

Subject:	New Historic Records Office & Resource Centre		
Date of Meeting:	11 July 2013		
Report of:	Assistant Chief Executive		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report advises Members of the significant advances towards successful completion of the new Historic Records Office & Resource Centre (“The Keep”). It also seeks support for proposed arrangements to finalise the suite of legal documents to be entered into by the partners, completion of which will enable partners’ archive records and collections to be moved into the new facility in line with the agreed programme, leading to opening to the public later this year.

2. RECOMMENDATIONS:

That Policy & Resources Committee:

- 2.1 Notes the considerable progress of this major partnership project, with Practical Completion achieved and building handover completed, so that the partners’ collections can be decanted into the building with a view to going operational in November of this year.
- 2.2 Notes that the partnership and legal arrangements between the partners are at an advanced stage, but not yet in their final form and that a stakeholder account has been set up as an interim measure pending the finalisation of the legal documents.
- 2.3 Agrees the planned triggers for the release of staged payments from the Council to East Sussex County Council out of the stakeholder account.
- 2.4 Authorises the Assistant Chief Executive, the Executive Director Finance and Resources and the Head of Law to conclude negotiations to enable (i) the decanting and other partnership arrangements to take place and (ii) the Head of Law to complete all necessary documents.
- 2.5 Agrees that the finalised arrangements, when completed, be reported to the Economic Development & Culture Committee for information.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

The Keep Project

- 3.1 The Keep is a £19m partnership project between East Sussex County Council (ESCC), Brighton & Hove City Council (BHCC) and the University of Sussex (UoS) to deliver a new state-of-the-art historical resource centre located at Woollards Field in Moulsecoomb. It will be a vibrant community resource opening up access to the partners' collections in a one-stop shop for all aspects of the historic environment, and will enable people to research their local and family history. It will include the 2D local history resources currently housed at the Brighton History Centre and across the Royal Pavilion & Museum. The new Centre will represent the next generation of archive buildings in the UK in line with the Government's Archives Policy.
- 3.2 BHCC has been engaged in the development of the project for many years; becoming a full partner in April 2008. Having initially agreed a financial contribution towards the project planning and preparation phase, in April 2011 Cabinet approved BHCC's total capital contribution of £5.615m.

Construction

- 3.3 Planning permission was granted in January 2011, and construction works began in August 2011. Following a 22 month build programme, which incorporated a 3 month proving and acclimatisation period that confirmed the all-important repository block achieved the required conditions, Practical Completion (PC) was achieved on 17 June 2013, and ESCC has now taken handover of the building.
- 3.4 The building and its facilities are of a high standard and has been built to programme and within budget. Having achieved PC, a key milestone and real achievement, the project is now almost ready to move to the next critical phase, the relocation of the partners' collections. In order to support this, a range of legal documents now need to be concluded.

Partnership and Legal Arrangements

- 3.5 At the time of BHCC's confirmation of its financial commitment to the project (April 2011) the partners had agreed (i) the planned partnership arrangements during the construction phase up to PC and (ii) the outline for arrangements covering the longer-term management and governance of the completed facility and the services to be provided.
- 3.6 The process through to PC was to be covered by a tripartite Partnership Collaboration Agreement (PCA), completion of which was delegated to the Strategic Director Communities and the Head of Law in consultation with the lead Member. As reported to Cabinet as part of the May 2012 report, the UoS subsequently advised of its preference for an Agreement for Lease (AfL) and draft Lease with ESCC, rather than enter the tripartite PCA. This change of direction required a fresh start to the preparation of documents and has resulted in delay to their completion, although one of the key documents, the Building

Contract was completed by ESCC with the building contractor. Payments which would have been made by BHCC to ESCC, as its contribution to the payments due to the contractor under the Building Contract, have been made into a stakeholder account pending completion of the key partnership documentation (see 3.9 below).

3.7 During the past year the partners have worked closely to develop the full suite of documents. A great deal of progress has been made, particularly in recent months, with the documentation now considered to be at an advanced stage, but with areas still under discussion they are yet to reach their final form. At the time of writing this report it is proposed that completion takes place on the 12 July 2013, the day following the committee meeting.

3.8 The full suite of documents comprises:

- Partnership Collaboration Agreement between BHCC and ESCC
- Declaration of Trust between BHCC and ESCC (to update the provisions imposed when BHCC became a Unitary Authority which have not been fit for development of the Keep & which preserve the two parties joint ownership)
- Agreement for Lease (ESCC and UoS)
- UoS lease with ESCC
- Keep Operation and Management Agreement (KOMA) to be entered by all three partners, with comprehensive annexures to help guide the operation and management of the Keep, which include: Activity Plan Strategy & Operational Plan, the Business Plan, Collections Statement, Digital Preservation Policy, Lettings Policy & Charges for the diminishing vacant areas, Marketing & Communications Action Plan and Service Level Agreement.

Stakeholder Account

3.9 In the absence of the completion of relevant legal documents, BHCC (due to the terms of the authority that had been granted) has been unable to pay to ESCC its agreed proportion of the approved capital build costs. However, in acknowledgment of the advanced stage of building works and the rising level of costs involved, together with the level of agreement reached in recent months, senior officers agreed to set up a stakeholder account. BHCC has paid outstanding sums (£3.9 million) into this account, so that immediately sufficient progress has been made in negotiations that sum can be unconditionally released to ESCC. It is proposed that the sum be released in three equal staged payments linked to the following:

- Upon completion of the “Declaration of Trust Deed” between ESCC and BHCC which formalises ownership of the land and buildings & gives BHCC assurance as to the enhanced value of the developed land. This document, which is in an agreed form, can be completed in isolation from other documents and could therefore be executed immediately, thus triggering payment of the first tranche.
- Upon completion of the Partnership Collaboration Agreement between BHCC and ESCC.

- Upon both of the following documents being completed:-
 - i) the UoS Lease
 - ii) the KOMA.

3.10 Recommendation 2.3 seeks formal support from the committee for these proposed payment arrangements.

Staff

3.11 The services provided by the Brighton History Centre are relocating to the Keep. The staff employed by BHCC to run the Brighton History Centre service will be relocating to the Keep and will remain in the employment of BHCC. An HR protocol arrangement for staff from the three organisations has been drawn up to cover the arrangements for working at the Keep.

Project Board

3.12 The Project Board has continued to meet on a regular basis. Although the Board has no delegated authority so far as BHCC is concerned, it does as far as ESCC (who is the lead partner and lead authority) is concerned. It has been through the Board's engagement, supplemented by regular meetings of the strategic leads from each of the partners, that priorities have been agreed and shared understandings reached.

Move Preparation

3.13 Relocating the extensive records and collections of 3 partners is a major task and work on this began some months ago. This includes boxing and packaging material, all of which has to be bar-coded in order to manage both the move and the day-to-day physical management of the archives once The Keep is open to the public.

3.14 With handover of the building to ESCC completed, ESCC has already begun the process of moving in material from the East Sussex Records Office. This work will continue over the next few months and it is hoped that BHCC and UoS archive material will start to be moved towards the end of July 2013. In order to achieve this, the legal documentation will need to be concluded, in lieu of which appropriate temporary arrangements would need to be agreed between the partners, as delay would jeopardise the scheduled opening date.

Timetable

3.15 The indicative timetable for completion of the legal documents and the programme leading through to opening is as follows:

Event	Timescale
1. Practical Completion achieved enabling handover of the building to ESCC	19 June 2013
2. Relocation of East Sussex Records Office (ESRO) records begins	June 2013
3. Series of partners meetings to progress	June/July 2013

final draft documentation	
4. Policy & Resources Committee authorises planned arrangements for completion of legal documents	11 July 2013
5. Partnership and legal documents executed by partners	12 July 2013
6. UoS collections start to move in	End July 2013
7. BHCC material start to move in	End July 2013
8. Moving in process completed	End September 2013
9. Staff training and soft landing exercises	Sept – October 2013
10. Report back to EDCC	November 2013
11. Open to the public	November 2013

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation has been a feature of this project from inception, design and planning process, and has continued through the building phase. The ESCC Programme Manager regularly attends meetings with local stakeholders and through the Moulsecoomb Local Action Team.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The development costs of the scheme are within budget and BHCC's capital contribution is expected to be within the £5.615 million previously approved as the capital budget.

As set out in paragraph 3.9 of this report, BHCC has paid £3.9 million into a joint stakeholder account representing the share of building costs not previously paid to February 2013 for release when agreed triggers are reached. Once legal documents are complete the remaining share will be paid to ESCC on invoice.

There is a low risk associated with the material breach of contract clause within the lease between the UoS and ESCC which could give rise to additional revenue costs of approximately £30k per annum. It is expected that this risk can be mitigated.

BHCC's revenue contribution towards the running costs of the Keep will otherwise be agreed through the Business Plan.

Finance Officer Consulted: Anne Silley

Date: 21/06/13

Legal Implications:

- 5.2 When the Cabinet approval to the documentation as envisaged at that time was given, the officers working on this project had no indication that there would be the considerable delay which has followed in settling the final suite of documents. The final round of negotiations is due at the beginning of July. A key issue in negotiations will be ensuring that the ongoing revenue implications remain acceptable to the Council.

Equalities Implications:

- 5.3 The Keep will greatly improve access to the archives and historic records for learners, researchers and the public. The current public record office at The Maltings does not comply with DDA standards; this purpose-built facility will comply with the latest standards. To assist with this process, the partners appointed an experienced Access Consultant to review the building designs as they developed. An Access Workshop, facilitated by the Access Consultant, was held on 3 February 2011 with local access and disability groups; feedback from which informed scheme development.

Sustainability Implications:

- 5.4.1 The Keep will be the most sustainable archive building of its type in the country and it remains on target to achieve a BREEAM 'excellent' rating. The building incorporates a biomass boiler using sustainable and locally sourced wood chips, photo-voltaics on the plant room roof, a 'green roof' on the People Block, rainwater harvesting, solar water heating, and heat recovery in the air conditioning system.
- 5.4.2 The location of The Keep development is further enhanced by the ongoing improvements to the Lewes Road, which include the provision of bus priority and cycle infrastructure improvements meaning that local residents wishing to access the facilities will be able to do so using sustainable forms of travel, as opposed to driving.

Crime & Disorder Implications:

- 5.5 There are no direct implications for the prevention of crime and disorder contained within this report.

Risk and Opportunity Management Implications:

- 5.6 Project risks have been managed throughout the process via the production and maintenance of a detailed risk register. This is subject to regular review and is presented to the Project Team and Project Board at every meeting.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 The Keep project at Woollards Field is one of 4 significant projects to be delivered in the Falmer area, the others being the Community Stadium, Falmer Academy, and the SEEDA funded infrastructure works. Co-ordination between the respective projects has succeeded in ensuring effective co-ordination of site activities. These arrangements were further aided by the fact that Kier is the appointed contractor for both Falmer Academy and The Keep. The project will

provide improved services to B&H residents who will no longer need to travel to Lewes where there is sub-standard facility.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The consideration of alternative options was a major focus during the preparatory stages of the 'The Keep' project, and each of the previous reports to Members identified the options available. The conclusion was that the partnership approach leading to delivery of a modern and sustainable building, one that would meet the required standards for the storage and preservation of Brighton and Hove's archive material and historic records, offered the most cost effective solution.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Keep project is being delivered within budget and in line with the agreed programme. It provides a state-of-the-art resource centre for family and local history research in a single location within the city. It also ensures the long term preservation of historical material in appropriate environmental conditions. Agreement to the recommendations presented in this report will enable the project to progress to the next stage. This will enable BHCC's historic records and materials to be moved into the building in readiness for opening to the public later this year.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

1. Report to Cabinet – 10 May 2012
2. Report to Cabinet – 7 April 2011
3. Report to Cabinet – 22 July 2010

