

Brighton & Hove City Council

MAJOR PROJECTS SUB-COMMITTEE

4.30pm 06 September 2007

HOVE TOWN HALL

MINUTES

Present: Councillor Peltzer Dunn (Chairman); Councillor Smith (Deputy Chairman), Councillors Hawkes (OS), Kennedy, Mitchell, Mears, Morgan, Ann Norman, Taylor and Young.

PART ONE

ACTION

11. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

11.1 Councillors Ann Norman and Taylor declared that they were attending the meeting as Substitutes for Councillors Oxley and Rufus respectively.

(B) Declarations of Interest

11.2 Councillor Mears declared that she had a personal and prejudicial interest in Item No's. 15 and 21 on the agenda, Open Market London Road as she had a business interest and would take no part in the debate or decision(s) affecting these items accordingly.

11.3 Councillor Hawkes declared a personal but non prejudicial interest in Item No's. 15 and 21 on the agenda, Open Market London Road, as she was a Member of the City College Board of Governors.

(C) Exclusion of Press and Public

11.4 The sub-committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them

of confidential or exempt information as defined in Section 100B(3) or 100 1 of the Local Government Act 1972 (as amended).

- 11.5 **RESOLVED** – That the press and public be excluded from the meeting during consideration of the items listed on Part 2 of the agenda.

12. MINUTES OF THE LAST MEETING HELD ON 10 JULY 2007.

- 12.1 **RESOLVED** – That the minutes of the last meeting held on the 10th July 2007 be approved and signed as a correct record of the meeting.

13. PUBLIC QUESTIONS

- 13.1 The Chairman noted that no public questions had been submitted for the meeting.

14. UPDATE ON OTHER MAJOR PROJECTS.

- 14.1 The sub-committee considered a report of the Acting Director of Cultural Services which provided an update of the position of the various major projects which were not the subject of separate reports on the agenda (for copy see minute book).

- 14.2 The Acting Director informed the sub-committee that the construction and environmental management plan in relation to the i360 was in the process of being completed and agreed and negotiations with the developer were ongoing with a view to work commencing on site shortly.

- 14.3 Councillor Mitchell noted that there would be significant interest in the seafront area surrounding the site and suggested that an environmental improvement scheme should be taken forward in conjunction with the development of the i360.

- 14.4 The Chairman welcomed the suggestion and stated that he was sure this could be taken on board as the development was likely to act as a catalyst for the regeneration of the area.

- 14.5 The Acting Director stated that funding had been secured from the Regional Development Agency for the provision of a landscaping strategy surrounding the development of the i360, and officers were currently working on the technical brief for that

- which it was hoped would be completed early in 2008.
- 14.6 The Chairman informed the sub-committee that a very constructive meeting had been held in respect of the Brighton Centre and he felt that progress was being made.
- 14.7 With regard to the Marina Development, Members of the sub-committee noted that the Master Plan referred to in the last sentence on page 20, covered the whole of the marina.
- 14.8 **RESOLVED –**
- (1) That the project updates given in the table at section 4 of the report be noted; and
- (2) That it be noted that there would be regular project update reports to future meetings of the sub-committee.
- 15. OPEN MARKET, LONDON ROAD – PROGRESS REPORT ON THE OPEN MARKET TRADERS ASSOCIATION PROPOSAL FOR REDEVELOPMENT.**
- 15.1 The sub-committee considered a report of the Acting Director of Cultural Services, which provided an update on the development proposal from the Open Market Traders Association for the Open Market (for copy see minute book).
- 15.2 The Project Manager introduced the report and stated that progress had been made however, the need to allow a period of time for the Open Market Traders Association to carry out additional detailed work in preparing their design proposals, business case and management plan had been recognised. It was therefore proposed that an extension to the current lockout arrangements until the 19th April 2008 should be granted. This would enable any additional information to be reported to the sub-committee and Policy & Resources Committee during April if required. He noted that the uncertainty around the building owned by City College on Francis Street had contributed to the delay in the submission of the Stage 2 design, and it was hoped to bring a report to the next meeting of the sub-committee in November.
- 15.3 Members of the sub-committee noted the information and felt that the project was one that should be supported and therefore were happy to recommend the extension of the lockout clause. It was hoped that the situation with City College would be

resolved.

15.4 **RESOLVED –**

- (1) That the project's progress as detailed in section 4 of the report be noted;
- (2) That the revised project timetable as detailed in section 5 of the report but with an extended deadline of the 19 April 2008 for the lockout arrangements be noted; and
- (3) That it be recommended to the Policy & Resources Committee that the Open Market Traders Association continue to develop a detailed development proposal including detailed scheme design, Business Case and Management Plan for the redevelopment of the Open Market London Road site to provide a new covered market, arts/crafts workshops and affordable housing and that the current lockout arrangements continue until 19 April 2008.

Note: Councillor Mears having declared a personal and prejudicial interest in the matter left the meeting and took no part in the debate or determination of the decision thereon.

16. FALMER COMMUNITY STADIUM.

- 16.1 The sub-committee considered a report of the Director of Environment, which outlined the issues between the council, the football club and third parties requiring resolution in order to enable the delivery of the proposed Community Stadium following the Secretary of State's granting of planning approval (for copy see minute book).
- 16.2 The Chairman informed the sub-committee that he had received some very helpful comments from Councillor Taylor in respect of the way forward and as such wished to propose an amendment to recommendation 2.2 of the report to include the following after the word stadium;
- “(subject to the terms of a completed Agreement for Lease, including confirmation that funding is in place to complete and operate the scheme),”
- 16.3 The Project Manager introduced the report and noted that a number of steps now resided with the football club in order to take matters forward and that a Heads of Terms Agreement would need to be signed between the council, the club and the

University of Brighton.

16.4 Members of the sub-committee noted that the club would need to produce a Business Plan and that the council had always been clear that it was not in a position to provide funding for the stadium project. Any business plan would therefore have to show that the necessary funding was available to satisfy the requirements of the S106 Agreement and the Agreement for Lease.

16.5 **RESOLVED –**

(1) That the decision of the Secretary of State to grant planning permission for the Community Stadium at Falmer be noted and welcomed; and

(2) That the Policy & Resources Committee be recommended to reaffirm the council's role as landowner in the delivery of the Community Stadium, (subject to the terms of a completed Agreement for Lease, including confirmation that funding is in place to complete and operate the scheme), as one of facilitating the scheme through transfer of the site and assisting with implementing the scheme so far as is consistent with not directly funding the project.

17. **(a) Preston Barracks, Lewes Road: Preferred Developer's Updated Proposals.** Presentation from the Preferred Developer.

(b) Preston Barracks, Lewes Road: Preferred Developer's Updated Proposals. Report of the Acting Director of Cultural Services (copy attached).

17.1 The Chairman welcomed representatives from the preferred developer to the meeting and noted that Mr. Chatfield and Mr. Vaughan would be giving a short presentation on the proposals for the Preston Barracks site. He therefore invited them to address the sub-committee.

17.2 Mr. Chatfield and Mr. Vaughan thanked the sub-committee for the opportunity to present an update on the proposals for the site and gave a short presentation on how the project currently stood. They believed the project was viable and that it would be in a position for a planning application to be submitted by the middle of 2008.

17.3 Members of the sub-committee welcomed the presentation and

noted that progress had been made.

- 17.4 The sub-committee then considered a report of the Acting Director of Cultural Services, which outlined the revised proposals in relation to the project from the Developer (for copy see minute book).
- 17.5 The Project Manager noted that some aspects of the report related to information contained in the Part 2 report, Item No.19 and therefore would need to be taken into consideration. Overall, assessment had confirmed that the proposed scheme was much improved, achieving many of the aspirations set for this development but there were some challenges to overcome if it were to come to fruition. However, the Project Board having considered the scheme and its challenges believed that the project should move onto the next stage and Policy & Resources Committee asked to support it.
- 17.6 Councillor Mitchell stated that she was a little disappointed in that the scheme was not as wide ranging in regeneration terms as she had hoped and was concerned about the planning and transport considerations. She referred to recommendation 2.6 in the report and stated that she wished to propose an amendment so that approval of the scheme at RIBA Stage D was given by Policy & Resources Committee rather than delegated to the Project Board/Major Projects Sub-Committee.
- 17.7 Councillor Morgan formally seconded the amendment.
- 17.8 The Project Manager noted the comments and stated that approval of Stage D had been delegated in a similar fashion on other projects (e.g. Circus Street), and in this respect would come to the sub-committee as the Project Board was likely to conclude once a development agreement had been entered into.
- 17.10 The Chairman stated that he believed the sub-committee was in a better position to oversee the development of major projects and to undertake detailed consideration of matters and thereby determine them at Stage D level. However, he noted that an amendment had been proposed and therefore put it to the vote.
- 17.11 The proposed amendment was lost by 6 votes to 5 with the Chairman using his casting vote to defeat the proposal.
- 17.12 The Chairman then put the recommendations as listed in the report to the committee.

17.13 **RESOLVED –**

- (1) That both Mr. Chatfield and Mr. Vaughan be thanked for attending the meeting and for their presentation;
- (2) That the background to the Preston Barracks development and the challenges involved in trying to achieve a financially viable scheme be noted;
- (3) That the developers 'Updated Proposals' (full details of which were provided by the developer as part of their presentation to the Sub-Committee), together with the progress they have made towards a financially viable scheme be noted;
- (4) That it be agreed the current scheme proposals are of high quality with many positive features, and as such provide a scheme that meets most of the aspirations set for the development;
- (5) That it be noted that the Project Board has considered the latest scheme proposal and has agreed its referral to the Major Projects Sub-Committee for support and approval;
- (6) That progression of the scheme be supported and therefore its referral to the Policy & Resources Committee to secure landowner consent and approval for the Acting Director of Cultural Services and the Head of Law to negotiate and enter a Conditional Development Agreement be agreed; and
- (7) That the Policy & Resources Committee be recommended to delegate to the Project Board / Major Projects Sub-Committee approval of the final scheme at RIBA Stage D, prior to the submission of a planning application.

18. ITEMS TO GO FORWARD TO COUNCIL

- 18.1 The sub-committee considered whether any items should be submitted to the 18th October Council meeting for information in accordance with Procedure Rule 20.3a.
- 18.2 **RESOLVED –** That no items be referred to council other than those identified by the respective report of the need to be submitted to council for approval.

PART TWO SUMMARY

19. (A) PRESTON BARRACKS, LEWES ROAD: PREFERRED DEVELOPER'S UPDATED PROPOSALS – EXEMPT CATEGORY 3.

(B) PRESTON BARRACKS, LEWES ROAD: PREFERRED DEVELOPER'S UPDATED PROPOSALS – EXEMPT CATEGORY 3.

- 19.1 The sub-committee considered a report of the Acting Director of Cultural Services, which provided additional financial information in relation to the proposed Preston Barracks scheme.
- 19.2 The Chairman noted that representatives from the Developer were in attendance; in order to answer any questions Members may have in relation to the scheme, and invited the sub-committee raise to any concerns.
- 19.3 The representatives from the Developer then left the meeting.
- 19.4 The Principal Solicitor advised the sub-committee of progress in relation to the proposed Heads of Terms as listed in appendix 1 to the report. He stated that he was optimistic, given the progress in recent days that these could be finalised with the Developer and then a revised set put to Policy & Resources at its meeting on the 27th September.
- 19.5 **RESOLVED –**
- (1) That the background to the Preston Barracks development and the challenges involved in trying to achieve a financially viable scheme be noted;
 - (2) That progression of the scheme be supported and therefore its referral to the Policy & Resources Committee to secure landowner consent and approval to negotiate and enter a Conditional Development Agreement be approved;

- (3) That the latest version of the proposed Heads of Terms of a Development Agreement offered by the developer at Appendix 1 of the report and the key issues that they raise be noted; and
- (4) That the Head of Law and the Acting Director of Cultural Services be authorised to negotiate on the Heads of Terms with a view to seeking approval of revised Heads of Terms by Policy & Resources Committee at its next meeting.

20. FALMER COMMUNITY STADIUM – EXEMPT CATEGORY 3.

20.1 The sub-committee considered a report of the Director of Environment, concerning the council's position as landowner and the need to seek vacant possession of the sites required for the proposed stadium.

20.2 The Project Manager introduced the report and stated that officers were in consultation with the various parties concerned and it was hoped that the necessary agreements could be reached.

20.3 RESOLVED –

- (1) That the Policy & Resources Committee be recommended to confirm that while the council's active support for delivery of the Community Stadium is undiminished, the position which the council has adopted from the beginning of the scheme, i.e. that no direct council funding will be forthcoming to support the scheme, is restated and communicated to the Club;
- (2) That it be recommended to the Policy & Resources Committee that the conditions as set out in Appendix 1 of the Part 1 report are such that Satisfactory Planning Permission has been issued;

- (3) That it be recommended to the Policy & Resources Committee that in concluding negotiations with the Community Stadium plc and the University of Brighton on the property agreements, the council pursues the lease structure recommended in para 7.5 together with the position on other issues as set out in Appendix 3 of the report and that the agreements are brought back to Policy & Resources Committee for approval;
- (4) That it be recommended to the Policy & Resources Committee that, approval be granted to issue notices to secure vacant possession of the site required for the delivery of the Community Stadium and bus and coach interchange as detailed in section 8 of the report and subject to an agreement with Brighton and Hove Albion/Community Stadium plc that they will meet compensation payments in full; and
- (5) That it be recommended to the Policy & Resources Committee that, subject to valuation, approval be granted to seek S123 consent to disposal of the site for the Community Stadium and bus and coach interchange to the Community Stadium plc in accordance with the provisions of the completed Agreement for Lease.

21. OPEN MARKET, LONDON ROAD – PROGRESS REPORT ON THE OPEN MARKET TRADERS ASSOCIATION PROPOSAL FOR REDEVELOPMENT – EXEMPT CATEGORY 3.

- 21.1 The sub-committee considered a report of the Acting Director of Cultural Services, which provided additional information in relation to the proposed development of the Open Market by the Open Market Traders Association.
- 21.2 **RESOLVED** – That the contents of the report, the details of which supported the recommendations as set out in the Part 1 report be noted.

Note: Councillor Mears having declared a personal and prejudicial interest in the matter left the meeting and took no part in the debate or determination of the decision.

21A. KING ALFRED REDEVELOPMENT – EXEMPT CATEGORY 3.

- 21(A).
1 By reason of the special circumstances, and in accordance with Section 100B(b) of the 1972 Act, the Chair of the meeting had been consulted and was of the opinion that this item should be considered at the meeting as a matter of urgency due to the contractual requirements as outlined in the report.
- 21(A).
2 The Committee noted that the special circumstances for non-compliance with Council Procedure Rule 19, Access to Information Rule 5 and Section 100B of the 1972 Local Government Act as amended (items not to be considered unless the agenda is open to inspection at least five days in advance of the meeting) were that there was a need to incorporate counsel's advice which was only received on the 31st August 2007, into the report.
- 21(A).
3 The sub-committee considered a report of the Director of Strategy & Governance, which sought approval to the appropriation of the King Alfred / RNR site for planning purposes in accordance with the provisions of the Development Agreement.
- 21(A).
4 **RESOLVED** – The Policy & Resources Committee be recommended to agree that the King Alfred/RNR site as shown on the plan in Appendix 1 to the report is appropriated under section 122 of the Local Government Act for planning purposes.

22. PART 2 ITEMS

- 22.1 The committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.
- 22.2 **RESOLVED** – That item No's 19 – 21A inclusive contained in Part 2 of the agenda and the decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 6.55pm.

Signed

Chair

