabinet Member Meeting
Date:	18 January 2010
Time:	4.30pm
Venue	Committee Room 1, Hove Town Hall
Members:	Councillor: Fallon-Khan (Cabinet Member)
Contact:	Nara Miranda Democratic Services Officer 01273 291004 (voicemail only) nara.miranda@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

35. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

36. MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the Meeting held on 12 October 2009 and the Special Meeting held on 7 December 2009 (copies attached).

37. CABINET MEMBER'S COMMUNICATIONS

38. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokesperson
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

NOTE: Petitions, Public Questions, Deputations, Letters from Councillors, Written Questions from Councillors and Notices of Motion will be reserved automatically.

39. PETITIONS

No petitions received by date of publication.

CENTRAL SERVICES CABINET MEMBER MEETING

40. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 11 January 2010)

No public questions received by date of publication.

41. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 11 January 2010)

No deputations received by date of publication.

42. LETTERS FROM COUNCILLORS

No letters have been received.

43. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

44. NOTICES OF MOTIONS

No Notices of Motion have been referred.

45. DISPOSAL OF CEDARS LODGE, CEDARS GARDENS

9 - 14

Report of the Director of Finance & Resources (copy attached).

Contact Officer: Angela Dymott, Jessica Hamilton Tel: 29-1450, Tel: 29-1461

Ward Affected: Withdean;

46. BUILDING MAINTENANCE SURVEYING CONSULTANCY (1ST SEPTEMBER 2005 - 31ST AUGUST 2012)

15 - 18

Report of the Director of Finance & Resources (copy attached).

Contact Officer: Angela Dymott Tel: 29-1450

Ward Affected: All Wards;

47. HANGLETON BOTTOM - UPDATE

19 - 26

Report of the Director of Finance & Resources (copy attached).

Contact Officer: Richard Butler, Angela Dymott Tel: 29-1440, Tel: 29-1450

Ward Affected: North Portslade;

CENTRAL SERVICES CABINET MEMBER MEETING

PART TWO

48. PART TWO MINUTES OF THE PREVIOUS MEETING 27 - 28

Part 2 Minutes of the meeting held on 12 October 2009 (circulated to Members only).

49. HANGLETON BOTTOM - UPDATE [EXEMPT CATEGORY 3] 29 - 34

Report of the Director of Finance & Resources (circulated to Members only).

Contact Officer: *Richard Butler, Angela Dymott* *Tel: 29-1440, Tel: 29-1450*
Ward Affected: *North Portslade;*

50. PART TWO ITEMS

To consider whether or not the above item and the decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Nara Miranda, (01273 291004 (voicemail only), email nara.miranda@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Friday, 8 January 2010

CENTRAL SERVICES CABINET MEMBER MEETING

Agenda Item 36

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

CENTRAL SERVICES CABINET MEMBER MEETING

4.30pm, 12 OCTOBER 2009

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillor Fallon-Khan (Cabinet Member)

Also in attendance: Councillor Hamilton, Opposition Spokesperson, Labour

Other Members present: Councillor Young

PART ONE

16. PROCEDURAL BUSINESS

16a Declarations of Interest

16.1 There were none.

16b Exclusion of Press and Public

16.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Cabinet Member for Central Services 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).

16.3 **RESOLVED** – That the press and public be excluded from the meeting during the consideration of the Item 31 in Part 2 of the agenda.

17. MINUTES OF THE PREVIOUS MEETING

17.1 **RESOLVED** – That the minutes of the meeting held on 29 June 2009 be approved and signed by the Cabinet Member as a correct record.

18. CABINET MEMBER'S COMMUNICATIONS

18.1 There were none.

19. ITEMS RESERVED FOR DISCUSSION

19.1 All items were reserved by the Cabinet Member.

20. PETITIONS

20.1 There were none.

21. PUBLIC QUESTIONS

21.1 There were none.

22. DEPUTATIONS

22.1 There were none.

23. LETTERS FROM COUNCILLORS

23.1 There were none.

24. WRITTEN QUESTIONS FROM COUNCILLORS

24.1 The Cabinet Member reported that a written question from Councillors had been received.

24.2 At the Enterprise, Employment and Major Projects Cabinet Member Meeting held on 10 June 2009, Councillor Turton had asked if any of the new eco apprenticeships were behind the council's agenda and asked whether the opportunities of the Memorandum of Understanding (between the City Council and the National Apprenticeship Service) would enable the active encouragement of eco apprenticeships.

24.3 The Cabinet Member had circulated the following response:

"There are over 180 different types of Apprenticeship available and these cover a range of potential 'Eco Apprenticeships' in Amenity Horticulture, Environmental Conservation, Construction, Planning and the Built Environment and Engineering/Manufacturing. City College Brighton & Hove, the Friends Centre and two Universities are planning to arrange a meeting in response to the Commission's report exploring the potential skills requirements of the Green Sector in the city to ensure that the city's providers can meet the requirements of existing and new Green sector employers in the city and wider sub-region. This will explore some of the innovative practice already in place at colleges such as Kingston College and Carshalton College which, in February 2009, opened a Power Centre that provides training in a range of emerging industries including Solar Heating (see <http://www.kingston-college.ac.uk/news/4/70/a-powerful-alliance.html?arc=2/2009>).

The city is particularly keen to explore Level 1-3 provision with Friends looking at 'preparation for' courses. This will all feed into the BRII (Business Retention and Inward Investment Strategy) plan to ensure that we have an agreed way forward on developing and providing these emerging training opportunities that can be included in any negotiations the Economic Development Team and wider BHCC departments may have with new/existing employers in these sectors.”

- 24.4 The Cabinet Member noted that Councillor Turton had not attended the meeting to hear the response to his question and agreed that a copy of the above response be sent to Councillor Turton.

25. NOTICES OF MOTIONS

- 25.1 There were none.

26. LEGAL SERVICES FRAMEWORK

- 26.1 The Cabinet Member considered a report of the Director of Strategy & Governance concerning the legal services framework (for copy, see minute book).

- 26.2 The Cabinet Member reported that the purpose of the framework agreement, which included the District and Borough Councils in West and East Sussex, East and West Sussex County Councils, East Sussex Fire and Rescue Authority and the city council, was to provide external legal services at a reduced rate.

- 26.3 The Cabinet Member pointed out that the agreement, a scheme of shared services, should enable all the participating authorities to benefit from economies of scale offered by solicitors and barristers and noted that efficiencies should also be achieved from being able to select from a pre-approved list for each category of work, rather than start from scratch for each piece of work. He noted that there were no disadvantages for Brighton & Hove City Council in participating in this agreement.

- 26.4 The Opposition Spokesperson, Labour, welcomed the report.

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

- (1) That the Head of Law be authorised to enter into a Consortium Agreement to achieve a joint procurement framework agreement for external legal services with all or any of the Unitary, County, District, Borough and Fire and Rescue Authorities in West and East Sussex (the Consortium Authorities) to be led by Arun District Council, and take any steps necessary or incidental to implementing the framework agreement.

27. OCCUPATIONAL HEALTH PROCUREMENT

- 27.1 The Cabinet Member considered a report of the Director of Strategy & Governance concerning the occupational health procurement process, which aimed to ensure that an effective and efficient occupational health service was provided across the council

which, in turn, would create organisational savings by reducing staff absence and also have a direct impact on the services delivered to customers (for copy see minute book).

- 27.2 The Opposition Spokesperson noted that delays in reporting from occupational health officers occurred and sought assurances that such delays would not constitute a barrier to a better service delivery.
- 27.3 The Director of Strategy & Governance noted the concerns raised. He explained that the arrangements proposed were new for Brighton & Hove specifically and he was confident that this new system would improve things further. The Director also indicated that the council's current suppliers would be allowed to tender and reported that some of them had been doing a very good job up until now.
- 27.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That the award of the Occupational Health contract be delegated to officers.

28. ICT FUND 2009-2010

- 28.1 The Cabinet Member considered a report of the Director of Finance & Resources, which set out proposals for the use of the 2009/10 ICT fund and detailed how the expenditure would help support the council's business objectives (for copy see minute book).
- 28.2 The Opposition Spokesperson noted that the Audit Committee had previously raised concerns about the ICT spending. He sought assurance that the proposals and investments set out in the report would be kept under control.
- 28.3 The Cabinet Member noted the concerns raised and reassured the Opposition Spokesperson that officers would do all that was possible to maintain the level of expenditure detailed in the report.
- 28.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That the allocation of the ICT Fund as set out in the report be agreed.

29. COMMERCIAL PORTFOLIO ESTATE MANAGEMENT CONSULTANCY (1 APRIL 2005 - 31 MARCH 2012)

- 29.1 The Cabinet Member considered a report of the Director of Finance & Resources, concerning the commercial portfolio estate management consultancy, from the period 1 April 2005 - 31 March 2012 (for copy see minutes book).
- 29.2 The Assistant Director, Property and Design, highlighted the fact that the original report that was considered at the Policy & Resources Committee in December 2004 omitted to include a provision for delegating to the authorised officer (Director of Finance & Resources) authority to extend these contracts on behalf of the council. She explained that the current report sought to rectify that omission in order to enable the Director of

Finance & Resources to extend these contracts for the two year extensions allowed under each contract.

- 29.3 The Assistant Director reported that the existing portfolio agents, Cluttons and Smiths Gore who had previously won the contracts, had since been working well with the council. She noted that it was the council's intention to extend those contracts, subject to the approval of this Cabinet Member meeting, in order to ensure continuity of service.
- 29.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That delegated authority be granted to the Director of Finance & Resources to extend the council's existing contracts for commercial portfolio estate management consultancy by two years.

30. PROPERTY DISPOSALS - UPDATE

- 30.1 The Cabinet Member considered a report of the Director of Finance & Resources which gave an annual update on property disposals within the non-operational (investment) and operational portfolios, which incorporated a review of disposals undertaken over the past year (for copy see minute book).
- 30.2 The Assistant Director, Property & Design, noted that despite the economic situation, good progress and outcomes had been achieved. She pointed out, however, that officers recognised the need to continue to prepare and to place the council in a good position so that when the market improved, the council would be ready to compete.
- 30.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That the contents of the report, the implications the implications of the current property climate and the progress achieved on disposals over 2008 – 09, together with impending transactions, be noted.

31. PROPERTY DISPOSALS - UPDATE [EXEMPT CATEGORIES 1 AND 3]

- 31.1 The Cabinet Member considered a report of the Director of Finance & Resources which gave an annual update on property disposals within the non-operational (investment) and operational portfolios, which was complemented by further information contained in Appendix A to the report (circulated to Members only).
- 31.2 The Cabinet Member and the Opposition Spokesperson noted the update on the disposal transactions that had taken place in 2008/09, and currently into 2009/10, and those which were still ongoing.

31.3 RESOLVED –

- (1) That the recommendations detailed in Item 30 in Part 1 of the Agenda be adopted.
- (2) That Item 31 remains exempt from disclosure to the press and public.

The meeting concluded at 4.40pm

Signed

Cabinet Member

Dated this day of

BRIGHTON & HOVE CITY COUNCIL
CENTRAL SERVICES CABINET MEMBER SPECIAL MEETING

4.30pm, 7 DECEMBER 2009

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillor Fallon-Khan (Cabinet Member)

PART ONE

32. PROCEDURAL BUSINESS

32a Declarations of Interest

32.1 There were none.

32b Exclusion of Press and Public

32.2 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Cabinet Member for Central Services (delete as appropriate) 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).

32.3 **RESOLVED** - That the press and public be not excluded from the meeting.

33. CABINET MEMBER'S COMMUNICATIONS

33.1 There were none.

34. AGENCY STAFFING CONTRACT

34.1 The Cabinet Member considered a report of the Director of Strategy & Governance concerning the temporary staff agency tender, which sought agreement for the contractual supply of temporary staff to Brighton & Hove City Council through the issuing of a contract for the management of temporary staff agency services for the next five years (for copy see minute book).

34.2 The Cabinet Member recorded his disappointment that none of the Opposition Spokespersons were present at today's meeting to consider this item.

- 34.3 The Cabinet Member congratulated the Recruitment Strategy Manager and the team involved with this project for the thoroughness of the work carried out. He noted the comprehensive evaluation process that had taken place, and indicated that he was satisfied that the council was taking the provider that best met the necessary requirements.
- 34.4 **RESOLVED** – That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That Carlisle Managed Solutions be appointed to supply the council with temporary workers under a contract for five years.

The meeting concluded at 4.35pm

Signed

Cabinet Member

Dated this

day of

CENTRAL SERVICES CABINET MEMBER MEETING

Agenda Item 45

Brighton & Hove City Council

Subject:	Disposal of Cedars Lodge, Cedars Gardens		
Date of Meeting:	18 January 2010		
Report of:	Director of Finance & Resources		
Contact Officer:	Name:	Angela Dymott	Tel: 29-1450
		Jessica Hamilton	29-1461
	E-mail:	Angela.dymott@brighton-hove.gov.uk	
		Jessica.hamilton@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No: N/A	
Wards Affected:	Withdean		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

Cedars Lodge is a detached residential property. It was originally purchased to allow for the widening of London Road, a scheme that was not carried out. It is currently vacant and has been declared surplus by Sustainable Transport. It is proposed to dispose of it on the open market to meet our corporate objectives. (A plan identifying the property is attached to this report, Appendix 1).

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the disposal of the freehold interest of Cedars Lodge.
- 2.2 That the Cabinet Member approves the retention of some of the garden land and the ring fencing of an amount from the sale receipt to pay for the cost of highways improvements to Cedars Gardens.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Cedars Lodge and adjacent land was purchased in 1961 by the Brighton Corporation under s 214 of the Highways Act 1959 for the purposes of widening the London Road. The property has remained under the control of Highways since that time, transferring to East Sussex County Council and then back to Brighton and Hove City Council in 1997.
- 3.2 The road widening scheme has not been carried out and the property has been rented out under various tenancies since its purchase. The most recent tenancy was granted in May 1996 to an employee of East Sussex County Council. In February 2009 the tenancy was terminated and the property has been vacant since that time.

- 3.3 In August 2009 Sustainable Transport declared the property as surplus. They advised that it is no longer considered appropriate to increase capacity by widening roads, particularly within cities and it was highly unlikely that a scheme to widen London Road would be funded or approved.
- 3.4 In September 2009 three local agents inspected the property and gave advice on its marketability. All agents were confident that there would be demand for the property and recommended at the time a market price of between £275,000 and £300,000.
- 3.5 In October 2009 ward councillors were consulted on the proposed sale of the property. Cllr Drake requested that land from the garden be retained to provide additional public footways and improve the safety for residents.
- 3.6 Colleagues in Highway Engineering and Projects visited the site and drew up a draft scheme to widen existing footways, provide additional footways, improve visibility for drivers, provide additional signage and introduce a one way system for entering and exiting Cedars Gardens. The draft design will be subject to a safety audit and detailed design. The works have not been tendered but it has been estimated will cost in the region of £20,000. It is proposed that the works are funded from the capital receipt achieved from the sale of the property.

4. CONSULTATION

- 4.1 Mark Prior, Assistant Director for Sustainability Transport carried out an internal consultation prior to declaring the property surplus.
- 4.2 Ward councillors have been consulted.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The freehold disposal of the property will generate a capital receipt between £275,000 and £300,000 less any fees in connection with its disposal. The cost of the works, estimated at £20,000, will be set aside from the net receipt to finance the highways improvements to Cedars Gardens. The remaining receipt will be used to support the corporate Strategic Investment Fund. There is no income currently generated from the property and revenue savings will be made from the associated cost of security and maintenance which will be incorporated into future year's revenue budgets.

Finance Officer Consulted: Rob Allen

Date: 09/12/2009

Legal Implications:

- 5.2 S123 of the Local Government Act 1972 enables the council to dispose of this property provided the best consideration reasonably obtainable is achieved. It is not considered that any individuals Human Rights Act rights are adversely affected by the recommendations in this report. The

decisions recommended at paragraph 2 in this report fall within the delegated functions of the Cabinet Member for Central Services, providing that the Leader is notified of the proposed decision in advance, and has no objection.

Lawyer Consulted: Anna MacKenzie

Date: 09/12/2009

Equalities Implications:

5.3 There are none.

Sustainability Implications:

5.4 There are none.

Crime & Disorder Implications:

5.5 The property is secured whilst vacant to prevent malicious damage and unauthorised access. The council's liability to maintain the property will cease on completion of its sale.

Risk and Opportunity Management Implications:

5.6 In the current regulatory frame work there is virtually no possibility that Sustainable Transport will require this property for road widening purposes.

Corporate / Citywide Implications:

5.7 The sale of this surplus asset supports our corporate objectives. The highways improvements will provide safer environment for pedestrians and car drivers entering and existing Cedars Gardens.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Sustainable Transport confirmed that it was highly unlikely that over any time horizon a scheme to widen London Road would be funded or approved and concluded that it is no longer the intention to widen the London Road in this location. There is therefore no benefit to holding the property for this purpose and it has been declared surplus.

6.2 The property is estimated to be about 85 years old. The rooms are small and the bathroom is located off the kitchen on the ground floor. Improvements have been made to the heating system in recent years and repairs have been carried out to maintain the property. However it would require substantial investment to bring it up to standards appropriate to be let as a Housing property. Given the level of investment required the property would provide a poor return on investment and it is not therefore recommend that this option be pursued.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The property is vacant and has been declared surplus by Sustainable Transport as it is no longer required to widen London Road, which was the purpose of its acquisition originally.
- 7.2 Local agents have inspected the property and recommended in October 2009 that the property would sell for between £275,000 and £300,000.
- 7.3 Ward councillors have been consulted and have requested alterations to the public footway to improve safety. Highway Engineering and Projects have drawn up draft proposals and estimated these will cost about £20,000 to be funded by the capital receipt from the sale of the property.

SUPPORTING DOCUMENTATION

Appendices:

1. Plan identifying Cedars Lodge.

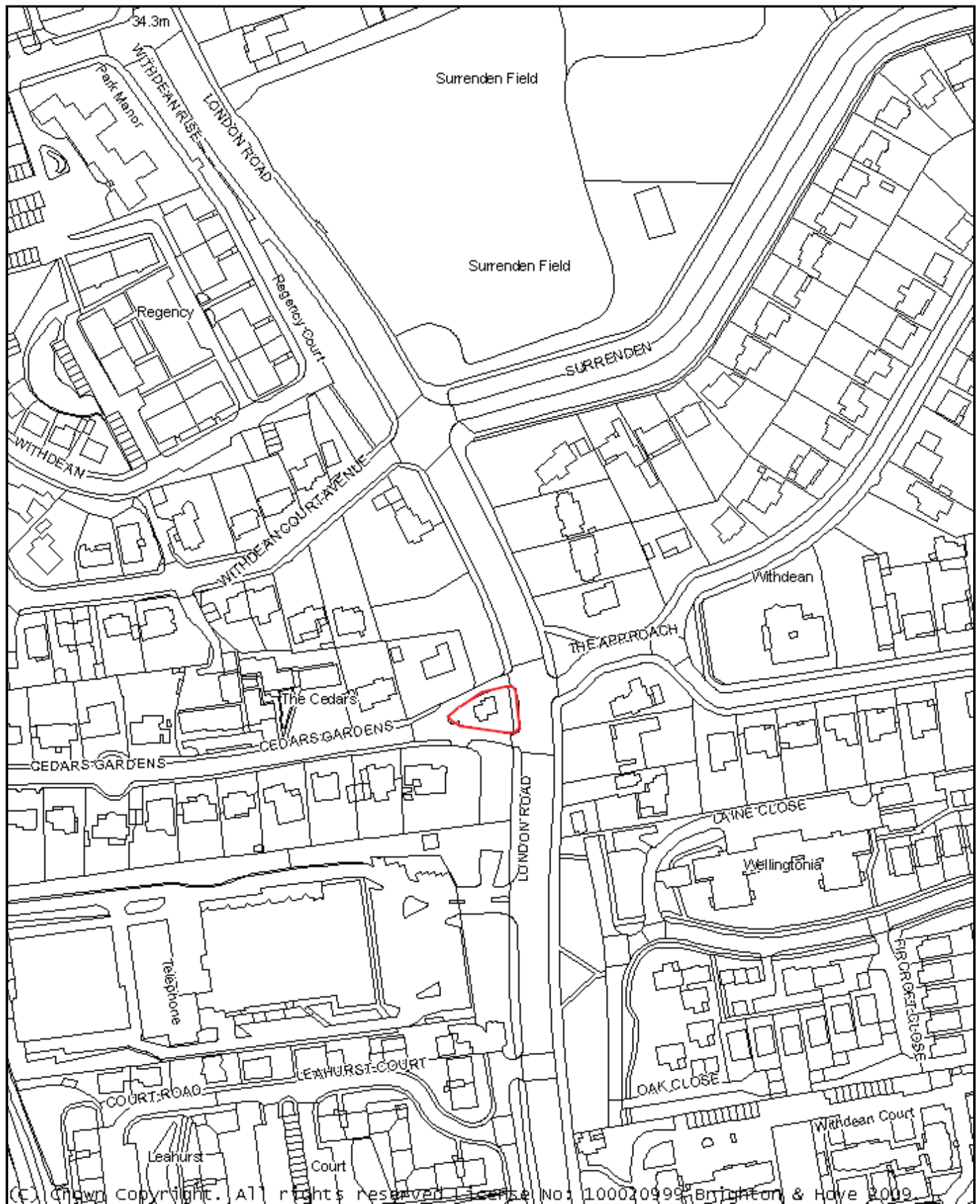
Documents in Members' Rooms

1. None

Background Documents

1. None

Cedars Lodge, Cedars Gardens



Date: 26/06/2009 11:44:17

Scale 1:1935



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CENTRAL SERVICES CABINET MEMBER MEETING

Agenda Item 46

Brighton & Hove City Council

Subject:	Building Maintenance Surveying Consultancy (1 September 2005 – 31 August 2012)		
Date of Meeting:	18 January 2010		
Report of:	Director of Finance & Resources		
Contact Officer:	Name:	Angela Dymott	Tel: 29-1450
		Andrew-Bachelor	29-1441
	E-mail:	Angela.dymott@brighton-hove.gov.uk	
		Andrew.bachelor@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: CS14111	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In May 2005, the Policy & Resources Urgency Sub-Committee (P&RU) approved the award of a five-year building maintenance consultancy services contract for education & social care properties with an option for a further two-year extension. P&RU's approval made no provision as to which decision-making body or person within the council would have authority to exercise the option. As Policy & Resources approval was an executive decision the same is true as regards the contract extension and it falls to the Central Services Cabinet Member to give the necessary authorisation to delegate authority to the appropriate officer, the Director of Finance & Resources.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member grants the Director of Finance & Resources delegated authority to extend the council's existing building maintenance consultancy contract for education and social care properties for a further period of up to two years.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 On 24 May 2005, the Policy & Resources Urgency Sub-Committee resolved to award, subject to contract, the council's building maintenance consultancy service for education and social care properties to NPS South East Ltd (formerly NPS Property Consultants Ltd) for a five-year period with an option of a two-year extension.

- 3.2 Prior to tendering this contract in 2005 and based on previous experience it was clear that there are advantages to be gained in giving the council greater flexibility under the consultancy contract particularly regarding timing of the renewal. A key consideration being that renewal might come due at a time, or in circumstances, when a rigid timescale could be to the council's disadvantage. This concept was approved by the Policy & Resources Committee in the initial procurement report on 17th November 2004 for approval to tender and incorporated into the procurement documents. Similar flexibility has been built into other council contracts.
- 3.3 The terms of the contract specify that the Council serve notice by 1st February 2010 regarding its intentions to invoke the extension of the contract. Initial discussions have taken place with the current contract holder to confirm their willingness to accept such an extension on the same terms, conditions and fee levels.
- 3.4 Where the council's executive resolves to authorise a five-year contract with an option for a 2-year extension, the resolution should include a provision specifying who has authority to grant the extension. In the case of this contract, however, P&RU's resolution made no reference to authority levels and it therefore becomes necessary to seek Cabinet Member approval to grant authority to the appropriate person.
- 3.5 Having implemented P&RU's contract decision in 2005, and having worked closely with the contract holders since then, the Assistant Director of Property & Design is best qualified to make a decision about whether to extend the contracts.
- 3.6 It is therefore recommended that Cabinet Member Meeting grant delegated authority to the Director of Finance & Resources to make that decision.

4. CONSULTATION

- 4.1 A full tendering process for this work was undertaken at the time under OJEU Regulations, and the contract entered into allowed for the extensions referred to here. A review of the current contract holder's performance took place during September 2009 led by Property & Design and involving stakeholder representatives. This confirmed that the current contract holder's performance was sufficient to justify an extension.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 As set out in Section 6 of this report, an extension of the current contract is considered to be the best option in terms of representing value for money. The annual cost of the contract is almost entirely based on a fixed percentage of the cost of work designed or procured through the consultancy contract and currently stands at approximately £300,000 per annum across both the education and social care portfolios. The costs of the contract will be met from existing service budgets within the general fund.

The consultancy services fee basis during the extended contract period will be on exactly the same terms and conditions as originally procured, i.e. with no cost change.

Finance Officer consulted: Alasdair Ridley

Date: 09/12/2009

Legal Implications

- 5.2 The extension to this contract was provided for in the original contract which was procured in accordance with the relevant EU law and accompanying UK Regulations. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer consulted: Alison Leitch

Date: 08/12/2009

Equalities Implications

- 5.3 None identified.

Sustainability Implications

- 5.4 None identified.

Crime & Disorder Implications

- 5.5 None identified.

Risk & Opportunity Management Implications

- 5.6 None identified.

Corporate / Citywide Implications

- 5.7 None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 An exercise has been undertaken to compare the costs of the existing contract with an in-house option. Based on current staffing and resource levels, the in-house cost was calculated at £30,000 a year more expensive against the current annual £300,000 cost. In addition, at the current time an external contract is seen as having advantages in terms of the flexibility of service provision.
- 6.2 The other option would be to re-tender the contract but even in the current economic climate it is felt likely that, based on current consultancy fee rates and the fact that the original NPS bid was considerably less than their competitors, any new tendered rates would exceed current contract levels making an extension the most economically advantageous solution.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The current contract holder, NPS South East Ltd, provides value for money in providing building maintenance consultancy services, a fact demonstrated by the results of the tendering process in 2005. At that time a detailed weighted scoring matrix was used to evaluate the bids; NPS South East Ltd had an overall score of 76% compared with the other tenderers at 64%, 56% and 43%.

In addition, the basic percentage fees charged for the various types of work under the contract remain competitive with fees currently being charged by other companies on similar works.

- 7.2 The original report to the P&RU Sub-Committee dated 24 May 2005 omitted to include a provision for delegating to the Authorised Officer (namely the Director of Finance & Resources) authority to extend the contract on behalf of the council. This report seeks to rectify that omission and enable the Director of Finance & Resources to extend this contract up to the maximum two year extension allowed under the contract subject to continuing performance. Having implemented the Policy & Resources Urgency Sub-Committee contract decision in 2005 and having worked closely with the contract holders, NPS South East Ltd, since then, the Assistant Director of Property & Design is best qualified to make a decision about whether to extend the contract.
- 7.3 It is therefore recommended that the Central Services Cabinet Member grants delegated authority to the Director of Finance & Resources to make that decision.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms:

1. None

Background Documents:

1. Report of the Director of Finance & Property to the Policy and Resources Urgency Sub-Committee dated 24 May 2005 (Agenda Item No. 3)

CENTRAL SERVICES CABINET MEMBER MEETING

Agenda Item 47

Brighton & Hove City Council

Subject:	Hangleton Bottom – Update		
Date of Meeting:	18 January 2010		
Report of:	Director of Finance & Resources		
Contact Officer:	Name:	Angela Dymott	Tel: 29-1450
		Richard Butler	29-1440
	E-mail:	angela.dymott@brighton-hove.gov.uk	
		richard.butler@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No: N/A	
Wards Affected:	North Portslade		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek permission to test the market and explore the options available to the council through the development of an informal planning brief and marketing exercise on this council owned strategic site. The site has been identified as a development site with a mix of uses to include community and potential waste management uses. Since 2008 there have been some expressions of interest in the site from Commercial waste operators and from the South East Coast Ambulance Service NHS Trust seeking new accommodation as part of their “Make Ready” Strategy. The market testing will enable us to see what future proposals could be forthcoming for the comprehensive redevelopment of this site that could benefit the City and achieve a number of strategic and corporate priorities. The report is complemented by a report in Part Two of the Agenda. See Appendix A for site plan.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the suggested approach to marketing and creating an informal planning brief for this council owned site as set out in the report.
- 2.2 That the Cabinet Member notes that, following market testing on the basis of an informal planning and development brief, a further report will be prepared setting out the results and future potential options for the redevelopment of the site for Cabinet consideration.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Hangleton Bottom is a council owned site allocated in the Local Plan and Waste Local Plan for the provision of waste facilities. The allocation is saved until replaced by relevant policies in the Waste and Minerals Development Framework and the site is highly likely to be retained in the Local Development

Framework and the Waste and Minerals Development Framework for this purpose. The site is located south of the bypass and west of Hangleton Link Road and comprises several fields let for grazing and a compound occasionally used for travellers with welfare needs. The site totals 3.3 Ha (8 acres) and is shown by bold edging on the plan attached to this report. (See attached plan at Appendix A.) The site is not within the designation order for the intended South Downs National Park. When the park is formally brought into effect in April 2010 the Area of Outstanding Natural Beauty (which largely covers the same area) will be revoked. The Local Plan does require any development on this site to take account of views from the national park and requires a sensitive development which pays attention to its impact on the landscape.

- 3.2 Sites for the development of waste facilities are in short supply therefore they comprise an important strategic asset. So far the focus for waste has been on management of municipal (primarily household) waste which is the subject of the Waste Private Finance Initiative (PFI) involving Brighton & Hove City Council, East Sussex County Council and Veolia. However the Government is encouraging closer ties between the commercial sector and municipal waste handling and treatment and councils have some responsibility to ensure organisations and business can make arrangements for the collection and disposal of their waste. With the closure of landfill sites in the area and lack of alternative waste management facilities, producers of commercial and industrial waste may struggle to make such arrangements.
- 3.3 Commercial and industrial waste from shops, hotels, restaurants etc and construction and demolition waste in the City is handled by several companies via private contracts with local businesses. They may undertake collection, recycling, waste transfer and removal to energy recovery and landfill - depending upon their particular contracts. Accordingly they are faced with similar pressures to the Council as landfill sites approach capacity, landfill tax increases (which is intended to encourage diversion from landfill) and the rising cost of transport to licensed management facilities. The lack of facilities in the City could lead to increased costs for local businesses in the City for dealing with their waste. As a comparison, commercial and industrial waste arising in the City for 2007 - 08 amounts to approximately 252,000 tonnes a year whilst household and street waste amount to approximately 114,000 tonnes a year.
- 3.4 Since 2008 there have been a number of expressions of interest in the site from commercial waste companies and interest has also been shown from the South East Coast Ambulance Service NHS Trust (SECAMB). Preliminary discussions have been held with the latter organisation and South Downs NHS Trust (SDNHS) for an alternative ambulance station site. There is also an identified need for the provision of community facilities in the Benfield locality and the development of Hangleton Bottom presents an opportunity to achieve that objective within a co-ordinated designed and developed mixed use scheme.
- 3.5 As yet none of the proposals have been worked up in any detail but the combined requirement from these external organisations could be between 2.0 -3.0 Ha (5-7.5 acres) plus the space required for community needs. In the absence of detailed designs for any components of the development it is difficult to speculate about size and configuration but there is a need for a co-ordinated approach to the development of the site to achieve the best possible

use. There is a clear need for a strategic facility to deal with a significant proportion of commercial waste generated in the City and Hangleton Bottom is therefore a key site being one of the only identified sites capable of accommodating a strategic-sized waste recovery facility, although it is not for the planning system to specify what type of technology the facility should use.

- 3.6 Whilst some requirements have been identified it is not clear what other waste companies are doing to address the demise of local landfill capacity for non-inert waste (which most commercial waste is) and the lack of industrial sites suitable for processing construction waste. In addition work needs to be done to assess the true potential of this site to meet the various needs identified so far. The intention is to work up a marketing strategy together with an informal planning brief to include possible waste and other uses - for example ambulance (office/industrial) and community use. The brief will seek to address the City's needs for a strategic facility, ensure added value from the use of the site and that as far as possible the waste use is targeted to dealing with waste generated within the City rather than net importing of waste.
- 3.7 The brief will also set out design guidance that any development must follow to minimise the visual impact on the adjoining South Downs National Park and to ensure a high quality of development on site. Not only will this set the parameters for expressions of interest but the marketing process should identify any demand and facilitate more informed consideration of the development of this site. A key consideration will be the adoption of a co-ordinated approach to the use and development of a site in a mixed scheme providing multiple benefits for the City. Planning, transportation, environmental and waste colleagues will be fully involved in working up the brief which will not only provide a framework for marketing and development but also a vehicle for consultation with the public. This will be vital given the lessons learnt regarding the level of consultation necessary both before and after planning consent was granted for the waste facilities at Hollingdean Lane.

4. CONSULTATION

- 4.1 Initial internal consultations have been held with City Planning, Transportation, Waste Collection and Disposal Authority, Finance and Legal and relevant members. Whilst not a consultation requirement at this stage of the property protocol on disposals, ward councillors have been advised of this report and our initial intentions to market test the site and will be consulted under the property disposal protocol consultation timescales once the results and future options have been assessed following the marketing of the site and prior to Cabinet approving a decision to sell. Further consultations will also be required under the property disposal protocol with potentially interested external parties as they emerge through the process and extensive public consultations will be required through the Local Authority Planning process.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The value of the site has yet to be determined, however, given the nature of the facilities and the transaction at Hollingdean Lane it is envisaged that

industrial land values would form the background of any land deal although with waste sites in short supply the ultimate settlement could be at a higher level. Developers would be required to contribute to infrastructure and s.106 requirements which would include the provision of the community facilities.

Any capital receipt generated from the disposal of the site would be used initially to offset the loss of income with the remainder used to support the corporate Strategic Investment Fund

Finance Officer Consulted: Rob Allen

Date: 10/12/2009

Legal Implications:

- 5.2 The Cabinet Member Meeting would be properly discharging an executive function in giving authority to the proposed marketing and options available as to the future use of the site in question at Hangleton Bottom. Only the Cabinet has authority to make any subsequent decisions to dispose of the land in question.

If, in relation to this proposal, there are any future recommended changes to the Local Development Framework and the Waste and Minerals Development Framework, these would have to be approved and adopted by Full Council.

Consulted: Lawyer: Oliver Dixon

Date: 23/12/2009

Equalities Implications:

- 5.3 The key equalities implication for the use of this site is to ensure that it meets identified waste and community needs.

Sustainability Implications:

- 5.4 The appropriate use of this site has the potential to address long term strategic waste requirements. Commercial operators will need to identify their developing needs to deal with the city's commercial and industrial waste whilst the Council seeks to identify its own longer term requirements. Such a co-ordinated approach is more likely to ensure that the correct facilities are provided and the on going costs of transportation to more distant landfill sites are limited as far as possible.

Crime & Disorder Implications:

- 5.5 The intention to seek the provision of community facilities on the site is aimed at helping address local needs thereby lessening the potential for anti- social activity. Whilst the problem of "fly – tipping " is widespread the better the system for dealing with waste in the city including well placed local facilities the greater the chance there is of reducing this problem

Risk & Opportunity Management Implications:

- 5.6 The key risk to avoid is the loss of this important waste site which should be used in the most effective way to meet city waste and other identified requirements. Whilst it is vital to establish the level of demand by exposing the site to the market the subsequent use and development of the site must address identified and potential needs from the city. With regard to the ambulance service, if a relocation site is not soon identified the redevelopment of the Elm Grove site could be significantly hampered. A co-

ordinated mix of uses stands the best chance of securing the optimum development of the site.

Corporate / Citywide Implications:

- 5.7 A well thought out and co-ordinated strategic approach to the development of this site could ensure the provision of suitable waste facilities and other uses to meet City requirements and provide a new base for the ambulance service both of which could benefit the entire City.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Land allocated for waste facilities within the City is extremely scarce with the only other site being a 1.9 Ha (4.7 acre) site at the former Hove Goods Yard off Sackville Road which is indicated in the Waste Local Plan for waste and potential waste transfer by rail. This could accommodate waste operators although it has previously been dismissed by one. Furthermore, it is currently occupied and we have no control over its release as it is not a Council owned site. Potential alternative sites are being evaluated through the work on the Waste and Minerals Development Framework but realistic, deliverable options in the City are likely to be extremely limited.
- 6.2 Whilst it is not a requirement on the council to provide sites for commercial waste operators, it is the planning authority's responsibility to identify and facilitate the release of sufficient sites to deal with the City's waste. With a scarcity of sites for recovery facilities and landfill opportunities disappearing soon it is in the City's interest to help provide an effective local solution for dealing with its commercial and industrial waste. Commercial waste contractors are of course free to seek their own alternative solutions outside the City but these could have implications for dealing with waste generated in the City e.g increased costs because of haulage the impact of which would be passed onto local businesses. It is also important that the City takes responsibility and plays its part in managing waste within its boundaries where possible rather than relying on exports to surrounding areas.
- 6.3 There are no other sites with the unique benefits of Hangleton Bottom, namely its waste allocation in an adopted plan, its access to the A27 and strategic road network and its availability for development. Although a range of ideas have been considered for the site's development in the past its waste allocation has always been a key determining factor in limiting the development aspirations. The present proposals present an opportunity to identify demand more clearly and pursue an opportunity to facilitate the mixed development of the site whilst meeting several key objectives via a mixed use scheme. This would be of great benefit to the city and has the potential to make progress despite the current economic uncertainties because of the type of uses envisaged and the needs they address.
- 6.4 Other sites have been rejected by SECAMB, mainly on planning and availability grounds although one alternative could have been to accommodate the entire ambulance station facility at the Council's Patcham Court Farm(PCF) site that has a planning designation for high tech business uses or general office use with consideration given to other uses which meet the council's priorities in relation to employment. An informal planning brief has been issued on PCF indicating potential ancillary uses could include a hotel. The SECAMB proposal contains a

large workshop element and could take a considerable portion of the site, inhibiting office development on the remainder thereby significantly reducing the potential capital receipt and conflicting with the adjoining Patcham Village Conservation Area. The possibility of splitting the ambulance facility to accommodate the office element on PCF and the workshop element at Hangleton Bottom was ruled out as unsuitable by SECAMB.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The need for both the waste and ambulance facilities is pressing and of importance to the City as a whole. Hangleton Bottom is one of the key sites which could potentially accommodate these uses and meet local community requirements. However, the full extent of the demand for the site is unclear and the site represents a finite resource. For this reason a clear corporate decision on the future use options and marketing of the site is needed to facilitate the preferred way forward. The first steps will be to prepare a marketing brief, to include an informal planning brief that will set parameters for the development and expose the site to the market to assess in greater detail the requirements of waste operators. At the same time the brief will encourage a holistic approach to the site by way of a mixed use scheme to optimise the use of available space to meet local and citywide requirements. This market response will inform the subsequent decision making process about the development of Hangleton Bottom. The process will also assist in the assessment of the potential value of the site in what is a specialised market.

SUPPORTING DOCUMENTATION

Appendices:

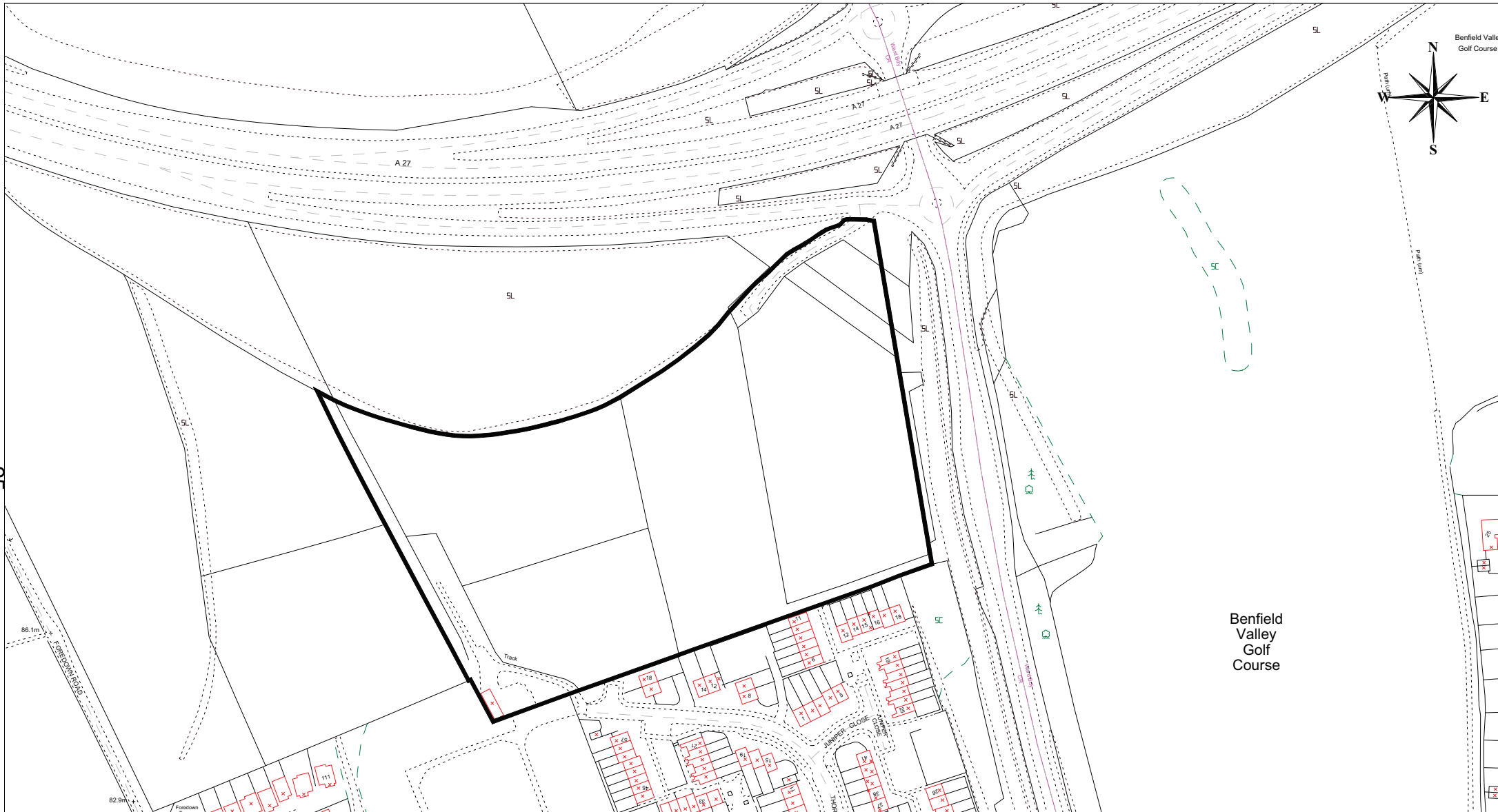
1. Appendix A: Site Location Plan

Documents In Members' Rooms

1. None

Background Documents

1. None



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Hangleton Bottom
Area 8.1 Acres



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