



**Brighton & Hove
City Council**

CABINET

**Items 51 and 52 New Historical
Records Office and Resource Centre
(The Keep) – Project update, funding
arrangements and future delivery**

4.00PM, THURSDAY, 22 JULY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

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| Subject: | New Historical Records Office and Resource Centre (The Keep) – Project update, funding arrangements and future delivery | | |
| Date of Meeting: | 22 July 2010 | | |
| Report of: | Director of Housing, Culture & Enterprise | | |
| Contact Officer: | Name: | Janita Bagshawe | Tel: 29-2840 |
| | | Mark Jago | 29-1106 |
| | E-mail: | janita.bagshawe@brighton-hove.gov.uk | |
| | | mark.jago@brighton-hove.gov.uk | |
| Key Decision: | Yes | Forward Plan No: CAB15966 | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report advises Cabinet of progress in developing the New Historic Records Office & Resource Centre project ('The Keep') and the cost effectiveness of this option for the future management of Brighton and Hove's historic records and archives. It sets out progress since the last report to Cabinet (17 September 2009) and provides details of the project's current status and the next stages of work, and seeks agreement to continued funding to support its further development.

2. RECOMMENDATIONS:

- 2.1 That Cabinet supports the work to date, particularly progression of scheme design (RIBA Stage D - detailed design), and note that the project remains within budget.
- 2.2 That Cabinet notes that the Joint Project Board approved the Kier – Atkins RIBA Stage D report at its 7 June 2010 meeting.
- 2.3 That Cabinet confirms the city council's commitment to 'The Keep' and supports continued partnership working with ESCC and the University of Sussex to further develop the project.
- 2.4 That Cabinet agrees to a Memorandum of Understanding as the basis for continued partnership working through to RIBA Stage F (early 2011) – this to be signed by all three partners prior to submission of the planning application.
- 2.5 That Cabinet supports the submission of the planning application in early August 2010, subject to the satisfactory completion of pre-application discussions.
- 2.6 That Cabinet notes the costs of developing the scheme through the next stages and seek agreement to the council's additional contribution of £0.421m

(representing a 1/3 share) to support scheme progression to Stage F, thus bringing the council's committed contribution to £0.929m.

- 2.7 That Cabinet supports the commencement of Stage E work following the successful completion of pre-application discussions with the Local Planning Authority and confirmation of a valid planning application, so as to minimise risk and expenditure prior to submission of the planning application.
- 2.8 That Cabinet notes the key areas to be addressed as part of the next phase of development and the timetable associated with this.
- 2.9 That Cabinet reconfirms 'in principle' agreement to the council's longer-term funding commitment, to a maximum of £5.345m (inclusive of the development funding shown in 2.6 above), to support the capital cost of delivering The Keep, with the final decision, based on current timetable, returning to Cabinet towards the end of 2010.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Problems with existing Record Office

- 3.1 ESCC has been responsible for the city council's archives and records since 1949. Brighton & Hove has held contracts with ESCC for the provision of an historic records and archives service since 1997 when Brighton and Hove's unitary status gave it archive responsibilities.
- 3.2 The current arrangements for the care and access to the collections do not meet the standards of The National Archives (TNA), the regulating body for historic archives and public records. In addition to which, the current building lacks sufficient space for the collections. As a result of which, some of the archives / collections are housed remotely, including a store in Newhaven.
- 3.3 In 2003 and 2006 inspections by The National Archives were highly critical of the current accommodation for records, researchers and staff and the licence to hold public records was granted only on condition that progress towards a new record office on a single site was made within 5 years.

Legal Obligations for Public Records

- 3.4 The Public Records Act of 1957 established the legal framework by which the public have a statutory right to access public records (health, magistrates etc) transferred to the Public Record Office/TNA or to a place of deposit elsewhere appointed by the Lord Chancellor. With the 1967 Public Records Act, records over 30 years old had to be made available and the 2000 Freedom of Information Act has replaced the restriction of 30 years except in specified circumstances. The management of these public records needs to conform to TNA standards, which include standards for access, storage and preservation, acquisition and staffing.
- 3.5 County and unitary records are governed by separate legislation, the Local Government Act 1972, under which arrangements for the storing and access to these records need to be made. The guidance for these arrangements assumes

a similar standard as those advocated for public records. As both public records and local government records are generally housed in the same accommodation and run through the same service, then it is expected that the TNA standards are applied to both.

A New Historical Resource Centre

- 3.6 The Keep project sets out to develop a new resource at Woollards Field in Falmer, to re-house the archives in a purpose built facility that will meet the sector standards including BS 5454:2000 the British Standard for Archives. It will accommodate archives, local studies and historical resources and will provide a repository for safe keeping whilst also offering much improved public access and hands-on learning opportunities.
- 3.7 It will house the extensive archives and historical resources of the County of East Sussex and the City of Brighton & Hove together with the Special Collections of the University of Sussex, including the internationally renowned Mass Observation Archive. It will therefore be a high profile facility that aims to be a vibrant community resource, that will open up access to all of these collections in a one-stop shop for all aspects of the historic environment. The building will conform to national standards and will include adequate space for future growth.

Alternative options

- 3.8 The Keep offers the best solution for the City Council to the problem of meeting the Council's responsibilities for managing the historical records and will ensure that both legal obligations and TNA standards are met and it provides the greatest value for money.
- 3.9 The alternative option of managing the city's archives directly, withdrawing from the contract with ESCC and consequently the project to build The Keep, would mean that the city council would be faced with greater costs.
- 3.10 Capital costs for the build alone of a new facility exclusively for the City were estimated at £6.5m in 2008 and didn't include land purchase or site enabling costs. Revenue costs could potentially increase between £0.18m and £0.280m above the cost of the existing contract with ESCC. This is in contrast to the anticipated additional revenue costs of between £0.049m and £0.117m.
- 3.11 Furthermore going it alone could potentially result in two facilities within the city, a duplication of services which would create a negative perception around value for money and would in the future lead to public confusion and competition for grant funding for archive projects within the city.
- 3.12 Operating independent services would be contrary to the government's new National Archive Policy, where the focus is on delivering fewer, bigger and better facilities. There would also be difficulties over the separation of the materials, which have been held together since 1949. It would also mean that users would need to go to a number of different locations to source the records and archives.
- 3.13 The option of converting an existing building would be impractical due to the specialist conditions required for the material which it would be required to house.

Joint Project Board

- 3.14 The project has been overseen by a Project Board since June 2006. It is chaired by Cllr Bob Tidy (ESCC) and includes senior officers from ESCC and more recently the newly appointed ESCC Chief Executive, Becky Shaw. The city council is represented by Cllr David Smith, Cabinet Member for Culture, Tourism and Enterprise, Scott Marshall, Director of Housing, Culture and Enterprise, Angela Dymott, Assistant Director Property and Design, and Janita Bagshawe Head of Royal Pavilion and Museums, as an observer. This Board has no delegated authority to act on behalf of the council i.e. it can only make recommendations to be duly considered by officers and Cabinet in accordance with the council's constitution.

Scheme Development

- 3.15 Since September 2009, the partners have worked on the development of Stage C and D designs for The Keep with the appointed consultants Kier- Atkins. The Stage C design was approved by the Project Board in December 2009 which agreed to the project progressing to the detailed design phase (Stage D).
- 3.16 The Stage D phase has developed the design to a sufficient level to enable the compilation of the planning application, which included detail to enable masterplans, site location plans and external works to be drawn up and to identify all of the site constraints. It also entailed the development of internal detail to allow space for the planning of the accommodation.
- 3.17 The Kier-Atkins Stage D report was considered by the Joint Project Board on 7th June 2010. The Board concluded that the report was comprehensive, it had addressed issues identified previously, it fully satisfied the brief and it confirmed that the scheme could be delivered within the agreed budget. The Board agreed that it provided a strong basis for moving forward and therefore formally approved and signed off the Stage D report.
- 3.18 The Board also recognised, however, that not all aspects of the project were as advanced. The Board therefore requested a further report before referral to partners. ESCC completed the additional detailed report on 2 July, when it was circulated to Board members for approval. That report, which is attached as an Appendix to the Part 11 report, sets out full details of the project and supports the recommendations in this Part 1 report.

Planning Matters

- 3.19 There have been a series of pre-application meetings between the project's architect and planning consultants and the Local Planning Authority over the past few months. These have been constructive and have sought to address key issues such as building design and planning policy requirements. This process has also involved consultations with external bodies.
- 3.20 This led to the submission of a draft planning application at the end of June to BHCC for comment. At the time of writing it is anticipated that feedback on the draft application will be relayed to the planning consultants by mid-July. Pre-application discussions have resulted in a satisfactory outcome on many of the

issues outlined at earlier stages and it is not anticipated that fundamental issues will be raised as part of the review of the draft application.

- 3.21 However, whilst the pre-application discussions have gone well, with BHCC planning officers supporting the development in principle, this needs to be balanced against a number of key planning challenges that have arisen during the Stage D discussions. Some of these are not yet fully resolved and review of the draft application is part of this process.
- 3.22 There remain issues not resolved at the time of writing which are key to the project, relating to design and layout of the scheme, transport and Section 106 commitments. In summary, these relate to concerns regarding the form and appearance of the scheme, particularly in the wider landscape, and the absence of a draft transport assessment and the absence of an agreed draft S106 Heads of Terms. Also, in the absence of a completed review of the draft application it is not known how robust the planning documents are and these may require amendments.
- 3.23 Further discussions may also result in amendments to the scheme. If this is the case it is possible that the timetable for formal submission will need to be reviewed.
- 3.24 In view of the above, it is important that the pre-application discussions are concluded, in the hope of responding to the various issues prior to submission of the planning application. It is also considered inappropriate to commence RIBA Stage E until such time as they have been satisfactorily resolved and the planning application submitted. Adopting this approach will minimise potentially abortive work and thus reduce financial risk.

Timetable

- 3.25 With Cabinet's agreement to the recommendations in this report, the indicative timetable for future phases of work is as follows:

| Event | Timescale |
|---|---|
| 1. Report to Cabinet to secure agreement to continued partnership working and revised funding arrangements. | 22 July 2010 |
| 2. Memorandum of Understanding for continued partnership working to stage F signed by all 3 partners | Before submission of Planning application |
| 3. Planning application submitted | 6 August 2010 |
| 4. Preparation of partnership agreement for future governance arrangements and revenue costs | July - October 2010 |
| 5. Commencement of RIBA Stage E | August 2010 |
| 6. Complete RIBA Stage E | October 2010 |
| 7. Planning Application determination | Early November 2010 |
| 8. Project Board agreement to long term partnership agreement proposals for governance and capital and revenue contributions. Progression to and commencement of Stage F. | Early November |
| 9. Report to Cabinet seeking agreement to the partnership agreement proposals for governance and capital and revenue contributions. | Early December 2010 |
| 10. Completion of Stage F | February 2011 |

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|---|-----------|
| 11. Start on site (subject to adherence to above) | June 2011 |
| 12. Completion | End 2012 |

4. CONSULTATION

- 4.1 There has been consultation on the need for a new archive building since 2002. There have been feasibility studies, an Audience Development and Access Plan, Activity Plan and Business Plan and each of these has involved consultation with potential partners, stakeholders, users, community groups, disability groups and local residents.
- 4.2 A series of public consultation events were carried out between April and May 2010. This included a one day exhibition at Jubilee Library, individual exhibitions stands and information leaflets and questionnaires were made available across the city and an on-line questionnaire was hosted on the ESCC web with links to BHCC consultation portal. ESCC has also provided briefings to local Ward Members.
- 4.3 Section 16 of the Board report (attached as an Appendix to the Part 11 report) sets out further information regarding consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The New Historic Record Office report to Cabinet on 17th September 2009 reconfirmed the councils 'in principle' agreement to a longer term funding commitment of £5.345m, including development costs, to support the capital cost of delivering the Keep. The total project cost across the 3 partners is estimated at £19.1m and the latest project cost plan shows the project is progressing within the budget estimate. The total contribution has been included in the council's Medium Term Financial Strategy (MTFS) funded from borrowing and the financing costs have been included as a commitment within the revenue budget.
- 5.2 To date a total of £0.508m has been approved to support the development of the scheme to Stage D and this report seeks to approve a further £0.421m to support the progression of the project to Stage F subject to submission of the planning application following pre application planning advice. This brings the councils total commitment to £0.929m which represents one third of the total development costs to Stage F with East Sussex County Council (ESCC) funding the remaining two thirds.
- 5.3 Since the report to Cabinet in September 2009 further work has been completed on the business plan for the ongoing operation of the new facility. The latest estimate of the cost of the service, including services provided by the University of Sussex (UoS) and the Brighton History Centre is between £1.1m - £1.2m per annum. A significant driver of cost has been the maintenance and running costs of the plant and equipment required to maintain the records in the correct atmospheric conditions. Business rates are also expected to rise substantially; the business rates for the current facility at the Maltings in Lewes is £0.014m however the estimate for the new facility is £0.25m which is in line with similar facilities across the country.

- 5.4 The partners have yet to agree the method for sharing the ongoing costs of the facility and the options provide a range of potential additional costs for Brighton and Hove. The council's current contribution to the records service is £0.172m, the direct costs of the Brighton History Centre is £0.060m giving total existing resources of £0.232m. The council's potential contribution to the new facility ranges between £0.281m to £0.349m, an increase of £0.049m to £0.117m above existing resources. However, if the Council were to manage the archive service directly the increase above the current £0.232m resources could be between £0.18m to £0.28m and therefore the partnership approach with ESCC and UoS offers the best value for money. Further work is being undertaken to minimise the increase in operational costs, once known the increase will be incorporated into the MTFS.

Finance Officer Consulted: James Hengeveld

Date: 09/07/10

Legal Implications:

- 5.5 The Board's report is appended to a Part 11 report relating to The Keep, which is also due to be considered at this Cabinet meeting. The proposed format of the Memorandum of Understanding referred to in recommendation 2.4 of this report is indicated in Appendix C to the Board's report. In essence it entails stripping out the references to the Heritage Lottery Fund in the Partnership Agreement exchanged on 9th September 2008 and updating project information.
- 5.6 The contractual arrangements with Kier are as set out in section 11 of the Board report.
- 5.7 This Part 1 report proposes that the Council agrees to taking the project to Stage F on the understanding that final sign off will take place later in the year. Annex B to the draft Memorandum indicates the legal issues to be resolved as part of the ongoing partnership discussions, which should culminate in the agreement referred to in steps 8 and 9 of the timetable at paragraph 3.18 of this report. The timetable for Board and Cabinet approval is tight and given the work outstanding represents a best case scenario. The Memorandum will eventually be replaced with a comprehensive tripartite agreement.

Lawyer Consulted:

Bob Bruce

Date: 08/07/10

Equalities Implications:

- 5.8 Development of The Keep provides the opportunity to 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 DDA. To assist with this process, the partners have appointed an experienced Access Consultant to review the building designs as they develop. This has ensured inclusive design is addressed, at RIBA Stage C and D by considering the usability and inclusive experience for people visiting the building or using associated services and facilities reflecting a visitor's journey through information, arrival and entry, orientation and circulation, interpretation, access to the archives and learning resources etc. The next stages of the design will continue to be assessed to ensure compliance with DDA and other access needs.

- 5.9 In addition, the Activity Plan has focused on all of the activities associated with The Keep including audience development and participation taking into account the needs of differing audiences.

Sustainability Implications:

- 5.10 The current storage of the archives does not conform to TNA standards for archives, which means that the long term conservation and sustainability of these collections is at risk. Purpose built accommodation will ensure the long-term care of the archives and historic records.
- 5.11 The Keep is on target to be the most sustainable archive building of this type in the country. The partnership has from the outset been clear in its desire to achieve a BREEAM 'excellent' rating. The latest BREEAM pre-assessment achieved an excellent rating of 71.59%. However to be comfortable to achieve this rating a score of 74% is advised. In response to this, the Joint Project Board approved the incorporation of photo-voltaics, which provides greater confidence in achieving the excellent rating. The project is now expected to achieve 70% in the Energy and Water sections of the assessment.

Crime & Disorder Implications:

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

Risk & Opportunity Management Implications:

- 5.13 A detailed project risk register is maintained by ESCC's appointed Project Managers (Faithful & Gould) and is subject to regular review at client team meetings. The risk register is also presented to the Project Team and Project Board at each meeting and updated accordingly. In addition to which, ESCC's Programme Manager maintains a wider risk register covering the non-capital elements of the scheme e.g. the operational and partnership aspects including revenue costs and fundraising.

Corporate / Citywide Implications:

- 5.14 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. Effective coordination between the respective projects is important and appropriate lines of communication have therefore been established. These arrangements are 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 city council has considered alternative options at previous stages of development, and has on each occasion concluded that the partnership approach offers the most cost effective solution. It was on this basis that the council first agreed to become a full partner (April 2008), a decision that was confirmed by Cabinet in September 2009. As set out in paragraphs 3.8-3.13 of

this report, the only real alternative option open to the city council would be to withdraw from the partnership and seek to provide a stand alone record office for the city which would require a greater level of capital funding. There are precious few appropriate sites available, it would be extremely difficult to separate the records / archives and to operate independent services would be contrary to national trends and would have a negative effect on service users.

- 6.2 To do nothing is not an option given that material would continue to deteriorate and lead to loss of public records and historically important archives.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Keep is an innovative project that will address the long term storage and preservation of the city's historic records and archives. The current facilities are completely inadequate and unsustainable, even in the short to medium term. Action is now required, without which it is possible that The National Archives could remove the licence and seek to place the collections elsewhere. The new centre will overcome these problems and will represent the next generation of archive buildings in the UK, in line with the Government's new National Archives Policy 'Archives for the 21st Century', which makes specific reference to the need for "fewer, bigger, better" archive facilities.
- 7.2 Continuing to work in partnership with ESCC and the University of Sussex offers the best solution for addressing the city's historic records and archives requirements and responsibilities, and is considered to provide improved value for money. The next phase of work will provide even more confidence, and a further report to Cabinet is scheduled for later this year.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

1. Report to Cabinet - 17 September 2009
2. Report to Policy & Resources Committee - 3 April 2008
3. Reports to Culture, Recreation & Tourism – 13 June & 12 September 2007
4. Report to Culture & Tourism Sub-Committee – 28 March 2007

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