





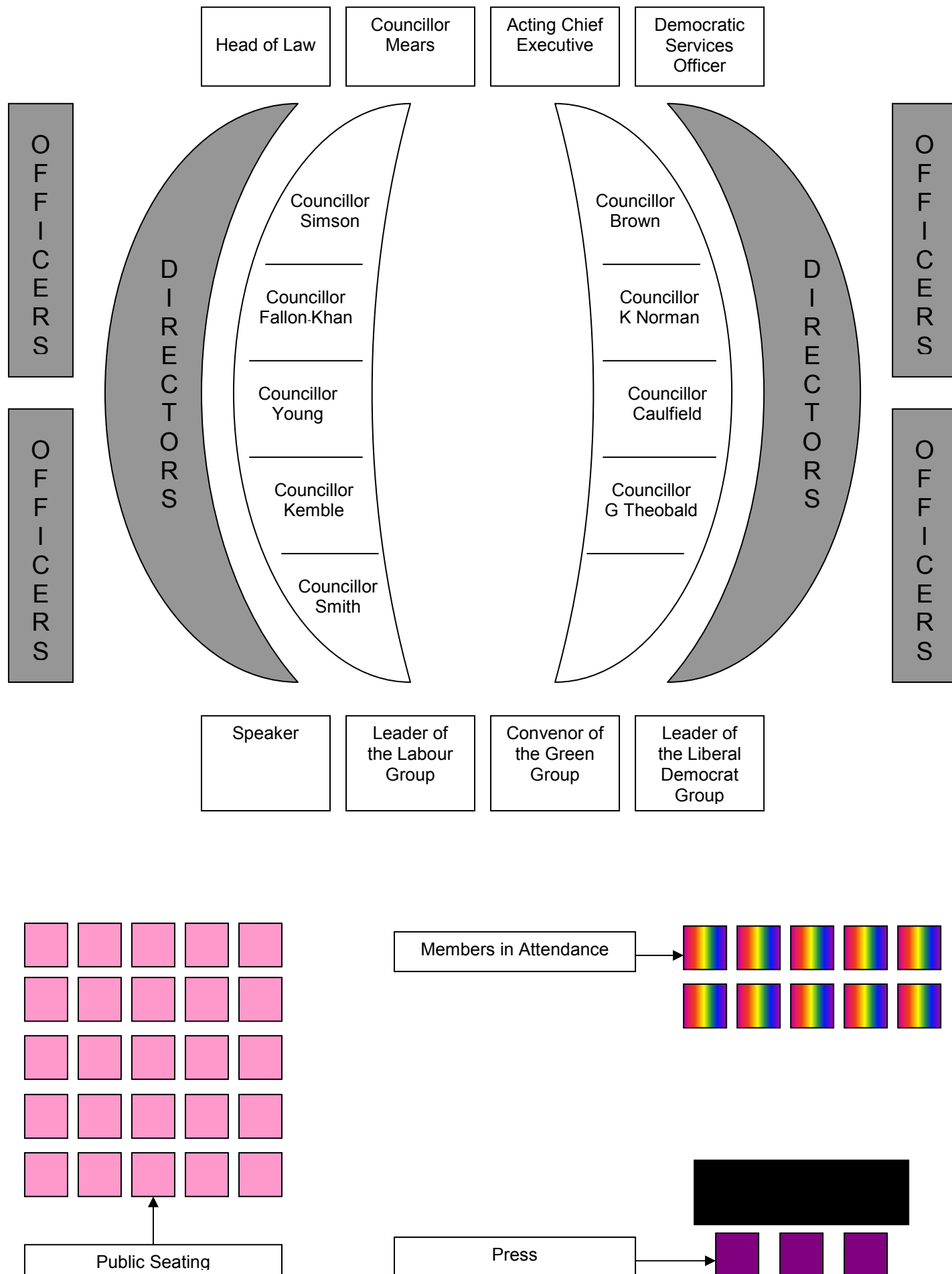
**Brighton & Hove  
City Council**

# Cabinet Meeting

|          |   |
|----------|---|
| Title:   | <b>Cabinet</b>  |
| Date:    | <b>17 September 2009</b>  |
| Time:    | <b>4.00pm</b>   |
| Venue    | <b>Council Chamber, Hove Town Hall</b>  |
| Members: | <b>Councillors:</b><br>Mears (Chairman)<br><br>Brown, Caulfield, Fallon-Khan, Kemble,<br>K Norman, Simson, Smith, G Theobald and<br>Young |
| Contact: | <b>Tanya Massey</b><br>Senior Democratic Services Officer<br>01273 291227<br>tanya.massey@brighton-hove.gov.uk                            |

|   |  |
|---|--|
|  | The Town Hall has facilities for wheelchair users, including lifts and toilets   |
|  | An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.   |
|   | <b>FIRE / EMERGENCY EVACUATION PROCEDURE</b><br><br>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions: <ul style="list-style-type: none"><li>• You should proceed calmly; do not run and do not use the lifts;</li><li>• Do not stop to collect personal belongings;</li><li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li><li>• Do not re-enter the building until told that it is safe to do so.</li></ul> |

# Democratic Services: Meeting Layout



## AGENDA

### Part One

### Page

---

#### 61. 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.*

#### 62. MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the Meeting held on 9 July 2009 (copy attached).

#### 63. CHAIRMAN'S COMMUNICATIONS

#### 64. ITEMS RESERVED FOR DISCUSSION

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

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

#### 65. PETITIONS

No petitions received by date of publication.

#### 66. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 10 September 2009)

No public questions received by date of publication.

**67. DEPUTATIONS**

(The closing date for receipt of deputations is 12 noon on 10 September 2009)

No deputations received by date of publication.

**68. LETTERS FROM COUNCILLORS**

(The closing date for receipt of letters from Councillors is 10.00am on 7 September 2009)

No letters have been received.

**69. WRITTEN QUESTIONS FROM COUNCILLORS**

(The closing date for receipt of written questions from Councillors is 10.00am on 7 September 2009)

No written questions have been received.

**70. NOTICES OF MOTION**

**(a) Making the most of wasted spaces 13 - 20**

(i) Proposed by Councillor Randall (copy attached).

(ii) Report of the Acting Director of Strategy & Governance (copy attached).

**(b) Support the 'Great British Refurb' and the creation of more eco-jobs and training in the city 21 - 22**

Proposed by Councillor Turton (copy attached).

**STRATEGIC & POLICY ISSUES**

**71. Falmer Academy: Progress to date and submission of the Final Business Case 23 - 58**

Report of the Director of Children's Services (copy attached).

*Contact Officer: Rod Derbyshire Tel: 29-3589*  
*Ward Affected: All Wards*

**72. Building Schools for the Future – Readiness to Deliver Submission 59 - 100**

Report of the Director of Children's Services (copy attached).

*Contact Officer: Gil Sweetenham Tel: 29-3433*  
*Ward Affected: All Wards*



## CABINET

### FINANCIAL MATTERS

#### **73. Targeted Budget Management (TBM) 2009/10 Month 4** **101 - 134**

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

*Contact Officer:* Nigel Manvell *Tel:* 29-3104

*Ward Affected:* All Wards

### GENERAL MATTERS

#### **74. Pedestrian Network - Phase 2** **135 - 148**

Report of the Director of Environment (copy attached).

*Contact Officer:* David Parker *Tel:* 29-2474

*Ward Affected:* Regency

#### **75. A23 Sustainable Transport Corridor - Proposals for Phases 5 - 7** **149 - 158**

Report of the Director of Environment (copy attached).

*Contact Officer:* Robin Reed *Tel:* 29-3856

*Ward Affected:* Patcham

### PROPERTY & REGENERATION MATTERS

#### **76. Shoreham Harbour Regeneration** **159 - 172**

Report of the Director of Culture & Enterprise (copy attached).

*Contact Officer:* David Fleming *Tel:* 29-2700

*Ward Affected:* Hangleton & Knoll;  
South Portslade; Wish

#### **77. Preston Barracks Development – Update and Future Arrangements** **173 - 184**

Report of the Director of Culture & Enterprise (copy attached).

*Contact Officer:* Mark Jago *Tel:* 29-1106

*Ward Affected:* All Wards

#### **78. Use of General Consents to Lease Properties to Brighton & Hove Seaside Community Homes** **185 - 198**

Report of the Director of Adult Social Care & Housing (copy attached).

*Contact Officer:* Martin Reid *Tel:* 29-3321

*Ward Affected:* All Wards

#### **79. Charter House Hotel - Disposal** **199 - 206**

Joint report of the Director of Finance & Resources and the Director of Culture and Enterprise (copy attached).

*Contact Officer:* Angela Dymott *Tel:* 29-1450

Adam Bates *Tel:* 29-2600

*Ward Affected:* Regency

**80. New Historical Records Office and Resource Centre (The Keep) – Project Update, Funding Arrangements and Future Delivery** **207 - 218**

Report of the Director of Culture & Enterprise (copy attached).

*Contact Officer:*     *Janita Bagshawe*                      *Tel: 29-2840*  
                                 *Mark Jago*                                      *Tel: 29-1106*  
*Ward Affected:*     *All Wards*

**CONTRACTUAL MATTERS**

**81. Corporate Procurement of Energy - Sub 100Kw Energy Contract** **219 - 228**

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

*Contact Officer:*     *Angela Dymott*                      *Tel: 29-1450*  
                                 *Jason Clarke*                                      *Tel: 29-1431*  
*Ward Affected:*     *All Wards*

**82. Corporate Procurement for Legionella Monitoring - Control, Prevention & Risk Management Services Contract For 2010-2015 (5 years)** **229 - 234**

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

*Contact Officer:*     *Angela Dymott*                      *Tel: 29-1450*  
                                 *Ian Sharpe*                                      *Tel: 29-4590*  
                                 *Nigel Lee*                                      *Tel: 29-6203*  
*Ward Affected:*     *All Wards*

**83. 18 Wellington Road** **235 - 246**

Report of the Director of Adult Social Care & Housing (copy attached).

*Contact Officer:*     *Diana Bernhardt*                      *Tel: 29-2363*  
*Ward Affected:*     *Hanover & Elm Grove*

---

**Part Two**

**Page**

**PROPERTY & REGENERATION MATTERS**

**84. Charter House Hotel - Disposal** **247 - 252**

Exempt Category 3.

Joint report of the Director of Finance & Resources and the Director of Culture and Enterprise (copy circulated to Members only).

*Contact Officer:*     *Angela Dymott*                      *Tel: 29-1450*  
                                 *Adam Bates*                                      *Tel: 29-2600*  
*Ward Affected:*     *Regency*

**CONTRACTUAL MATTERS**

**85. 18 Wellington Road**

**253 - 254**

Exempt Category 3.

Appendix 1 to the Item 83 (copy circulated to Members only).

*Contact Officer:* Diana Bernhardt                      *Tel:* 29-2363  
*Ward Affected:* Hanover & Elm Grove

**86. PART TWO ITEMS**

To consider whether or not any of the above items 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](http://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.

**WEBCASTING NOTICE**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Tanya Massey, (01273 291227, email [tanya.massey@brighton-hove.gov.uk](mailto:tanya.massey@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Wednesday, 9 September 2009



### BRIGHTON & HOVE CITY COUNCIL

#### CABINET

4.00PM 9 JULY 2009

#### COUNCIL CHAMBER, BRIGHTON TOWN HALL

#### MINUTES

**Present:** Councillors Mears (Chairman), Brown, Caulfield, Fallon-Khan, K Norman, Simson, Smith, G Theobald and Young

**Also in attendance:** Councillor Mitchell (Leader of the Labour Group), Councillor Randall (Convenor of the Green Group) and Councillor Watkins (Opposition Spokesperson, Liberal Democrats)

**Other Members present:** Councillors Allen, Duncan, Kitcat and Wrighton

#### PART ONE

#### 38. PROCEDURAL BUSINESS

##### 38a Declarations of Interests

38.1 There were none.

##### 38b Exclusion of Press and Public

38b.1 In accordance with section 100A of the Local Government Act 1972 ('the Act'), it was 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).

38b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of items 59 onward.

#### 39. MINUTES OF THE PREVIOUS MEETING

39.1 **RESOLVED** - That the minutes of the meeting held on 11 June 2009 be approved as a correct record.

**40. CHAIRMAN'S COMMUNICATIONS**

- 40.1 The Chairman thanked all those involved in the emergency operation after the fire at Brighton YMCA in the Old Steine on Tuesday 7 July. She reported that no one had been hurt and that police were questioning a suspect.
- 40.2 The Chairman gave an update on swine flu and the latest local preparations.
- 40.3 The Chairman congratulated officers in the Revenues & Benefits section of the Customer Services Division, as they had been recommended to receive a 'Customer Services Excellence Award'.
- 40.4 The Chairman thanked those who attended and were involved in organising Armed Forces Day, which had been a great success.
- 40.5 The Chairman highlighted a number of summer events in the city including the White Air Extreme Sports Festival in September, Pride on 1 August and the 40<sup>th</sup> anniversary of the American 'Stonewall riots' which were recognised to be beginning of the gay rights movement.
- 40.6 The Chairman was pleased to announce that the Victorian Bandstand would formally be reopening on 24 July after extensive refurbishment works.

**41. ITEMS RESERVED FOR DISCUSSION**

- 41.1 **RESOLVED** – That all items be reserved for discussion.

**42. PETITIONS**

- 42.1 Councillor Kitcat presented a petition signed by 37 people calling for a review of how seafront rents and license fees are agreed.
- 42.2 The Chairman stated that the Cabinet appreciated the positive impact of seafront businesses on the city's wider tourist economy and explained that the council had an obligation to implement rent reviews and lease renewals as they fell due; every case was considered on its merits in light of the prevailing economic background.
- 42.3 The Chairman made the following comments:
- The 300% case referred to in the petition was one out of over 300 hundred properties and had a long and complex history.
  - Officers were always willing to meet and discuss problems with tenants.
  - Rents on the seafront were low in comparison to other local authorities; they were not what would be considered market rate and required some adjustment, but transitional measures could be implemented.
  - Patio licences were are issued on an annual basis at a rate of £17 per square meter, which was the same rate across the whole city; it had been levied at the same amount for the past two years and this would be the third year with no increase.

- 42.4 The Chairman hoped that the council maintained good and fruitful relations with seafront businesses hoped that some clarity regarding the council's position had been provided today.
- 42.5 **RESOLVED** – That the petition be noted and referred to the relevant Cabinet Member Meeting for further consideration.

#### 43. PUBLIC QUESTIONS

- 43.1 The Chairman reported that one public question had been received.
- 43.2 Ms Phillips asked the following question:

“Brighton & Hove City Council's Local Transport Plan (LTP) highlights the problems associated with the high levels of motor vehicles that we have in this city. These problems include noise, severance, congestion, dangerously poor air quality and of course road safety alongside communities generally dominated by traffic. It rightly sets ambitious targets for traffic reduction, improved air quality and significant modal shift from the private car to sustainable modes namely walking, cycling and public transport. With this in mind, I would ask that Brighton & Hove City Council's Cabinet consider introducing a 20 mph speed limit across the city.”

- 43.3 The Chairman gave the following response:

“Thank you for your question and for the idea of a citywide twenty miles per hour speed limit.

You may be aware that an experimental scheme in Portsmouth is currently being evaluated by the government, who will be issuing further guidance regarding such limits later this year. However, there are a number of practical reasons why we are currently unable to take a similar approach.

The Police will only support a twenty miles per hour speed limit if it is self enforcing. This is because, historically, if the speed limit is not backed up by traffic calming measures, it has proved to be ineffective. Therefore, the council currently bases decisions on twenty mile per hour limits on an individual basis. We take into account factors such as collision data and traffic flow to ensure available budgets are targeted effectively.

Indeed, as you may know, the Council has introduced a number of 20mph zones, particularly near schools, such as Chalky Road, and in busy shopping streets or in conjunction with other transport schemes such as New Road and North Street. Officers regularly monitor collision data in response to residents' and councillors' concerns and review the appropriateness of existing speed limits when required.

The council has recently completed a Speed Limit Review of the city's A and B class roads, and is considering extending this to include all roads, including those appropriate for twenty mile per hour.

By coincidence, a report later in our agenda in regard to the 'Sustainable Communities Act' contains a proposal from Greenspeak and Transition Brighton & Hove. This

requests that councils are given the power to set vehicle speed limits on public roads at any maximum below existing regulations, according to local needs. This proposal is being submitted to the Local Government Association along with other community empowerment proposals that we are supporting. I think that this is a sensible approach to take as I'm not at all convinced that a blanket 20mph limit across the whole City would be in anyone's interests. Flexibility and local circumstances are the key.

If you would like some information as regards this I am sure one of our officers would be happy to share this with you."

43.4 Ms Phillips asked the following supplementary question:

"It is now widely recognised that reducing traffic speed is a key factor in making our roads safer, our communities healthier and our environment more pleasant. As a result, and as you have already mentioned, many Local Authorities across the country are in the process of introducing, or have already introduced, 20mph limits across their areas. Here in Brighton and Hove the now defunct Environment Committee committed to bring a report investigating this issue in January 2008. Now, more than a year and a half later still nothing has been forthcoming. Can the Cabinet explain why there has been such a delay and when the report will be forthcoming?"

43.5 The Chairman gave the following response:

"I believe that I stated in my remarks that we are looking into this and the information will be forthcoming".

#### **44. DEPUTATIONS**

44.1 There were none.

#### **45. LETTERS FROM COUNCILLORS**

45.1 There were none.

#### **46. WRITTEN QUESTIONS FROM COUNCILLORS**

46.1 There were none.

#### **47. NOTICES OF MOTION**

47.1 There were none.

#### **48. DUAL DIAGNOSIS**

48.1 The Cabinet considered a report from the Director of Adult Social Care & Housing outlining the initial response from service commissioners from Brighton and Hove Teaching Primary care Trust and Brighton & Hove City council Adult Social Care and Housing to the scrutiny review on dual diagnosis (for copy see minute book).



- 48.2 The Chairman invited Councillor Watkins, Chairman of the Scrutiny Panel, to introduce the report.
- 48.3 Councillor Watkins commended the scrutiny report and stated that it was a good example of joint working and scrutiny. He had been amazed by the number of responses received and felt that the issue would now be taken forward. He was pleased that the recommendations would inform the Working Age Mental Health Commissioning Strategy and looked forward to seeing the completed strategy in the New Year.
- 48.4 Councillor Watkins wished to place on record his thanks to Giles Rossington and John Heys for all their hard work on the scrutiny review.
- 48.5 Councillor Wrighton, the councillor responsible for requesting the original scrutiny review into dual diagnosis thanked the Scrutiny Panel and the Cabinet for their acceptance of the recommendations in principle.
- 48.6 Councillor Wrighton read a statement from Sue Baumgardt, a mother who had given evidence to the Scrutiny Panel and had first hand experience of the problems associated with dual diagnosis.
- 48.7 Councillor Mitchell echoed the comments and added that the council now had more powers to hold partner organisations to account through scrutiny.
- 48.8 Councillor Randall commented that the proposed Local Delivery Vehicle for housing management might look into the provision of better supported housing and that one option could be to use vacant farm buildings.
- 48.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That support, in principle, for the review's recommendations as detailed in appendix 1 be confirmed.
  - (2) That the consideration of all the recommendations by the Working Age Mental Health Commissioning Strategy Working Group be endorsed.
  - (3) That it be requested that the Working Age Mental Health Commissioning Strategy be presented to a future Cabinet meeting and made available to the members of the Scrutiny Review.

#### **49. AGENCY CONTRACT FOR TEMPORARY STAFFING**

- 49.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval to re-tender the City Council's agency staffing contract at the end of the current contract period, which would expire on 19 March 2010 (for copy see minute book).
- 49.2 Councillor Duncan stated that he was pleased that the recommendations had been amended to reflect the need for the final decision awarding the contract to be made by

Members. He suggested that the tender document should stipulate a minimum wage of £7 per hour for agency staff.

49.3 Councillor Fallon-Khan explained that the council always endeavoured to be as fair as possible with regard to temporary agency staff. However, to comply with Councillor Duncan's request would require the council to increase pay across all staff, resulting in a huge financial outlay for the council. He added that the council adhered to the national minimum wage and their practices were fair.

49.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That approval be given for a tender exercise to be carried out in compliance with the European Union Public Procurement Directive to re-let Brighton & Hove City Council for the provision of agency workers for all directorates across the council; the contract should incorporate both requests for temporary and interim workers.
- (2) That the contract be approved to start on 20 March 2010 for a period of 5 years with an option to extend a further two years.
- (3) That approval be given, following the tender process, for a report to come back to a special meeting of the Central Services Cabinet Member Meeting to award the contract.

## **50. HOUSING MANAGEMENT REPAIRS, REFURBISHMENT AND IMPROVEMENT STRATEGIC PARTNERSHIP PROCUREMENT RECOMMENDATIONS REPORT**

50.1 The Cabinet considered a report of the Director of Adult Social Care & Housing that detailed the procurement process and outcome regarding a 10 Year Housing Repairs, Refurbishment and Improvement Strategic Partnership and sought approval to award the contract (for copy see minute book).

50.2 The Cabinet Member for Housing invited the Asset Management Panel to give a presentation to the Committee on their involvement in the evaluation of the submitted bids.

50.3 Councillors from thanked the Asset Management Panel for their hard work and agreed that the success of the contract would depend on its thorough monitoring.

50.4 In response to a query from Councillor Randall regarding the progress of TUPE matters, the Interim Head of Repairs & Maintenance explained that the council was in talks with the unions about the number of staff affected and that the preferred bidder, Mears Limited, had a good reputation with regard to these issues. He added that TUPE legislation was very strong and would protect employees.

50.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the selection of Mears Limited for the Repairs, Refurbishment and Improvement Strategic Partnership contract covering the whole city be approved.

- (2) That the Director of Adult Social Care & Housing, in consultation with the Director of Finance & Resources and Cabinet Member for Housing, be authorised to develop and implement a partnering contract over time to deliver the target pricing framework as outlined in 3.11.4-3.11.9 of this report.
- (3) That the Director of Adult Social Care & Housing, in consultation with the Cabinet Member for Housing, be authorised to take all steps necessary or incidental to the implementation of recommendations 2.1 and 2.2 including those necessary to effect the commencement of this contract on 1 April 2010, to run for up to ten years, and any staffing issues associated with the proposals.

## **51. ANNUAL PROGRESS UPDATE ON THE LOCAL AREA AGREEMENT (LAA) 2008/09**

- 51.1 That Cabinet considered a report of the Acting Director of Strategy & Governance updating Members on progress made against the Local Area Agreement (LAA) outcomes and information on indicators that were significantly off target at the end of the 08/09 (for copy see minute book).
- 51.2 Councillor Randall stated that he was concerned about the 'rate of hospital admissions per 100,000 for alcohol related harm' and felt that the increase in establishments selling alcohol had contributed to this. He also noted that more needed to be done to combat the 'proportion of children living in poverty'. He was pleased to see positive information in relation to 'engagement in the arts', 'community engagement in local libraries' and 'number of school age children in organised school visits to the museums'; he hoped that the council could build on this by using art and music in working with re-offenders.
- 51.3 The Head of Performance & Improvement explained that in future a breakdown of hospital admissions could be provided to show reasons for admission and where patients are from. She noted that improved reporting by the Primary Care Trust was likely to result in an increase in numbers.
- 51.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
  - (1) That the good progress against the LAA outcomes in Appendices 1 & 3 be noted.
  - (2) That the actions outlined in the Exception Report in Appendix 2 to address areas not meeting the agreed targets be noted.
  - (3) That Cabinet Members to review any areas of poor performance in greater detail at future Cabinet Members Meetings and/or Cabinet discusses with the relevant leading partnership progress on the action plans.
  - (4) That it be noted that the targets for the Local Area Agreement were negotiated in 2007 before the impact of the economic recession on the achievements particularly for employment and housing outcomes was fully appreciated. Nationally, it had been agreed that the specific economic indicator targets for 09/10 & 10/11 would be reviewed in light of the impact of the recession. The finalised revised targets would come back to a future LSP and Cabinet.

**52. SUSTAINABLE COMMUNITIES ACT – DECISION ON SUBMISSION TO LOCAL GOVERNMENT ASSOCIATION**

- 52.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval for the council's submission under the first round of the Sustainable Communities Act and confirming the position regarding ineligible proposals (for copy see minute book).
- 52.2 Opposition councillors welcomed the report and the process in general; they supported the opportunity for citizens to have an influence and were pleased that ineligible proposals would be considered elsewhere.
- 52.3 The Central Policy Development Team Manager confirmed that the Local Government Association (LGA) would be short listing between the end of July and early November. No further information was available yet regarding the next stage of the process.
- 52.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the city council's submission under the first round of the Sustainable Communities Act as detailed in appendix A be approved.
  - (2) That ineligible proposals (appendix D) received in this process be tabled at the relevant Cabinet Member meeting for consideration and response.

**53. MEMBERSHIP OF SOUTH EAST ENGLAND COUNCILS (SEEC)**

- 53.1 The Cabinet considered a report of the Acting Director of Strategy & Governance seeking approval for the council's to join South East England Councils (SEEC) following the discontinuation of the South East England Regional Assembly (SEERA) (for copy see minute book).
- 53.2 The Chairman noted that SEEC offered good value for money to the council as membership cost £5,082, which represented 25% of the subscription cost for SEERA.
- 53.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the extract of the proceedings of the Governance Committee held on 7 July 2009 be noted.
  - (2) That approval be given for Brighton & Hove City Council to become a member of South East England Councils (SEEC).

**54. TREASURY MANAGEMENT POLICY STATEMENT (INCORPORATING THE ANNUAL INVESTMENT STRATEGY) 2008/09 - END OF YEAR REVIEW**

- 54.1 The Cabinet considered a report of the Interim Director of Finance & Resources advising Members of the action taken during the second half of the financial year

2008/2009 on the Treasury Management Policy Statement, including the investment strategy (for copy see minute book).

54.2 In response to questions from Councillor Randall, the Interim Director of Finance & Resources made the following comments:

- With regard to socially responsible investments, institutions are surveyed every three years about their own policies and outcomes, with the next one due to take place in June 2010.
- With regard to spreading investments, the council took a cautious approach by looking into individual institutions and spreading risk as much as possible. This had become more difficult as institutions had become more vulnerable, so the council had taken the decision to repay debt to reduce risk.
- With regard to the Communities & Local Government recommendation to share information on treasury management, once it became evident how this would work, the council was likely to be supportive of this approach.

54.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the action taken during the second half year to meet the treasury management policy statement and practices (including the annual investment strategy) be endorsed.
- (2) That it be noted that the authorised limit and operational boundary set by the Council had not been exceeded.
- (3) That all Members will be offered training on the risks involved in borrowing and investments on an annual basis.

## 55. CAPITAL INVESTMENT PROGRAMME 2009/10

55.1 The Cabinet considered a report from the Interim Director of Finance & Resources detailing capital schemes previously approved by Full Council as part of the Capital Investment Programme 2009/10 which now required the Cabinet's approval to proceed in accordance with Financial Regulations. The report also contained a new capital scheme for approval and a variation request for one capital scheme (for copy see minute book).

55.2 Councillor Mitchell welcomed the report and was pleased to see that schemes were progressing; she particularly welcomed the conversion of properties with shared facilities and major void properties, in addition to the use of the Private Housing Renewal Grant from government.

55.3 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the capital schemes detailed at Appendix 1 be approved.
- (2) That the capital variation requested at Appendix 2 be approved.

**56. BUDGET UPDATE AND BUDGET PROCESS 2010/11**

- 56.1 The Cabinet considered a report of the Interim Director of Finance & Resources updating Members on the Budget and Budget Process for 2010/11 (for copy see minute book).
- 56.2 Councillor Mitchell stated that she had expected to see a report on Targeted Budget Management (TBM) for the first quarter of the year; the report on the agenda provided useful background, but did not give a comprehensive picture of the current situation, including any specific pressures and whether departmental budgets were within budget.
- 56.3 Councillor Young explained that it was too early to provide the TBM report and that if it became apparent that recovery action would be required, it would be reported to the Cabinet in September.
- 56.4 In response to queries from Councillor Mitchell, the Interim Director of Finance & Resources made the following comments:
- The council had not yet stepped up any vacancy management process, but would do if it became necessary; any impact of service delivery would be monitored.
  - No formula is used to calculate the percentage change in budgets; they are decided on the basis of political priorities and pressures on directorates, and are kept under review.
- 56.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That the resource and expenditure projections for 2010/11 to 2012/13 set out in table 3 in paragraph 3.19 be noted.
  - (2) That the provision for future pay awards becomes a joint provision for both future pay awards and increased pension contributions.
  - (3) That the further development of the Value for Money programme set out in paragraphs 3.31 to 3.35 be noted.
  - (4) That Directors and relevant Cabinet Members be instructed to produce budget strategies to provide their services within the indicative cash limits as set out in appendix 1.
  - (5) That Directors be instructed to demonstrate 4% efficiency savings for each year within their budget strategies.
  - (6) That the resource projections for the capital investment programme as shown in appendix 2 of this report be noted.
  - (7) That the timetable for budget reports set out in paragraph 3.48 be agreed.

**57. CIVITAS UPDATE AND WORK PROGRAMME**

- 57.1 The Cabinet considered a report of the Director of Environment updating Members on progress made on projects within the CIVITAS programme and requesting approval for a revised reporting process (for copy see minute book).
- 57.2 Councillor Mitchell noted that the programme included a number of good small scale projects, but was uncertain as to whether they would make any impact on improving air quality and transport. She queried the involvement of other European countries and the status of Valley Gardens within the programme.
- 57.3 Councillor Theobald confirmed that five other European cities were involved in the programme and that Valley Gardens was never intended to be part of the CIVITAS programme. He added that it was too early to begin work on the next Local Transport Plan.
- 57.4 The Director of Environment added that the projects were small-scale as the programme specified that they be pilot projects. In response to queries from Councillor Randall, she also confirmed that work on the implementation Electric Vehicle Charging Points had been brought forward, and that the council would be speaking with businesses about what would work best in relation to the Freight Quality Partnership.
- 57.5 Councillor Theobald explained that the programme was still in its early stages; the council would be at other cities to inform its own projects. The council would have to report regularly to the European Union.
- 57.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:
- (1) That progress to date be noted, and the recommendations relating to individual projects, outlined in the body of the main report, be agreed.
  - (2) That a revised reporting process be agreed to ensure a more appropriate method of sharing information and enabling formal decision making (as set out in 3.2 and 3.3).

**58. CLOSURE OF PREMISES PROTOCOLS: ASSOCIATED WITH PERSISTENT DISORDER OR NUISANCE AND CLASS A DRUG PREMISES**

- 58.1 The Cabinet considered a report from the Director of Environment concerning protocols for the Closure of Class A Premises and the Closure of Premises Associated with Persistent Disorder and Nuisance (for copy see minute book).
- 58.2 Councillor Simson informed Members that the Community Safety Forum received a presentation in relation the protocols and had endorsed them.
- 58.3 Councillors from all political groups spoke in support of the protocols and look forward to the seeing the difference made by their enforcement.

58.4 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet accepted the following recommendations:

- (1) That the protocols for the Closure of Class A Premises and the Closure of Premises Associated with Persistent Disorder and Nuisance be formally approved for use within Brighton & Hove.
- (2) That the recommended delegated authorities for the use of these powers be approved.

## **PART TWO**

### **59. PART TWO MINUTES OF THE PREVIOUS MEETING**

59.1 **RESOLVED** - That the Part Two minutes of the meeting held on 11 June 2009 be approved as a correct record.

### **60. PART TWO ITEMS**

60.1 The Cabinet considered whether or not any of the above items should remain exempt from disclosure to the press and public.

60.2 **RESOLVED** - That item 59, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.55pm.

Signed

Chairman

Dated this

day of



**NOTICE OF MOTION****MAKING THE MOST OF WASTED SPACES**

“This council applauds the success of groups making use of empty spaces and buildings to the cultural, commercial and community benefit of the city, notably:

- Andrew Comben and the Brighton Festival for the inspirational use of the market building to house Anish Kapoor’s *The Dismemberment of Jeanne D’Arc*
- The Guerilla Gardeners who have turned an eyesore into a community landmark with their rescue of the derelict garage site in the Lewes Road
- The Brighton University art students who converted the Old Music Library into an art gallery for the Brighton Festival
- Slack Space Brighton, which is bringing empty shops and offices into use for small traders across the city.
- The Bristol Estate Artists’ Studio project.
- The conversion of disused buildings, such as bin stores, on some of the Council’s housing estates.
- The Cyberden I.T. training facility at St. James House.

It therefore asks the Cabinet to further examine the possibilities of helping these and other groups in their efforts to make the most of wasted spaces to help the city out of the recession.”



|                         |   |   |                     |
|-------------------------|---|---|---------------------|
| <b>Subject:</b>         | <b>Wasted Spaces – Response to Notice of Motion from Council 16 July 2009</b> |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>  |   |                     |
| <b>Report of:</b>       | <b>Acting Director of Strategy &amp; Governance</b>                           |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>  | <b>Martin Warren</b>                      | <b>Tel:</b> 29-0555 |
|                         | <b>E-mail:</b>  | <b>martin.warren@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>No</b>   |   |                     |
| <b>Wards Affected:</b>  | <b>All</b>  |   |                     |

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

- 1.1 This report responds to the Notice of Motion ‘Making the Most of Wasted Spaces’ moved by Councillors Randall and Kennedy as agreed at Council on 16 July 2009.
- 1.2 The Notice of Motion requested that ‘the Cabinet ... examine the possibilities of helping these and other groups in their efforts to make the most of wasted spaces to help the city out of the recession.’
- 1.3 The local authority has for some time, been working with groups and individuals to make the most of ‘wasted’ or redundant spaces. This work has benefitted projects and organisations across the city. Some of the instances mentioned in the Notice are examples of the work which the council supports in this respect.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet continues to work proactively with partners in improving the environment by positive use of ‘wasted spaces’.
- 2.2 That Cabinet endorses the work already being carried out by the local authority and its partners in making productive use of empty spaces within the community.

**3. RELEVANT BACKGROUND INFORMATION:**

- 3.1 The creative use and reclamation of ‘wasted space’ has developed alongside conventional changes to land use and law. Initiatives such as ‘asset transfer’ aim to empower communities and enable the transfer of publicly owned assets to community groups.
- 3.2 The coincidental and parallel development of these concerns, alongside the growing acceptance that a temporary use of redundant spaces is preferable to non-use, has resulted in a more liberal approach to the use of redundant land.

- 3.3 The Local Authority has been involved in approving temporary planning permission and provisions for some of the schemes mentioned in the Notice of Motion and has been broadly benign in respect of those direct action movements.
- 3.4 The summary below outlines the ways in which the council interacted with the instances of 'wasted space' as identified in the Notion Of Motion and some of the outcomes.
1. *Andrew Comben and the Brighton Festival for the inspirational use of the market building to house Anish Kapoor's The Dismemberment of Jeanne D'Arc.* – The councils Culture & Enterprise Directorate, Property & Design Team and Licensing Team worked in tandem with Brighton Festival to manage this project. It offered a precedent for the ways in which the council might approach similar schemes. The three installations across the city attracted 80,000 visitors.
  2. *The Guerilla Gardeners who have turned an eyesore into a community landmark with their rescue of the derelict garage site in the Lewes Road.*
  3. *The Brighton University art students who converted the Old Music Library into an art gallery for the Brighton Festival* – Initiated by students from Brighton University, the council, through the auspices of the Brighton & Hove Arts Commission supported the development of the project.
  4. *Slack Space Brighton, which is bringing empty shops and offices into use for small traders across the city.* Having met informally with representatives of 'Slackspace' officers are also considering ways in which empty spaces might be used to trial short-term business incubation. As these ideas cohere, information will be provided to members for consideration.
  5. *The Bristol Estate Artists' Studio project.* Instigated by local residents, the project was supported by numerous council departments (including, Housing Management, Property & Design, Culture & Enterprise). The council worked on a long-term development plan with the Arts Council and others. The project was funded entirely by external providers.
  6. *The conversion of disused buildings, such as bin stores, on some of the Council's housing estates.* – The council has long supported the innovative use of redundant spaces. Disused buildings have been bought back use and were part of the success of 'Red Herring', the Phoenix Galleries and 'Fabrica'.
  7. *The Cyberden I.T. training facility at St. James House.* – Tenant led and developed, this project was supported by Housing Management.
- 3.5 The council has worked flexibility and positively to make the best use of redundant spaces and its approach has been specific to the needs of the project.

- 3.6 Appendix 1 of the report details the work planned and already in place to improve the visual appearance of empty properties in the city. Officers are also talking with third parties about the use of 'pop-up' shops; temporary leases for un-occupied premises.
- 3.7 Unfortunately the council was not identified as one of the 57 recipients of the Government funding recently announced to help areas hit hardest by the recession. The funding announced by the Communities & Local Government Secretary in August was offered to help find creative ways to reduce the negative impact empty shops are having on high streets.
- 3.8 The creative use of redundant spaces across the city, particularly during recession is an attractive alternative to boarded shop fronts or neglected public spaces. In order for the city to positively benefit and to ensure the protection of landowners and landlords, Cabinet Members should have an overview of projects proposed or underway. It is recognised that, by their nature, some groups will not want to engage with the Local Authority or seek their direct support.
- 3.10 Should determination of a project be sought or required, responsibility should rest with the relevant Cabinet Member and brought to Cabinet for approval if the responsibilities and / or liabilities are considered to have corporate or cross-portfolio implications.

#### **4. CONSULTATION**

- 4.1 In compiling this report consultation has been undertaken with Senior Managers and reference made to the work of Local Authorities on similar issues.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 In considering options for use of wasted space the costs of creative use or reclamation of the space would need to be considered and projects agreed on a case by case basis depending on the funding source. The shop front covers identified in Appendix 1 have been funded through the LABGI allocation.

*Finance Officer Consulted: Anne Silley*

*Date: 24/08/09*

##### Legal Implications:

- 5.2 There are no immediate legal implications. Any specific proposal submitted for Cabinet or Cabinet Member consideration would require evaluation with respect to the council's legal duties and powers.

*Lawyer Consulted: Oliver Dixon*

*Date: 26/08/09*

##### Equalities Implications:

- 5.3 There are no immediate legal implications. Instances considered for determination would be considered on their merits; given this an EIA is not required.

Sustainability Implications:

- 5.4 Positive management of under-used spaces in the city improves the street scene and the sustainability of local communities.

Crime & Disorder Implications:

- 5.5 Positive management of under-used spaces in the city improves the street scene and has a proven value in deterring vandalism and graffiti.

Risk & Opportunity Management Implications:

- 5.6 There are none.

Corporate / Citywide Implications:

- 5.7 There are none.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 An alternative option would be to support the organisation of an umbrella group representing all persons interested in 'wasted spaces'. This is considered to be impractical and counter to the ideologies of some of the groups who are active in this arena.
- 6.2 A further alternative option would be that the council pay no heed to wasted spaces. This would also be counter intuitive and contrary to the good stewardship and economic buoyancy of the city.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Cabinet are recommended to endorse of the work already in place so as to demonstrate their support of the initiatives underway and to work proactively with partners in order to make the best use of opportunities identified.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Shop Front covers

**Documents in Members' Rooms**

None

**Background Documents**

None

Shop front panels already installed as part of the project to enhance the appearance of the street scene.

- 1) Queens Road – café scene on former 'Damart' site
- 2) Queens Road – 'Visit Brighton' seafront image
- 3) Poole Valley – Oil painting image of Sussex coast
- 4) Astoria Cinema – Three 'Visit Brighton' images
- 5) Fitzherbert Centre – Two oil painting images on the Centre
- 6) St James Street – oil painting image on camping shop
- 7) St James Street – Two images on adjacent building, which is now a small supermarket
- 8) Ditchling Road – former 'Buxtons' – café scene images were initially placed on site. Area is now a commissioned graffiti mural, as part of project with Cityclean/local graffiti artist collective which manages the high quality graffiti murals in North Laine and murals at the New England hoardings.
- 9) Preston Street – vacant property adjacent to Casino

The choice of images and options available has been expanded with 'LABGI' funding.

- Oil paintings of Hove which were not on public display
- Black and white photographic local history images of Hove and Brighton
- Additional 'Visit Brighton' images for planned installations – our selection now comprises of 5 images - cows at Stanmer, Regency architecture, seafront in summer, fish, and Orbs on the Downs.
- New commercial installation which will be site/area specific with site specific strap lines
- New fencing 'scrim' which will have digital images of oil paintings of Hove printed on to a mesh substrate commonly used for scaffold wrap adverts. To be attached to fencing around the Sackville Hotel site.

Planned locations of new installations for 2009

- 1) Woolworths, Blatchington Road
- 2) Barclays, Church Road
- 3) Lloyds, Church Road
- 4) Holland Road
- 5) St Peters Church (on empty property opposite church entrance)
- 6) Sackville Hotel site
- 7) Dyke Road – (former barbers opposite Regent Arcade)
- 8) North Street opposite Bond Street





**NOTICE OF MOTION****SUPPORT THE 'GREAT BRITISH REFURB' AND THE CREATION OF MORE ECO- JOBS AND TRAINING IN THE CITY**

"The Council welcomes the Great British Refurb that is planned across the country and the subsequent creation of jobs and training opportunities across the City.

The Council recognises that the refurbishment of Britain's schools, public buildings and council housing to improve energy efficiency has had received wide ranging support. The Renewable Energy Association has called the Government's plans 'very positive, visionary and ambitious and the Local Government Association has called the plans a 'a major step forward' and the LGA have asked that energy suppliers pay a £500m annual charge to help fund a home insulation programme that would save 10 million households £280 a year on their energy bills, and create up to 20,000 new eco jobs.

Key proposals of the Great British Refurb include;

- Finance packages to install energy efficiency measures and low-carbon heat and power sources would be offered to householders. Repayment from part of the savings on energy bills would be linked to the property, rather than residents.
- Combined with guaranteed cash payments by way of a Renewable Heat Incentive and a Feed-in Tariff for small scale electricity generation, the payback for homeowners who switch to low-carbon technologies and save energy would start from day one.
- Options for improving the delivery of energy efficiency advice and measures, including establishing a central coordinating body funded by energy companies and working to Government-set targets.
- Rolling out low-cost home energy audits, developing a qualification for energy advisers, and establishing an accreditation scheme for installers.

The Council accepts that it will also have a large role to play in developing renewable and low carbon heat and electricity, such as district heating schemes and asks:

(a) The Cabinet Sustainability Committee to consider its responsibility to ensure;

- Local schools, colleges and universities take full advantage of any future qualifications and apprenticeships linked to the instalment of environmentally friendly technology in the City's homes,
- Local people are kept informed of the benefits of the Great British Refurb, such as any paybacks for homeowners who switch to low carbon alternatives

and training opportunities in green industries, through council publications such as the website and City News,

- Work with local energy companies based in the City, as well as government departments to guarantee the best options, in terms of energy packages, training opportunities and jobs for residents and young people in the City,
- (b) The Council asks the Cabinet to consider whether there is a wish for any involvement in the roll out of the Great British Refurb, particularly with regards to any future skills and training initiatives, and
- (c) That the Acting Chief Executive write to the Department of Energy and Climate Change to outline the Council's support for the scheme."

|                         |   |  |                     |
|-------------------------|---|--|---------------------|
| <b>Subject:</b>         | <b>Falmer Academy: Progress to date and submission of the Final Business Case</b> |  |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>  |  |                     |
| <b>Report of:</b>       | <b>Director of Children’s Services</b>  |  |                     |
| <b>Contact Officer:</b> | <b>Name:</b>  | <b>Rod Derbyshire</b>                      | <b>Tel: 29-3589</b> |
|                         | <b>E-mail:</b>  | <b>rod.derbyshire@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>  | <b>Forward Plan No: CAB11428</b>           |                     |
| <b>Wards Affected:</b>  | <b>All</b>  |  |                     |

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

- 1.1 At the Cabinet Meeting on 11 June 2009, Members received a detailed report of progress up to that date. The report also informed Members of the requirement for Cabinet approval in September of the Final Business Case. Approval was given by Cabinet for the preferred bidder to undertake the demolition of the central block and removal of trees as required, during the school summer holiday period, to minimise the health and safety implications of that work.
- 1.2 Prior to the Design and Build contract being signed, the Council must submit a Final Business Case (FBC) for approval by Partnerships for Schools. The Cabinet meeting in September 2009 is asked to endorse the FBC before its submission.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the current progress status of the Falmer Academy project.
- 2.2 That Cabinet endorses the Falmer Academy Final Business Case.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Further to the progress report tabled to Members on 11 June 2009, following Cabinet approval, the demolition of the central block and removal of related trees (the Enabling Works) commenced on 27 July 2009 and this work will be completed by 31 August 2009.
- 3.2 Some minor initial security issues were experienced at the start of the Enabling Works but measures were implemented to enhance site security which resolved these issues.
- 3.3 Informal daily and weekly Liaison Meetings have been held with representatives of the Falmer High School Staff which have been extremely positive and constructive.

- 3.4 The Preferred Bidder's Project Manager has established very good working relationships with the School Staff and the experience gained and relationships established during the Enabling Works will be highly beneficial when the Main Works are implemented.
- 3.5 The Main Works building programme is scheduled to start in October/November 2009. The Academy will open in September 2010 in a mix of existing and new buildings. The complete construction is scheduled to be open at the end of 2011. Once the development of the Academy is complete, the surplus land as previously agreed will be available for development.
- 3.6 The Detailed Planning Application was submitted as programmed on 13 July 2009 and is currently expected to be considered by the Planning Committee on 23 September 2009.

#### **4. CONSULTATION**

- 4.1 To ensure that the local community were fully informed about the development, following Press Notices and issue of Newsletters, two Public Exhibitions of the proposals have been held. Although attendance was limited, the proposals were well received and some very positive comments were made.
- 4.2 A number of Liaison Meetings have now been held with the Sponsors and Contractors involved in other major projects in the Falmer area which have been extremely constructive.
- 4.3 Prior to the summer holiday period, Staff at the school were kept constantly informed via a number of mechanisms. These include monthly School Engagement Group Meetings, weekly drop-in Surgeries, Union Representatives and Governing Body Meetings. The engagement process will continue up to and through to the opening of the Academy and significant training opportunities funded by the DCSF will be available to staff at the school.
- 4.4 An interim verbal Progress Report was submitted to the CYPT Overview and Scrutiny Committee on 17 June 2009.
- 4.5 The scheme proposals have been presented to one of the local Community Action Groups and it is anticipated that other such Groups will take up the offer of presentations after the summer holiday period. Following their presentation, the Tenantry and Meadowvale Community Action Group advised that they would be submitting a letter of support for the proposals to the Planning Department.
- 4.6 Presentations have been arranged at the four feeder Primary Schools in September and these will be attended by the Principal Designate.
- 4.7 Two Meetings of the Falmer Academy Parents' Council (now established as the Parents' Forum) were held prior to the summer holiday period and these will continue from September 2009 onwards.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The funding envelope for the Design & Build contract is £26.041m. There is a separate £2m contract for ICT to be let in 2009. This funding is provided by the DCSF Academy Programme and includes a contribution from the council's capital resources of £0.557m toward the redevelopment of the caretaker's flat and the Swan Centre within the Academy. A further £2m will be contributed by the Sponsor in the form of an endowment. With regard to project support, £0.300 million has been drawn down from DCSF funding to move the Project from the initial Expression of Interest through the Feasibility Stage and into the current Implementation Stage. The council is also required to provide resources to meet its obligations in relation to the Design and Build Contract and the delivery of the build programme. These project support costs are set out in the FBC and in February 2009 Full Council approved an allocation of £0.200 million from the Strategic Investment Fund to provide resources for 2009/10. The Council also approved allocations from future Strategic Investment Fund resources to cover project support costs in 2010/11 and 2011/12.
- 5.2 Recent changes (falls) in interest rates have meant that cost assumptions made in the original DCSF funding model are now lower than expected and are expected to provide up to £2 million additional value to the scheme. Bidders were clearly instructed to provide evidence of additional value for money within their design and build tenders and this has been considered as part of the evaluation process.
- 5.3 The Final Business Case sets out the full costs and benefits of the project which are within the overall financial envelope and commensurate with current market conditions. Project management costs for the overall project management are met by the DCSF via its engagement of PKF (Accountants & Business Advisers) while Project Management costs for the building of the Academy are met by the Council as mentioned above.
- 5.4 The Sponsor has already expressed the desire to develop a broader offer to promote the aspiration of young people in the area. This will build on work already undertaken to promote the concept of a 'good adolescence'.
- 5.5 The revenue budget for the Academy and Swan Centre will be based on the existing Falmer High School and Swan Centre budgets.

*Finance Officer consulted: Nigel Manvell*

*Date: 04/09/09*

### Legal Implications:

- 5.6 Heads of Terms have been agreed by the Council's and the Sponsor's lawyers enabling the Academy development to take place. The building contract with the preferred builder will accord with the national requirements for Academy development and will be let once the Final Business Case is approved by Cabinet.

- 5.7 A site agreement regulated the tree removal and demolition works referred to in paragraph 3.17. These were carried out by the preferred bidder on a fixed cost basis in the period.

*Lawyer consulted:*

*Bob Bruce*

*Date: 04/09/09*

Equalities Implications:

- 5.8 Young people leaving Falmer High School are presently the highest group in the City in terms of Not in Education Employment or Training (NEET) being 10.5% in 2008, almost double the 5.9% average for the City. Although the figures for pupils undertaking further education have increased over the past few years, this rate in 2008 at 81.2% is lower than the average of other schools in the City where sixth form provision is provided in the school environment. It is therefore hoped that over time, provision of the sixth form will increase the number of pupils fully engaged in post-16 education widening participation of the young people in this area of the City in further education thus improving the high number of working age adults in the area who have no formal qualifications, currently 35%.

Sustainability Implications:

- 5.9 The construction of the proposed Academy will adhere to DCSF guidelines (Building Bulletin 98) and will be in line with stringent new targets issued by the Government in March 2008 to reduce school carbon footprints to 60% for all new school buildings. Thus the proposed new building will take full advantage of all appropriate environmentally sustainable energy and recycling systems including proposals bio mass boilers, green roofs and solar panels. The proposed design meets the Building Research Establishment Environmental Assessment Model (BREEAM) Excellent standard. Thus the proposed Academy will be a flagship for environmentally sustainable schools for Brighton & Hove for the future and will be one of the “greenest” buildings in the City.

Risk and Opportunity Management Implications:

- 5.10 A preliminary risk register has been compiled and a full risk register must be undertaken and submitted to Partnerships for Schools as part of their approval process for the Final Business Case.

Crime & Disorder Implications:

- 5.11 Throughout the development of the proposed Academy, consultation with both community groups and the Community Safety team and police liaison officers will take place. Sussex Police Service endorse the view that the engagement of the community in the use of the facilities at the Academy and with the availability of those facilities outside normal school hours, it is envisaged that crime and disorder in the local area will be reduced, as will the numbers of pupils not in education, employment or training (NEET).

#### Corporate / Citywide Implications:

- 5.12 The development of an Academy on the Falmer High School site is in accord with the DCSF's policy on developing a range of schools in each Local Authority, thereby increasing the variety of types of school available to parents. As part of the development of the Academy, careful consideration will be given to developing the community use of the facilities and a community engagement plan. The City's Neighbourhood Manager for the area has taken an active part in the community engagement and the Parents' Council as have a range of voluntary and YMCA organisations.

#### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Not applicable.

#### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To brief Cabinet on the current status of the project.
- 7.2 PfS require confirmation of the Authority's support for the project before agreeing release of funding.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. The Falmer Academy Final Business Case dated August 2009
2. Falmer Academy Summary of Verbal Report to CYPT Overview and Scrutiny Committee, Wednesday, 17 June 2009

#### **Documents in Members' Rooms**

1. Appendices to Falmer Academy Final Business Case.

#### **Background Documents**

1. Report to Cabinet dated 11 June 2009.





# **FINAL BUSINESS CASE**

for

## **FALMER ACADEMY**



**August 2009**

**FINAL BUSINESS CASE****FALMER ACADEMY****CONTENTS**

|   | <b>Page</b>        |
|---|--------------------|
| Glossary of Terms                                   | 4                  |
| <b>EXECUTIVE SUMMARY</b>                            | <b>6 - 8</b>       |
| Introduction  | 6                  |
| Overview and Commitment                             | 6                  |
| The Local Competition                               | 6                  |
| Facilities Management                               | 6                  |
| ICT Procurement                                     | 7                  |
| Affordability                                       | 7                  |
| Design & Build Contract                             | 7                  |
| Readiness to Deliver                                | 8                  |
| <br><b>1. OVERVIEW AND COMMITMENT</b>               | <br><b>9 - 12</b>  |
| 1.1 Strategic Overview                              | 9                  |
| 1.2 The Scheme                                      | 10                 |
| 1.3 Summary   | 12                 |
| <br><b>2. THE LOCAL COMPETITION</b>                 | <br><b>13 - 18</b> |
| 2.1 Short listing the Two Bidders                   | 13                 |
| 2.2 ITT to Preferred Bidder Panel Member            | 14                 |
| 2.3 Preferred Bidder Panel Member to Contract Award | 17                 |
| 2.4 Procurement Costs                               | 17                 |
| 2.5 Carbon Reduction                                | 17                 |
| 2.6 Summary   | 18                 |
| <br><b>3. ICT PROCUREMENT</b>                       | <br><b>19 - 20</b> |
| 3.1 Appointment of ICT Consultants                  | 19                 |
| 3.2 Appointment of ICT Provider                     | 19                 |
| 3.3 Interface with the Design & Build Contract      | 20                 |
| 3.4 Summary   | 20                 |

**CONTENTS** continued

|           |   |                |
|-----------|---|----------------|
| <b>4.</b> | <b>AFFORDABILITY</b>  | <b>21 - 22</b> |
| 4.1       | Design and Construction   | 21             |
| 4.2       | Lifecycle/Hard FM Costs   | 21             |
| 4.3       | ICT   | 22             |
| 4.4       | Other Sources of Funding  | 22             |
| 4.5       | FBC Required KPI Data   | 22             |
| 4.6       | Summary   | 22             |
| <br>      |   |                |
| <b>5.</b> | <b>DESIGN &amp; BUILD CONTRACT</b>                                    | <b>24</b>      |
| <br>      |   |                |
| <b>6.</b> | <b>READINESS TO DELIVER</b>   | <b>25 - 26</b> |
| 6.1       | Project Management through the Local Competition                      | 25             |
| 6.2       | Supervising and Monitoring Delivery of the Design<br>& Build Contract | 26             |
| 6.3       | Supervising and Monitoring Delivery of ICT                            | 26             |
| 6.4       | Statutory Approvals   | 27             |
| 6.5       | Risk  | 27             |
| 6.6       | Summary   | 27             |

**GLOSSARY OF TERMS**

|                            |  |
|----------------------------|--|
| “Academy”                  | Falmer Academy   |
| “ASD”                      | Autistic Spectrum Disorder   |
| “Authority’s Requirements” | The specification contained in Volume 5 of the ITT.  |
| “BHCC”                     | Brighton & Hove City Council   |
| “BECTA”                    | British Education Computing Technology Association   |
| “BREEAM”                   | British Research Establishment Environmental Assessment Model  |
| “BSF”                      | Building Schools for the Future  |
| “BTEC”                     | British Technical Education Council  |
| “Building Contract”        | The design and build contract Lump Sum to be used for the development of a Scheme in the form set out in Volume 3 of the ITT   |
| “CPD”                      | Continuing Professional Development  |
| “CYPT”                     | The Children & Young People’s Trust department at BHCC   |
| “DCSF”                     | Department for Children, Schools and Families  |
| “DQI”                      | Design Quality Indicator   |
| “FBC”                      | This final business case   |
| “Framework”                | The national contractors framework established by PfS to deliver the Project   |
| “Framework User”           | BHCC, in its capacity as a body which is eligible to use the Framework, tender Local Competitions and enter into the Building Contract.  |
| “GCSE”                     | General Certificate of Secondary Education   |
| “ICT”                      | Information and Communication Technologies   |
| “ITT”                      | The Invitation to Tender comprising 8 (eight) Volumes.   |
| “Kier”                     | Kier Regional Limited  |
| “KPI”                      | Key Performance Indicator  |
| “LEP”                      | Local Education Partnership  |
| “Local Competition”        | The process of selection by the Framework User of a Panel Member from the Framework to carry out the Scheme.   |
| “OBC”                      | Outline Business Case  |
| “Panel Member(s)”          | The following contractors who have entered into the framework agreement with PfS: - Balfour Beatty Construction Limited, Carillion Integrated Solutions, Kier, Laing O’Rourke, Skanska Construction UK Limited, Willmott Dixon Construction Limited. |
| “PITT”                     | Preliminary Invitation to Tender   |
| “Pricing Schedules”        | The schedules set out in Volume 6 of the ITT.  |
| “Project”                  | The establishment of the national contractors framework (with a duration of four years from the date of its establishment) for the development of inter alia Single School Schemes.  |
| “PfS”                      | Partnerships for Schools, of 5 <sup>th</sup> Floor, 8-10 Great George Street, London, SW1P 3AE.  |
| “Regulations”              | The Public Contracts Regulations 2006.   |
| “Reviewable Design Data”   | Design information which is to be reviewed and finalised during the design development process   |

|                           |  |
|---------------------------|--|
| “Scheme”                  | The Single School Scheme comprising the construction of a the Academy at the site of Falmer High School, Brighton  |
| “Selected Panel Member”   | Kier, the Panel Member selected as the preferred bidder following a Local Competition to carry out the Scheme.   |
| “Single School Scheme(s)” | The construction of a new School, the construction of a new Academy, or the refurbishment of an existing School or Academy, as the case may be, to be let under a Local Competition. |
| “Skanska”                 | Skanska Construction UK Limited  |
| “Sponsor”                 | The sponsor of the Academy   |
| “Swan Centre”             | The Swan Centre as referred to in the OBC and ITT  |
| “Supply Chain Members”    | Has the meaning contained in the draft Framework Agreement.  |
| “Trust”                   | Falmer Academy Trust   |

# **FALMER ACADEMY**

## **FINAL BUSINESS CASE**

### **EXECUTIVE SUMMARY**

#### **Introduction**

This Final Business Case ("FBC") sets out details of the Local Competition to design and build the new Falmer Academy. It also addresses the affordability of the preferred solution and outlines the arrangements for contract administration and monitoring, in order to gain approval by the Department for Children, Families and Schools (\*DCSF) and Partnerships for Schools ("PfS") to proceed with contract award of the Building Contract and the delivery of the Scheme.

#### **Overview and Commitment**

The Scheme involves the re-building of Falmer High School as the Falmer Academy.

The Scheme design developed by the Selected Panel Member has been signed off by the Sponsor, and Brighton & Hove City Council ("BHCC").

#### **The Local Competition**

A Local Competition has been carried out in accordance with the procedures laid down by PfS. Three Panel Members returned Pre Invitation to Tender ("PITT") submissions, and the Sponsor and BHCC short-listed Kier and Skanska.

Kier was appointed the Selected Panel Member on 11 May 2009.

The Selected Panel Member has prepared a design that will achieve a minimum of 60% Carbon Reduction and this has been demonstrated by the Carbon Calculator.

#### **Facilities Management**

The Selected Panel Member has submitted Lifecycle and Hard FM costs which are in line with those of the Technical Adviser for BHCC, as set out in the Outline Business Case ("OBC"). The Sponsor has re-affirmed his intention of meeting the lifecycle and hard facilities management costs through the General Annual Grant.

### **ICT Procurement**

BHCC, working with EdICTs, the ICT consultants appointed by the DCSF, will procure the ICT provision through the BECTA Infrastructure Framework.

BECTA has reviewed the strategic approach for delivery of the ICT provision, and confirmed that it is acceptable.

A detailed risk register for the ICT project has been developed and a clear strategy to manage/mitigate ICT risks has been put in place.

### **Affordability**

The FBC provides a separate cost analysis reconciled against the OBC for both the design & build and ICT elements of this Scheme.

The analysis indicates that the Selected Panel Member's proposals are in line with the costs set out in the OBC, based on PfS funding allocation, and include the capital sums agreed by BHCC relating to the Swan Centre and the site manager's accommodation.

The Selected Panel Member's solution for the provision of the Academy has been fully costed. The cost estimate has been checked against the rates included in PfS's National Framework Agreement.

The capital cost is in excess of the funding approval in the OBC agreed by PfS, as it includes provision for the Swan Centre and site manager's accommodation to be provided by BHCC at an estimated cost of £577,000 as set out in the OBC.

The capital costs for the ICT designs for the Academy will be delivered through the £1450 per pupil funding.

### **Design & Build Contract**

The LA, in agreement with the Sponsor, has drafted and agreed the Building Contract with the Selected Panel Member. The Building Contract has been reviewed and all derogations have been approved by PfS.

The land for the Academy will be subject to a 125 year lease between BHCC and the Trust. The Trust will also be leasing the land from BHCC on which the Falmer High School South Block stands for the period of the construction of the Academy.

The scope and nature of Reviewable Design Data has been agreed.

**Readiness to Deliver**

BHCC has put in place resources for the duration of the Scheme, including post-contract, to monitor and maintain ongoing relations with the Selected Panel Member and ensure that performance is continuously reviewed.

All necessary statutory approvals have been granted.

A risk strategy workshop has been held and a risk strategy developed.



## 1. OVERVIEW AND COMMITMENT

### 1.1 Strategic Overview

The key strategic objectives detailed in the OBC were to:-

- Raise standards and aspirations even higher to prepare young people for a rapidly changing world;
- Ensure, through effective and well supported teaching and curriculum development, excellent value added and the opportunity to enjoy and achieve success across a broad spectrum of experience while enabling all young people to specialise and build upon strengths and expertise;
- Be well led and managed, at ease with accountability and confident with its wider community;
- Develop the Academy's involvement in collaborative activities to maximise the educational offer to all young people in the area;
- Play its full part in BHCC's inclusion policy and ensure the best possible local educational provision for all children particularly those with special needs;
- Seek to develop the very best teaching and learning strategies in order to accelerate students' progress and ensure that they make the greatest possible learning gains and achieve their full potential. Every pupil will have an individual learning plan, a differentiated and flexible timetable, and will be supported through mentoring, coaching and through regular progress tracking;
- Place strong emphasis on the use of technology to support and enhance learning. ICT will be embedded into every curriculum and management area and will be the key to the development of personalised learning. Independent and supervised study will be an important aspect of the Academy and ICT will be developed in such a way as to lead to growth of the pupils as independent learners;
- Become a centre of vocational excellence generally, as well as in its specialisms, with a curriculum that places significant emphasis on courses such as applied GCSE, BTEC and on extended work experience, young apprenticeships and work-based and work-related learning;
- Explore creative and innovative approaches to meeting individual needs, for example enhancing core learning and basic skills (including intensive English, Maths and ICT), an integrated Key Stage 3 curriculum, stage not age progressing, and mixed age group organisation when appropriate. Pupils will also be encouraged to take part in a wide range of voluntary and social enrichment and community development programmes during an extended learning day.

The Sponsor, LA and Selected Panel Member consider that these key objectives are fully reflected in the FBC proposals.

The OBC noted that the provision of the Swan Centre, which is a city-wide provision for pupils with ASD/speech and language, and accommodation for the site manager, would be included in the Academy brief and funded by BHCC.

The following were also identified as implicit key objectives for BHCC, but not scheme specific:-

- Provide design and procurement experience on major capital projects.
- Provide experience of BSF, DCSF and PfS processes.
- Establish a team with experience and knowledge capable of delivering major projects (BSF).
- Provide a potential model for procurement of both Design & Build and ICT, either as part of the BSF Programme, or as stand alone projects.
- Undertake extensive consultation with stakeholders on all aspects and implications of a new school.
- To highlight introduce and provide the transformation from existing school provision to new, through changes to staff CPD programme and leadership/management structures.

As detailed below, the scope of works has been enhanced during the ITT process, as a consequence of the changes in the interest rates included in the OBC and those forecast for the construction period. This has enabled the inclusion of facilities prioritised by the Sponsor and BHCC, but not included in the OBC.

## **1.2 The Scheme**

The project is to provide (in phases) a new build Academy as part of the existing site of the Falmer High School in Brighton and Hove City with the demolition of Falmer High School. The Academy will accommodate 900 year 7-11 pupils, and 250 year 12-13 pupils. In addition, the Academy will have a special resource base, the Swan Centre, which is a city-wide provision for pupils with ASD/speech and language difficulties for up to 16 pupils. The Academy will open in September 2010 and will have specialisms in Entrepreneurship and Sport, with a special emphasis on Science across the curriculum. The new buildings will be part opened in Autumn Term 2010 and fully opened for the Autumn Term 2011. The Sponsor is Rod Aldridge.

A curriculum framework was prepared and is included in the education brief. An accommodation schedule has been drawn up which is in line with BB98 guidance. The curriculum framework and model, and a schedule of required teaching rooms, was prepared by Edison Education. This also fits

the floor area set out in the Funding Allocation Model of 10,338 sq.m for the Academy. In addition, 170sq.m has been allowed for the Swan Centre. A copy of the schedule of accommodation is included in Appendix One. The total funded gross area is 10588sq.m, which includes the Swan Centre (170m<sup>2</sup>) and the site supervisor's flat (80m<sup>2</sup>).

The design and construction works will be procured by BHCC through the Framework.

The OBC funding envelope for the project was £28,041,901 which is the sum allocated by the PfS. This includes the sum of £577,000 provided by BHCC in respect of the Swan Centre and the site manager's accommodation.

BHCC has given strong support to the establishment of the Academy, which has been approved in principle by BHCC's Cabinet within the context of increasing choice and diversity for parents and pupils in the city. The establishment of the Academy will also complement the policy of BHCC to improve all secondary schools in the city, and provide Every Child Matters outcomes for all children with an inclusive and diverse pattern of education.

The buildings and external works will be subject to a design and build contract procured through the Framework. It is proposed that the ICT procurement will be a separate contract through the BECTA framework (see options appraisal in Section 3) with careful attention being placed on the interface between the two providers.

The Sponsor is committed to leading and managing the necessary changes in governance, management and staffing through the development of a governing body and appointment of a principal, both of which will play a key role in the management of change. They will also drive the education change agenda, which is a key objective.

There are a number of facets to the Academy that will support the education change process. There is a focus on entrepreneurship and sport, and there will be a particular emphasis on science across the curriculum. There will also be a focus on improving attendance, broadening the curriculum and extending parental and community involvement and engagement, thereby raising standards.

The procurement of the new Academy building will support this by being more attractive to parents, students and the community by providing extended facilities and by supporting and extending the curriculum, particularly in terms of social and business entrepreneurial potential.

Throughout the procurement process it is vital that students and staff are supported, both in terms of maintaining existing standards and continuing the improvements made over the last two years and in preparing for transition to the Academy. BHCC will continue to engage with a variety of stakeholders during the procurement process to facilitate the creation of the Academy and the attendant step change transformation.

**1.3 Summary**

The Scheme involves the re-building of Falmer High School as the Falmer Academy.

The design developed by the Selected Panel Member has been signed off by the Sponsor and BHCC.

**Appendix 1**

- Letter of Support from the Sponsor
- Letter of Support from the LA
- Papers and Minutes of LA Cabinet meetings confirming approval for the Project
- Schedule of accommodation

## 2. THE LOCAL COMPETITION

The Scheme is a single school project for the design & build of a new Academy at Falmer to replace Falmer High School.

The FBC demonstrates that the process followed to appoint a Selected Panel Member:

- was in compliance with standard procedures and processes established by PfS for the Framework.
- allowed for a sufficiently robust analysis of the proposed solutions of the two bidders.
- was well resourced and BHCC's costs of the procurement process have been minimised.

### **2.1 Short listing the Two Bidders**

A PITT was sent out to the six Panel Members and responses were received from Kier, Skanska and Laing O'Rourke. The three PITT responses were subjected to the prescribed evaluation process.

The Evaluation Panel comprised the following members:

| <u>Name</u>            | <u>Title &amp; Service</u>                                 |
|------------------------|--|
| Bob Bruce              | Principal Solicitor, Legal & Democratic Services.          |
| Gil Sweetenham (Chair) | Assistant Director, School Support and Central Area, CYPT. |
| Gillian Churchill      | Head of Capital Strategy & Development Planning, CYPT.     |
| Linda Ellis            | Senior Secondary & Special Schools' Adviser, CYPT.         |
| Lorraine O'Reilly      | Project Director, CYPT.                                    |
| Nigel McCutcheon       | Architecture & Design Manager, Property & Design           |
| Rod Aldridge           | Sponsor  |

The PITT questions were evaluated against the criteria set out in the PITT document and scored from 0-10. The following table was used to illustrate the meaning of each score:

| <b>Score</b> | <b>Meaning</b>                      |
|--------------|-------------------------------------|
| 0            | Unacceptable                        |
| 1            | Very weak - almost unacceptable     |
| 2            | Weak - well below expectations      |
| 3            | Poor - below expectations           |
| 4            | Satisfactory but below expectations |
| 5            | Meets expectations                  |
| 6            | Slightly exceeds expectations       |
| 7            | Good - well above expectations      |
| 8            | Very good                           |
| 9            | Outstanding                         |
| 10           | Exceptional                         |

PITT responses were evaluated in accordance with the following overall weightings prescribed by PfS:

| Section      | Weighting   | Weighted Scores |                   |              |
|--------------|-------------|-----------------|-------------------|--------------|
|              |             | Bidder 1        | Bidder 2          | Bidder 3     |
|              |             | Kier            | Laing<br>O'Rourke | Skanska      |
| Design       | 60%         | 44.7%           | 31.8%             | 42.0%        |
| Works        | 20%         | 15.0%           | 11.1%             | 14.0%        |
| Handover     | 10%         | 7.3%            | 6.3%              | 6.5%         |
| Pricing      | 10%         | 6.7%            | 7.1%              | 6.4%         |
| <b>Total</b> | <b>100%</b> | <b>73.7%</b>    | <b>56.3%</b>      | <b>68.9%</b> |

After the written responses were scored, bidder interviews took place. The interview questions were a mixture of standard questions asked of all three bidders, and individual questions relating to PITT responses.

Following these interviews, panel members completed their scores for the evaluation process and these were collated to provide an overall score for each bidder.

The Evaluation Panel agreed to approve two of the bidders, Kier and Skanska to move forward to the ITT stage, and this decision was reported to the Project Steering Group and the Design Group.

Kier identified the following key consultant supply chain members:

|                             |                   |
|-----------------------------|-------------------|
| Architect                   | - FCBS            |
| Education                   | - Kier Education  |
| Structural & Civil Engineer | - WSP Group       |
| Building Services           | - Kier South East |
| Landscaping                 | - EDCO            |
| BREEAM and Sustainability   | - Kier South East |

Skanska identified the following key consultants supply chain members:

|                             |                      |
|-----------------------------|----------------------|
| Architect                   | - PLB                |
| Education                   | - Phil Hutchinson    |
| Structural & Civil Engineer | - Skanska Technology |
| Building Services           | - Skanska            |
| Landscaping                 | - Skanska            |
| BREEAM and Sustainability   | - Skanska            |

## **2.2 ITT to Preferred Bidder Panel Member**

The ITT was sent to the two Panel Members shortlisted following the PITT evaluation process.

The Evaluation Panel consisted of the following members:

## Item 71 Appendix 1

| Name                   | Title & Service  |
|------------------------|--|
| Bob Bruce              | Principal Solicitor, Legal & Democratic Services             |
| Geoff Wingrove         | Project Manager, CYPT  |
| Gil Sweetenham (Chair) | Assistant Director, CYPT                                     |
| Gillian Churchill      | Head of Capital Strategy & Development Planning, CYPT        |
| Karen Guthrie          | Head of Education Systems, CYPT                              |
| Linda Ellis            | Senior Secondary & Special Schools' Adviser, CYPT            |
| Lorraine O'Reilly      | Project Director, CYPT                                       |
| Nigel Manvell          | Assistant Director, Financial Services (Section 151 officer) |
| Nigel McCutcheon       | Architecture & Design Manager, Property & Design             |
| Rod Aldridge           | Sponsor  |

The ITT documentation required bidders to respond to a number of technical questions covering:

- Design
- Works
- Handover
- Pricing

The ITT bids, including the responses to the technical questions, were evaluated against the criteria set out in the PfS ITT evaluation template and scored from 0-10. The following table was used to illustrate the meaning of each score:

| Score | Meaning                             |
|-------|-------------------------------------|
| 0     | Unacceptable                        |
| 1     | Very weak - almost unacceptable     |
| 2     | Weak - well below expectations      |
| 3     | Poor - below expectations           |
| 4     | Satisfactory but below expectations |
| 5     | Meets expectations                  |
| 6     | Slightly exceeds expectations       |
| 7     | Good - well above expectations      |
| 8     | Very good                           |
| 9     | Outstanding                         |
| 10    | Exceptional                         |

The ITT responses were evaluated in accordance with the following overall weightings prescribed by PfS:

| Section      | Weighting   | Weighted Scores |              |
|--------------|-------------|-----------------|--------------|
|              |             | Bidder 1        | Bidder 2     |
|              |             | Kier            | Skanska      |
| Design       | 40%         | 27.6%           | 22.3%        |
| Works        | 25%         | 17.1%           | 14.0%        |
| Handover     | 15%         | 9.7%            | 8.5%         |
| Pricing      | 20%         | 15.6%           | 11.0%        |
| <b>Total</b> | <b>100%</b> | <b>70.0%</b>    | <b>55.8%</b> |

The agreed weightings for design areas set out in the ITT document were applied to the bids and each panel member provided scores for each bid.

After the bids had been received and evaluated, the bidder presentations and interviews took place.

The interview questions were a mixture of standard questions asked of both bidders, and specific clarification questions relating to individual ITT responses.

Following these interviews, the evaluation panel reviewed their scores in the light of the presentations, and the responses given in the interviews.

The outcome was reported to the Project Steering Group and the Design Group.

The timetable for the ITT stage was as follows:

|   |                                  |
|---|----------------------------------|
| Issue the ITT to the two Bidders  | 12 January 2009                  |
| Clarification Day 1   | 20 January 2009                  |
| Clarification Day 2   | 5 February 2009                  |
| Bidder 1 site visits  | 12 January through 24 April 2009 |
| Bidder 2 site visits  | 12 January through 24 April 2009 |
| Clarification Day 3   | 17 February 2009                 |
| Clarification Day 4   | 3 March 2009                     |
| Meetings with ITT consultants   | 16 March and 8 May 2009          |
| Clarification Day 5   | 17 <sup>th</sup> March 2009      |
| Presentation to the Design Group  | 23 <sup>rd</sup> March 2009      |
| Presentation and interviews<br>with Evaluation Team                         | 28 <sup>th</sup> April 2009      |
| DQI workshop  | 28 <sup>th</sup> April 2009      |
| Evaluation Team meeting to<br>approve Preferred Bidder                      | 6 May 2009                       |
| Project Steering Group and Design Group<br>notification of Preferred Bidder | 15 June 2009                     |
| Notification of Preferred Bidder  | 11 May 2009                      |

A Design Quality Indicator (DQI) workshop was held on the same day as the presentations to the evaluation team, and the results were fed into the final evaluation scores as prescribed by the PfS evaluation template.

Each member of the evaluation panel kept notes as part of the evaluation to ensure a clear and transparent process and an evidential basis to substantiate the decision made and give accurate feedback to both bidders.

Kier was chosen on the basis of scoring higher in all four categories of the evaluation (Design, Works, Handover and Pricing) than Skanska, the unsuccessful Panel Member.

The unsuccessful Panel Member was debriefed at a debriefing meeting and by way of a schedule of strengths and weaknesses in their bid, the latter of which needed to be addressed.



### **2.3 Preferred Bidder Panel Member activities through to Contract Award**

Following notification of their Selected Panel Member status on 11<sup>th</sup> May 2009, Kier have been working closely with representatives of BHCC and the Sponsor in line with their Pre-Construction Programme as incorporated at Appendix 2. This has involved extensive consultation with the B&HCC Technical Team, the DCSF Project Manager, the Principal Designate, the existing management and staff at Falmer High School and key Stakeholders.

A Public Exhibition of the proposed scheme was held on 22 June 2009 and following submission of the detailed planning application on 13<sup>th</sup> July 2009, a further exhibition was held on 20<sup>th</sup> July 2009. Exhibitions and Presentations have also taken place at the four feeder primary schools and to local community groups.

In tandem with the preparation of the detailed planning application the detailed design development process has been progressed and the contractor's proposals were finalised on 3<sup>rd</sup> September 2009. The scope and nature of the Reviewable Design Data has also been agreed.

In view of health & safety considerations it has been agreed that Kier would undertake an Enabling Works Contract during the 2009 summer school vacation to remove asbestos from and demolish the existing dining room, kitchen and caretaker's accommodation and install fencing to the Contractor's haul route and site compound. These Works will be forward funded by BHCC.

Formal Contract Award will follow PfS approval to the FBC.

### **2.4 Procurement Costs**

Below is a brief summary of the costs of the procurement, broken down into categories:

| <b>Category</b>            | <b>Projected Costs</b> |
|----------------------------|------------------------|
| External Fees              | £ 253,151              |
| Internal Fees              | £ 630,657              |
| Surveys                    | £ 46,306               |
| Stakeholder consultation   | inc.                   |
| On costs and disbursements | inc.                   |
| <b>Total</b>               | <b>£ 930,114</b>       |

### **2.5 Carbon Reduction**

Kier has prepared a design that will achieve a minimum of 60% Carbon Reduction from 2002 Building Regulations, and this has been demonstrated using the DCSF Carbon Calculator.

## **2.6 Summary**

A Local Competition has been carried out in accordance with the procedures laid down by PfS. Three Panel Members returned PITT submissions, and the Sponsor and BHCC) short-listed Kier and Skanska.

Kier was appointed the Selected Panel Member on 11 May 2009.

The Selected Panel Member has prepared a design that will achieve a minimum of 60% Carbon Reduction and this has been demonstrated by the Carbon Calculator.

## **Appendix 2**

- Detailed programme of work Gantt chart including ICT development and procurement
- The Carbon Calculator
- Kier Pre-Construction Programme

### 3. ICT PROCUREMENT

The FBC demonstrates that the process to appoint an ICT consultant was in compliance with the standard procedures and processes established by BECTA for the Infrastructure Services Framework and that the process to appoint an ICT Provider:

- will be in compliance with the standard procedures and processes established by BECTA for the Infrastructure Services Framework
- will allow for sufficiently robust analysis of the proposed solutions of the bidders
- was well resourced and the costs of the procurement process have been minimised and documented.

#### **3.1 Appointment of ICT Consultants**

In order to facilitate the procurement of the ICT consultant, an Expression of Interest was sent out to companies on the BECTA list.

Following an evaluation of the responses received companies were invited for interview. The interview panel comprised:

| <b><u>Name</u></b> | <b><u>Title</u></b>     |
|--------------------|-------------------------|
| Lorraine O'Reilly  | Project Director        |
| Geoff Wingrove     | Project Manager         |
| Colin Foster       | DCSF, Senior Consultant |
|                    | PKF Consultants         |
|                    | BECTA                   |

Following evaluation of the information provided during interviews in addition to the formal written submissions, it was decided to appoint EdICTs as the ICT consultants.

#### **3.2 Appointment of ICT Provider**

**3.2.1** The Academy will open in September 2010 in a limited part of the new accommodation, but mainly in the existing Falmer High School accommodation. The new accommodation will be occupied in total in September 2010. After extensive discussions at the Design Group, Project Steering Group and Project Board Meetings, attended by representatives from the DCSF, PfS and BECTA, it was agreed that the project would benefit from further development and refinement of the ICT strategy prior to the initiating the procurement of the ICT Provider. The ICT consultant has prepared an Options Appraisal setting out alternative approaches with regard to the ICT provision for the new Academy which is currently under consideration and on which the forward strategy will be based. The ICT consultant will until appointment of the ICT Provider, supply all information as may be required by the Design & Build Contractor in order to progress the design and construction of the Scheme.

### **3.2.2 Procurement of ICT Provider**

Having determined the optimum strategy for the ICT provision within the new Academy, procurement of the ICT provider will be undertaken as indicated above, inviting Expressions of Interest, undertaking a rigorous and fully auditable selection and evaluation procedure as prescribed by the BECTA Infrastructure Framework.

### **3.3 Interface with the Design & Build Contract**

The alignment of the ICT solution with Design & Build is highlighted as one of the top 10 risks to the project. In order to mitigate this risk, it was decided to appoint ICT Consultants EdICTs at an early stage to work alongside the Selected Panel Member in order to them to work together and offer maximum consultation on the ICT procurement provider in terms of room design and general layout. The lead technical adviser for BHCC oversaw its requirements on Design & Build specification, ensuring that the responsibilities and interfaces were made clear. All documents on interfaces and responsibilities as outlined in the OBC were made clear to Kier at an early stage, and the appropriate consultation and communication structures put in place.

A detailed risk register for the ICT project has been developed indicating a clear strategy to manage/mitigate ICT risks.

The ICT consultant is a member of the Design Group and going forward, the Selected Panel Member and ICT provider when appointed will also be represented, which will enable any interface issues to be resolved at an early stage.

### **3.4 Summary**

BHCC, working with EdICTs, the appointed ICT consultant, will procure the ICT provision through the BECTA Infrastructure Framework.

BECTA has reviewed the delivery approach for the ICT provision, and confirmed that it is acceptable.

A detailed risk register for the ICT project has been developed.

## **Appendix 3**

- ICT Options Appraisal
- ICT Risk Matrix
- Initial ICT Budget
- Letter of support from BECTA

#### 4. AFFORDABILITY

##### 4.1 Design and Construction

The following table compares the funding approval at OBC against the costs of the Selected Panel Member:

| Category                                    | OBC               | FBC               | Variance                           |
|---|-------------------|-------------------|------------------------------------|
| Construction                                | 16,273,636        | 13,705,079        | n/a                                |
| External Works                              | 1,952,836         | 2,502,946         | n/a                                |
| Prelims., overheads & contingency           |                   | 4,747,353         | n/a                                |
| Abnormals                                   | 1,577,010         | 2,735,802         | (see FF&E)                         |
| Fees  | 2,133,838         | 2,211,472         | 77,634                             |
| FF&E  | 1,367,174         | 141,252           | (Proportion included in abnormals) |
| ICT Infrastructure                          | 258,750           | inc. above        |                                    |
| Carbon reduction                            | 606,441           | inc. above        |                                    |
| Swan Centre & site supervisor accommodation | 577,000           | inc. above        |                                    |
| Inflation                                   | 1,347,716         | 30,497            |                                    |
| Design & Build Contract sub total           | 26,074,401        | 26,074,401        | nil                                |
| Project Support Funding                     | 300,000           | 300,000           | nil                                |
| ICT Hardware                                | 1,667,500         | 1,667,500         | nil                                |
| <b>TOTAL</b>                                | <b>28,041,901</b> | <b>28,041,901</b> | <b>nil</b>                         |

The OBC funding envelope for the project was £28,041,901, which was the sum allocated by PfS for the Project. This sum included provision made by BHCC of £577,000 for the Swan Centre and the site supervisor accommodation.

BHCC's technical advisor has checked the Selected Panel Member's costs against the agreed rates in the Framework Agreement and confirmed that the overall solution is 'on market'.

During the ITT process, PfS reviewed the inflation rates that were applied to the Scheme when it was approved, and those that would be relevant during the construction period. It determined that it should be possible for the bidders to add significant value to the Scheme over and above the requirements set out in the OBC. BHCC wrote a supplementary ITT letter to each bidder requesting them to review their schemes in the light of the changed inflation rate circumstances and indicating a list of added value provision that the bidders may wish to consider.

##### 4.2 Lifecycle/Hard FM costs

The Lifecycle and Hard FM costs set out in the OBC are in line with Kier's costs and the Sponsor has agreed to meet these from the General Annual Grant.

The Sponsor will also look to harmonising the provision of FM services with those set out in a LEP should one be established by BHCC through the BSF programme.

| <b>Costs</b>                                    | <b>OBC</b> | <b>Total Variance</b> |
|---|------------|-----------------------|
| Hard FM & Lifecycle                             | 15,175,000 |                       |
| Hard FM   | 11,834,000 |                       |
| Lifecycle                                       | 394,000    |                       |
| <b>Costs</b>                                    | <b>FBC</b> | (2,833,000)           |
| Estimated LCR cost                              | 16,440,000 |                       |
| Estimated Hard FM, Soft FM and energy allowance | 8,103,000  |                       |

#### **4.3 ICT**

BHCC's ICT advisor will check the selected ICT provider's costs against the BECTA Framework and confirm that the model solution is 'on market'.

The indicative capital cost of the model solution for the ICT provision is £1,667,500 inclusive of three years of support.

The capital costs of the proposed solution from the selected ICT provider will be met by the DCSF £1450 per pupil funding allocation agreed with PfS.

The costs associated with the installation, implementation and transition of the proposed ICT solution will be included in the £1,667,500 total capital cost.

#### **4.4 Other Sources of Funding**

BHCC have agreed funding of £577,000 in relation to the provision of the Swan Centre and the site supervisor accommodation.

#### **4.5 FBC Required KPI data**

The KPI Data required by PfS has been completed and appended to the FBC.

#### **4.6 Summary**

The FBC provides a separate cost analysis reconciled against the OBC for both the design & build and ICT elements of this project.

The analysis indicates that the Selected Panel Member's proposals are in line with the costs set out in the OBC, based on PfS funding allocation, and include the capital sums agreed by the BHCC relating to the Swan Centre and the site manager's accommodation.

Kier's solution for the provision of the Academy has been fully costed. The cost estimate has been checked against the rates included in the Framework Agreement.

The capital cost is in excess of the funding approval in the OBC agreed by

PfS, as it includes provision for the Swan Centre and site manager's accommodation to be provided by BHCC at an estimated cost of £577,000 as set out in the OBC.

The capital costs for the ICT designs for the Academy have been fully costed and identified what is to be delivered through the £1450 per pupil funding.

**Appendix 4**

- Financial and Technical Pro Forms
- FBC required KPI Data

## 5. DESIGN & BUILD CONTRACT

**Appendix 5** of this section details any derogations from the Design and Build Contract used with the PfS National Framework. This section of the FBC details any derogations from the Building Contract.

### Summary

BHCC, in agreement with the Sponsor, has drafted and agreed the Building Contract with Kier. The Contract has been reviewed and all derogations have been approved by PfS.

The land for the Academy shall be subject to a 125 year lease between BHCC and the Trust. The Trust will also lease the land from BHCC on which the Falmer High School South Block stands for the period of the construction of the Academy.

Reviewable Design Data has been agreed.

### Appendix 5

Schedule of agreed derogations to the Building Contract.



**READINESS TO DELIVER****6.1 Project Management through the Local Competition**

BHCC maintained a fully resourced project management regime for the successful delivery of the Academy project.

| Role   | Position  | Name              | Time Commitment                |
|--|---|-------------------|--------------------------------|
| Project Champion & Director (from 1 July 2009) | B&HCC Schools Futures Director                  | Gil Sweetenham    | 1 day/week                     |
| Project Director                               | Consultant                                      | Lorraine O'Reilly | 3 days/week until 30 June 2009 |
| Project Manager                                | B&HCC Project Manager                           | Geoff Wingrove    | 3 days/week                    |
| Technical Advisor                              | Head of Capital Strategy & Development Planning | Gillian Churchill | 2 days/week                    |
| Design Technical Advisor                       | Architecture & Design Manager                   | Nigel McCutcheon  | 2 days/week                    |
| Education Advisor                              | Senior secondary and special schools' Adviser   | Linda Ellis       | 2 days/week                    |
| Finance Advisor                                | Financial Services Assistant Director           | Nigel Manvell     | 1 day/week                     |
| ICT Advisor                                    | Head of Education Systems                       | Karen Guthrie     | 1 day/week                     |
| Legal Advisor                                  | Principal Solicitor                             | Bob Bruce         | 1 day/week                     |
| HR Advisor                                     | Head of Human Resources, Business Partnering    | Sue Moorman       | 0.5 days/week                  |
| Planning Advisor                               | Head of Development Control                     | Jeanette Walsh    | 0.5 days/week                  |
| Quantity Surveyor                              | Consultant                                      | Mike Rolfe        | 1 day/week                     |
| Project Support                                | Project Assistant                               | Alison Price      | 4 days/week                    |
|  | Project Administrator                           | Pat Rees          | 3 days/week                    |

In addition, PfS has provided support during the Local Competition, and has monitored progress to ascertain whether the requirements of the PfS National Framework have been met. The PfS Project Director was Andy Farrell up to 30<sup>th</sup> April 2009, and thereafter Crawford Wright.

## **6.2 Supervising and Monitoring the Delivery of the Design & Build Contract**

BHCC has put the following arrangements in place for supervising and monitoring the project throughout the construction period:

- The Project Steering Group will remain in place, chaired by the Sponsor and retain overall direction and decision making powers for the Academy.
- The Project Steering Group will meet on a monthly basis to review the Academy programme and the construction phase. This group will be serviced by the Academy Project Manager.
- This group will be joined by a representative of Kier and the ICT Provider.
- Gil Sweetenham will assume the role of Project Director as well as Champion on 1<sup>st</sup> July 2009 for the duration of the Project.
- Rod Derbyshire has been appointed on 1<sup>st</sup> June by BHCC for the duration of the Academy Project.
- Nigel McCutcheon and Gillian Churchill will remain as Design Advisor and Technical Advisor respectively for the duration of the project.
- Alison Price and Pat Rees will provide project support.
- Additional in-house curriculum and technical advisors will be brought in as and when required.
- The monitoring of quality and the measurement of KPIs will be undertaken throughout the project.

## **6.3 Supervising and Monitoring the Delivery of ICT**

BHCC has put in place the following arrangements for supervising and monitoring the delivery of ICT:

- The Project Steering Group will remain in place, chaired by the Sponsor, and retain overall direction and decision making powers for the Academy.
- The Project Steering Group will meet on a monthly basis to review the Academy Programme and the delivery of ICT. This group will be serviced by the Academy Project Manager.
- Gil Sweetenham assumed the role of Project Director and Champion on 1<sup>st</sup> July 2009 for the duration of the Project.
- Rod Derbyshire has been appointed from 1<sup>st</sup> June 2009 as Project Manager for the Academy by BHCC for the duration of the Project.
- EdICTs has been appointed the ICT consultants for the Academy project.

- Karen Guthrie will provide project support as ICT technical advisor for BHCC for the duration of the Project.
- Additional in-house technical advisors will be brought in as and when required to monitor work on site.

User Acceptance Tests will be designed in consultation with all stakeholders and applied to the ICT solution delivered.

The monitoring of quality and the measurement of KPIs will be undertaken throughout the project.

#### **6.4 Statutory Approvals**

Planning Permission has been granted for this project and BHCC has accepted the risk of Judicial Review of the planning permission. BHCC has taken account and accepted any financial risk that may arise as a result of this risk materialising.

#### **6.5 Risk**

A Risk Workshop was held on 22<sup>nd</sup> July 2009 and a Risk Strategy for the delivery phase has been developed. The Risk Register details:

- The risks identified
- Who is responsible for the mitigation
- Measures being taken to mitigate each risk

#### **6.6 Summary**

BHCC has put in place resources for the duration of the Scheme, including post-contract, to monitor and maintain ongoing relations with the Selected Panel Member and ensure that performance is continuously reviewed.

All necessary statutory approvals have been granted.

A Risk Strategy Workshop has been held and a Risk Strategy developed.

#### **Appendix 6**

- Budget for delivery
- Planning Permission
- Risk Register (detailing top 10 risks going forward)



## **FALMER ACADEMY**

### **SUMMARY OF VERBAL REPORT TO CYPT OVERVIEW AND SCRUTINY COMMITTEE, WEDNESDAY, 17<sup>TH</sup> JUNE 2009**

Prepared by Rod Derbyshire, Falmer Academy Project Manager

**1. Introduction**

**2. Project Procurement Status Report**

Kier Group appointed as Preferred Bidder 11<sup>th</sup> May 2009

2.2 ICT Strategy Options Appraisal in preparation

**3. Appointment of new Principal**

3.1 Philomena Hogg, current Head of Woodhouse College, Tamworth, appointed as Principal Designate on 15<sup>th</sup> May 2009

**4. Planning Submission**

Submission date 13<sup>th</sup> July 2009

Planning Committee date 14<sup>th</sup> October 2009

**5. Project timeline and progress status**

- 5.1 Cabinet approval of FBC 17<sup>th</sup> September 2009
- 5.2 Submission of FBC to PfS on receipt of Planning Approval
- 5.3 Award of Contract following PfS approval of FBC late October 2009
- 5.4 Advanced Works 23<sup>rd</sup> July – 7<sup>th</sup> September 2009
- 5.5 Main Contract mobilisation end of October 2009
- 5.6 Main Contract start end of November 2009
- 5.7 Academy open September 2010
- 5.8 All new Academy buildings open September 2011
- 5.9 All works complete mid-December 2011

**6. Consultation activities**

Parent's Council, Student, Staff and Public (6.00pm – 8.00pm)  
Exhibition - 22<sup>nd</sup> June 2009  
Banner, model and CGI Displays at King's House, Falmer High School and Feeder Primary Schools (touring)  
On-going programme of regular consultations with Students, Staff, Governors and the Public  
Presentation of regular Status Reports to Members and other Key Stakeholders



|                         |  |  |                     |
|-------------------------|--|--|---------------------|
| <b>Subject:</b>         | <b>Building Schools for the Future – Readiness to Deliver Submission</b> |  |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>   |  |                     |
| <b>Report of:</b>       | <b>Director of Children’s Services</b>                                   |  |                     |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Gil Sweetenham</b>                      | <b>Tel:</b> 29-3433 |
|                         | <b>E-mail:</b>   | <b>Gil.Sweetenham@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>   | <b>Forward Plan No: CAB10354</b>           |                     |
| <b>Wards Affected:</b>  | <b>All</b>   |  |                     |

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

- 1.1 The Council has an opportunity to demonstrate its readiness to enter the Building Schools for the Future (BSF) programme this year. The Council has been working to develop its capacity, structures and vision to support entry into the programme and is now in a position to ask Partnerships for Schools (PfS) to evaluate its readiness.
- 1.2 Readiness to Deliver provides a clear and concise statement on the progress that the local authority has made in its preparations towards commencement of the BSF programme. It is a Gateway into the programme and is an essential element of the pre initiation phase and the subsequent creation of the Brighton & Hove Strategy for Change and Outline Business Case. It is a commitment from the local authority that it fully supports the BSF programme as defined by Partnership for Schools; will have the required funding and resources available as appropriate; has started the consultation process with schools and stakeholders; once invited can enter the programme without impediment having recognised and mitigated initial programme risks.
- 1.3 The Council’s Readiness to Deliver will be submitted to PfS as soon as invited with a view to being invited onto the Building Schools for the Future programme at the earliest opportunity.
- 1.4 On the 27 May 2009 Anthony Walker from PfS e-mailed Gil Sweetenham stating “.....as you are 32<sup>nd</sup> on the priority list we do hope to be in a position to invite you together with a small number of other LAs into the active part of the programme in the Autumn. We at DCSF are hopeful that we will be in a position to confirm the future arrangements before the summer.”
- 1.5 The Council was subsequently informed by PfS in August 2009 that authorities not already invited to join the programme in 2009/10 will now have to wait for the next financial year, 2010/11, before their submission will be considered.

## **2. RECOMMENDATIONS:**

- 2.1 That Cabinet agrees to the resources identified to support the programme.
- 2.2 That Cabinet delegates authority to submit the Brighton and Hove Readiness to Deliver document to the Director of Children's Services in consultation with the Cabinet Member for CYPT and the Director of Finance and Resources.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Building Schools for the Future programme is a Government programme designed to rebuild, remodel or refurbish all secondary schools in England in due course. The priorities for investment in any local authority are expected to be transformational in respect of teaching and learning in the secondary sector, and to deliver improved outcomes not only for children and young people but for families and the wider community. The programme has the potential to attract up to £150m for secondary schools in Brighton and Hove over the next 10 years.
- 3.2 On 30 November 2008 the Council submitted an Expression of Interest to DCSF indicating our intention to enter the BSF programme as early as possible. The Expression of Interest included proposals for two projects, incorporating eight of Brighton & Hove's secondary schools – Falmer High School is outside the programme as it will become an Academy in 2010. The first project incorporates Hove Park School, Portslade Community College (PCC), Patcham High School and Blatchington Mill School. The second project includes Longhill School, Varndean School, Dorothy Stringer School and Cardinal Newman Roman Catholic School. As part of the planned developments at each school a major focus will be the expansion of inclusive educational provision.
- 3.3 The first project was determined by the DCSF requirement to proactively address issues of standards and deprivation. Both Patcham and PCC are National Challenge schools; standards at Hove Park are still below national expectation; and standards achieved in the 6<sup>th</sup> Form at Blatchington Mill are below national expectations. Although standards at Longhill may have justified its inclusion in our first project, the planned and funded (c £5m) Longhill school expansion for September 2012 enables significant work to take place now and for this to be supplemented in the second BSF project. Falmer High School is to become an Academy in 2010 receiving funding of £28m and will thus not be included in the BSF programme
- 3.4 Following the submission of our Readiness to Deliver document the Council will then be invited to a remit meeting with PfS to discuss any further questions PfS have regarding our proposed developments. Once the Readiness to Deliver proposals have been accepted by PfS the Council will then be invited onto the programme and will prepare an Outline Business Case (OBC). This is expected to take 12 months.
- 3.5 From OBC, the procurement process, up to financial close, is likely to take a further 12 - 18 months, with work starting on site at the earliest in September 2012.



- 3.6 In order to be invited on to the programme, it will be necessary to demonstrate that the Council and the schools are ready to deliver a successful programme.
- 3.7 A significant part of being ready to deliver this programme is the commitment of the Council to the necessary funding to support the creation of the Readiness to Deliver Document; complete a detailed Outline Business Case (OBC); establishment of an appropriate delivery vehicle such as a Local Education Partnership (LEP); and have in place a project team to manage the programme. Partnership for Schools (PfS) guidance suggests that 3% of the expected project budget should be allowed for. The Council has identified the need for a programme budget of £5 million for the financial years 2009 to 2014. This has been identified from the following areas:

|           |               |   |
|-----------|---------------|---|
| 2008/2009 | £0.25 million | CYPT budget   |
| 2009/2010 | £1 million    | CYPT Capital Budget   |
| 2010/2011 | £1.75 million | <i>Funding for these years was identified in the Outturn report 2008/09</i> |
| 2011/2012 | £1 million    |   |
| 2012/2013 | £0.5 million  | CYPT Capital Budget   |
| 2013/2014 | £0.5 million  | CYPT Capital Budget   |

#### 4. CONSULTATION

- 4.1 The Council has developed a consultation plan and has undertaken visioning work in all the schools in the first project. An initial parental consultation on the broad proposals for our BSF programme will be held at the start of the Autumn Term 2009. This will be followed by fuller parental/public consultation regarding specific school proposals and any proposed changes to provision across the City.
- 4.2 Since October 2008, the Council has been working closely with all schools and across key Council directorates to develop the vision and strategy to underpin its BSF proposals. It is essential that learning and teaching are the drivers for this vision and strategy, and that the Council's education partners are fully engaged with the proposals. In addition, one of the key requirements of this is to have in place a robust governance structure with agreed membership and confirmation of resources to support it throughout the programme.
- 4.3 The Council has also started to work with a number of sub-groups which will look at key areas such as SEN and Inclusion, ICT, Transition, Sport, and the 14-19 curriculum and delivery, and will continue to develop the Council's proposals for education transformation in these areas.
- 4.4 The Council has undertaken preliminary master-planning work on the first four school sites to inform the development of proposals and ensure that risks and issues are identified early.

## **5. FINANCIAL AND OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The legal and financial arrangements surrounding the BSF programme are complex and may involve a range of financial vehicles, including existing or new Private Finance Initiative (PFI) contracts and Local Education Partnerships (LEPs). The projects are also large and complex and the Readiness to Deliver submission is therefore required to demonstrate that the council's Project Management arrangements and support are appropriate and are adequately funded from council resources. This includes full project support for preparation (Readiness to Deliver), development of business cases, procurement and implementation. However, management of the construction and other programmes is financed directly from BSF resources.
- 5.2 Guidance from Partnership for Schools indicates that authorities should expect to commit at least 3% of the programme value toward project costs, including consultancy requirements. The council has therefore identified £5m to meet this commitment and facilitate entry to the programme. This was approved in the Targeted Budget Management (TBM) report to Cabinet in June 2009. The funding of this commitment could lever in BSF resources of approximately £150m (at current prices), representing good value for money.
- 5.3 Guidance from Partnership for Schools indicates that should authorities build a new school or new replacement school as part of the programme this would have to be a PFI build with the associated PFI provision of facilities management. There is evidence to suggest that PFI provision of a new building does not bring with it the issues and concerns already experienced by B&HCC in the existing refurbished 3 school contract. The possibility of Hove Park being a new build under a PFI contract has been discussed with the headteacher who feels that his Governing body would accept this as a requirement to obtaining the necessary funds to completely rebuild their school.
- 5.4 There are other potential commitments arising from the BSF programme which were identified and approved in the Targeted Budget Management report to Cabinet in June 2009. These are reiterated here for completeness: the BSF programme will potentially result in a number of contracts and/or partnerships, for example a Local Education Partnership (LEP), which will require the local authority to provide an equity stake. These are repayable at the end of the contract/partnership which can range from 10 to 25 years. The anticipated equity stakes are expected to total £0.500 million and will need to be identified in the 2012/13 Medium Term Financial Strategy. Other financial implications will be identified as the programme develops, if the council is successful, including:
- Potential CYPT and/or Schools capital funding support for the programme;
  - Contract management arrangements and associated costs;
  - Revenue implications of Facilities Management PFI contracts;
  - Schools contributions to the ICT managed service provider.

If required, these resources would need to be identified from a combination of CYPT capital and revenue budgets and schools formula budgets.

*Finance Officer consulted:*

*Nigel Manvell*

*Date: 03/09/09*

#### Legal Implications:

- 5.5 The Strategy for Change will be developed by the LEA with assistance from PfS and will indicate the value of future projects and the services required. Paragraph 3.7 of this report refers to a LEP. This is a local joint venture and strategic partnership between the council and a private sector partner [PSP] focussed on the investment programme to be set out in the Strategy for Change and would be a company limited by shares, with the PSP typically having 80% and PfS and the council the remainder. A golden share arrangement would ensure that important decisions would need unanimous approval from the minority shareholders. The PSP in the LEP would be selected under the competitive dialogue, the EU procurement method for complex public sector projects and the evaluation criteria would include ability to provide long-term partnering services and fully costed reference projects. The LEP would work with the council and local stakeholders on strategic investment plans for secondary education, act as the point of contact for the procurement and delivery of the required services eg. design, construction and ICT, manage the supply chain and enable project delivery. Via a Strategic Partnering Agreement the LEP, subject to performance, would have the exclusive right to propose solutions to projects receiving BSF funding.
- 5.6 If it is not necessary to proceed by way of a LEP some other form of delivery vehicle will be required. The options available will emerge as the OBC is developed.

*Lawyer Consulted:*

*Bob Bruce*

*Date: 03/09/09*

#### Health Implications:

- 5.7 The redesign of secondary school buildings will enhance developments within the healthy schools programme; expand physical health opportunities through increased sports provision; and offer wider provision of healthcare through appropriate co-location of services.

#### Equalities Implications:

- 5.8 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school governing bodies must be mindful of bad practice as described in the Admission Code of Practice.
- 5.9 It is anticipated that investment of this magnitude will improve outcomes for young people and that over time this will increase the number of pupils fully engaged in post-16 education thus widening participation of the young people across the city.

#### Sustainability Implications:

- 5.10 This funding would give the authority the opportunity to make a considerable element of our secondary and special school stock more environmentally sustainable. Any new extensions over £500,000 in value would require a BREEAM assessment at an early stage. This will ensure good practice in

environmental design and management is followed. All new extensions to Brighton and Hove Schools utilise, where ever possible, environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar shading and natural ventilation. Materials are sourced from sustainable sources where ever possible.

#### Crime & Disorder Implications:

- 5.11 Throughout the development of the proposals consultation will be undertaken with community groups and the Community Safety team and police liaison officers. It is anticipated that by including the community in the development and use of the facilities at the schools that crime and disorder in the local area will be reduced, as will the numbers of pupils not in education, employment or training (NEET). This will be further improved by offering extended use of the facilities to the community outside of the school day

#### Risk & Opportunity Management Implications:

- 5.12 The BSF programme provides the best opportunity the authority has to make a step change in the provision of education and the condition of its secondary school stock. It is important that this opportunity is taken to ensure the transformation of learning and teaching, renewal of school buildings and facilities and continuing improvement in standards of education in the city.

#### Corporate / Citywide Implications:

- 5.13 The combined funding available under this programme will enable the authority to make significant improvements to the standard of secondary education within the city, to contribute to the local economy by improving skill levels for school leavers, to reduce the number of young people who become NEET, and to further enhance integration of services to support children, young people, families and the wider community.

## **6. EVALUATION OF ANY ALTERNATIVE OPTIONS**

- 6.1 There is no alternative option available at present that would provide potential secondary school building funding of the same value.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The opportunity to enter the BSF programme at the earliest opportunity, and to access significant capital funding to transform secondary education in the city.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Readiness to deliver document

### **Documents in Members' Rooms**

None

### **Background Documents**

None



**Building Schools for the Future**

# **Brighton & Hove City Council**

**Readiness to Deliver Submission**

## **“City of Learning”**



designed by creative services 291049 1302/AND



Brighton and Hove  
Children and Young People's  
**TRUST**

  
**Brighton & Hove  
City Council**

## **Readiness to Deliver Submission**

### **Table of Contents**

|        |  |    |
|--------|--|----|
| 3.1    | A Transformational Overview .....                              | 4  |
| 3.1.1  | Context and Vision – Brighton and Hove, City of Learning ..... | 4  |
| 3.1.2  | Choice, Diversity and Access .....                             | 7  |
| 3.1.3  | Tackling Underperformance and Narrowing the Gap.....           | 8  |
| 3.1.4  | Learning.....  | 10 |
| 3.1.5  | Curriculum .....   | 10 |
| 3.1.6  | Integrated Children’s Services, ECM and Extended Schools ..... | 11 |
| 3.1.7  | Inclusion .....  | 12 |
| 3.1.8  | SEN .....  | 13 |
| 3.1.9  | Leadership and Change Management .....                         | 14 |
| 3.1.11 | Sustainable Schools .....                                      | 15 |
| 3.1.12 | Key Performance Indicators .....                               | 15 |
| 3.2    | Deliverability.....  | 17 |
| 3.2.1  | Pupil Place Planning .....                                     | 17 |
| 3.2.2  | Estate Planning .....  | 18 |
| 3.2.3  | Sustainability.....  | 21 |
| 3.2.4  | Consultation and Communication .....                           | 22 |
| 3.2.5  | Project Planning .....   | 23 |
| 3.3    | Investment Strategy.....                                       | 25 |
| 3.3.1  | Council Commitment .....                                       | 25 |
| 3.4    | Affordability.....   | 26 |
| 3.4.1  | Balanced Investment Proposals.....                             | 26 |
| 3.4.2  | Funding .....  | 27 |
| 3.5    | Resources and Capacity .....                                   | 27 |

BSf Readiness to Deliver\_Final CABINET LARGE FONT VERSION\_v1



|   |    |
|---|----|
| 3.5.1 Governance.....   | 27 |
| 3.5.2 Financial Commitment .....                                | 29 |
| 3.5.3 Project Team Support .....                                | 29 |
| 3.5.4 Corporate Strategy.....                                   | 30 |
| 3.6 Benefits Realisation .....                                  | 30 |
| 3.6.1 Working with the Private and 3 <sup>rd</sup> Sector ..... | 30 |
| 3.6.2 Joining up with the local authority.....                  | 31 |
| 3.6.3 Quality of Place .....                                    | 31 |
| 4.0 Supplementary Programme Requirements .....                  | 32 |

## 3.1 A Transformational Overview

### 3.1.1 Context and Vision – Brighton and Hove, City of Learning

Our vision is that Brighton & Hove will be the best place in the country to grow up. We want all our children and young people to have the best possible start in life, with the opportunity to recognise and fulfil their potential, whatever that may be. Excellent education provision for all young people will be based on schools that are at the heart of their community and offer access to a vibrant, citywide curriculum and facilities that provide wide choice and diversity so individual needs and aspirations are met. Central to this is strong collaboration and partnership working across the whole city that marks our Trust as unique. Universities, colleges, schools, community and voluntary sector, skills providers and business work together to provide one City of Learning. Our priority is to make the biggest difference to schools with our lowest standards and significant elements of deprivation.

The city has a diverse population with areas of extreme poverty and relative affluence. The Index of Multiple Deprivation 2007 identifies Brighton and Hove as the 79<sup>th</sup> most deprived authority in England (out of 354). Child poverty in Brighton and Hove is worse than the England average, with 1 in 4 children living in low income households. Twenty three percent of children live in households where all adults are out of work, compared to 15% in the South East and 20% in England. Children with the most needs are concentrated in the most deprived areas of Brighton and Hove. We have a relatively high proportion of looked after children and the city is designated as a NEET hot spot. Pupil achievement at 14, 16 and 19 is on a rising trend but we are only average or below in most indicators in comparison to statistical neighbours.

Through a process of expanding schools in line with parental demand and the closure of a failing school, Brighton & Hove has only 9 secondary schools. Of these 4 are very large (above 1600) and the others around average size. This provides a great advantage as the small group of headteachers with their chairs of governors is strongly collaborative, with each other including 6 special schools and 3 post 16 providers. Ofsted reports a mixed picture across our secondary schools, with 1 rated outstanding, 3 good, 4 satisfactory and 1 inadequate. Four out of 9 secondary schools are judged as having good or outstanding standards of behaviour, below comparator and national averages.

Brighton and Hove has established its role as strategic commissioner of services, delegating resources and commissioning services from schools with clear service level agreements, with monitoring and challenge in place. We have commissioned support for schools facing challenging circumstances, and commissioned special schools to provide city wide provision and support.

| Outcomes that have improved  | Outcomes that remain a challenge  |
|--|---|
| <ul style="list-style-type: none"> <li>40.6% achieved 2 or more science GCSEs A*-C, up from 35.9% in 2005/6</li> <li>There has been a substantial rise in the percentage achieving level 5+ in English (73%, in line with the national average). 65% achieved level 5+ in both English and Maths in 2007/8, a strong improvement on the previous year (59%).</li> <li>12 out of 33 pupils with English as their second language (36%) achieved 5 A*-C grades and all pupils got at least one GCSE A*-C, an increase on the previous year.</li> <li>In secondary schools, overall absence has dropped year on year from 9% of half days missed in 2005/6 to 7.6% in 2007/8, just below the England average.</li> <li>There has been a very significant drop in persistent absentee rates (missing more than a fifth of the school year) from 8.3% of the pupil population in 2006/7 to 6% in 2007/8. This reduction of 2.3% is higher than the national average reduction of 1.1% and in the south east 0.8%.</li> <li>Fixed period exclusions fell from 2,419 in 2006/07 to 2,068 in 2008/09. Analysis of national comparator data will be undertaken when available to look at any variations in performance across the school phases.</li> <li>Permanent exclusions across the system are now extremely low, dropping from 42 in 2005/6 to just 9 in the 2007/8 school year, a rate of 0.03%, putting Brighton in the top ten authorities in the country and second in the south east region. There has been a further significant reduction in 2008/09 to just 3</li> </ul> | <ul style="list-style-type: none"> <li>Although achievement in the core subjects at Key Stage 3 has improved over the last three years outcomes are still below the national average</li> <li>59.5% of pupils achieved 5 or more A*-C grades at GCSE, up from 54.7% in 2005/6 but well below the national average (64.8%).</li> <li>44.5% of pupils achieved 5 or more A*-C grades at GCSE or equivalent including English and in Maths in 2007/8, up from 41.8% in 2005/6 but below the national average (47.6%).</li> <li>The gap in achievement of 5 A*-C at GCSE including English and Maths between pupils with special educational needs and the rest widened to 46.7% in 2007/8 (from 43.4% the previous year) which is above the national average but in line with benchmark authorities.</li> <li>The gap in achievement of 5 A*-C at GCSE including English and Maths between those receiving free school meals and the rest increased from 26.7% in 2006/7 to 30.4% in 2007/8 and is now above the national average but in line with benchmark authorities.</li> <li>Very few looked after children achieve 5 good GCSEs and this is the case across the country. The number of pupils taking GCSEs each year is too small to determine trends over time, but in 2008 29 out of 44 (68%) got at least one GCSE.</li> </ul> |

The BSF programme will release the creative potential of our school leaders to realise our vision. Having worked productively across the partnership through weekly BSF sessions, we are poised to grasp the opportunity BSF offers to implement the changes our young people need and deserve.

BSf Readiness to Deliver\_Final CABINET LARGE FONT VERSION\_v1

BSF investment will deliver transformational learning environments that exploit creative and innovative ICT to encourage, attract and engage all to learn and achieve. Our schools will model the cohesive communities we want, delivering high quality education that stretches and supports all, and inspires every young person to aspire to be the best they can. Co-locating services on school sites, we will offer a range of support and provision to families and the community. School sites will be used creatively for adult learning, sport the arts and specialist health and social care support will be available locally and at the point of need.

Our partnership is committed to delivering:

- *Good and outstanding schools*
- *Inclusive education that engages and provides for all children and young people in their own community*
- *Personalised learning in a renewed curriculum that drives up standards for all and narrows attainment gaps*
- *Schools at the centre of delivery of children's services, with co-located provision for young people and families to keep them safe and healthy*
- *Compelling learning experiences in stimulating, technology-rich environments that inspire a lifelong love of learning and good citizenship*
- *The right opportunities so young people are ready for work or further education with flexible skills that enable them to compete in the global economy*
- *Spaces that support our communities by offering a wide range of opportunities to participate in learning, sports and the arts*

In phase one we will:

- *Transform the sites of two of our National Challenge schools; Patcham and Portslade*
- *Unite our split site Hove Park school onto a single site, releasing Valley campus for the Stem centre in phase 2*
- *Ensure every school is an inclusive school providing high quality SEN provision at its heart*
- *Enhance ICT provision to give anytime/anywhere access to staff, students and their families*
- *Review the timing of the school day and consult on options to change existing practice, supporting access to a citywide curriculum 14-19*
- *Develop co-located services on transformed school sites, including health, social care sport, arts and adult learning*
- *Facilitate knowledge transfer from our existing Academy project at Falmer (our third National Challenge school) and from our Whitehawk co-location project.*

Discussions around key objectives for phase 2 have identified areas for fuller exploration and consultation:

- *Creating a centrally located STEM and Skills Centre for the city, with federated governance. This will capitalise on opportunities to engage disaffected and disengaged learners, address the skills gap, raise participation in Science post 16 and raise standards 16-19*
- *Develop a 0-adult learning campus on the Surrenden site incorporating special inclusive provision, early years, primary, secondary provision and adult learning on one site.*
- *The opportunity to create an all through school, 0-19, incorporating new primary provision*
- *Further develop co-location of integrated services for children and families on secondary school sites*

### 3.1.2 Choice, Diversity and Access

Brighton and Hove is transforming education across the city and improving choice, diversity and access. While celebrating each school's unique character, we are exploiting the potential of their expertise and specialism to lead learning and skills development in the city. Eight of our nine secondaries have specialist status, covering all specialisms except engineering. Two schools are training schools, two have leading edge partnership, one is a faith school. Our successful academy development is on track to open in 2010. We are currently in dialogue with our Headteachers around further structural solutions, and creative and innovative approaches to collaboration, trusts, federations and partnerships.

To deliver the best possible educational outcomes for all within Brighton and Hove, the Council has consulted with its community which resulted in significant structural changes:

- Expansion of popular schools – Dorothy Stringer, Cardinal Newman, Varndean and we are currently expanding Longhill, increasing places at oversubscribed schools and reflecting the wishes of local communities by providing sufficient places for their children at good local schools.
- New Secondary Admissions process determined following an extensive consultation exercise carried out over two years (2007/8)
- In the primary sector, we have created 2 new all-through primary schools reflecting the ambitions of the Council's agreed merger protocol, in addition to expanding 3 oversubscribed primary schools to reflect parental choice
- The merging of Uplands and Castledean Special schools (2006), and the reduction in primary places at Patcham House and Downs Park Special schools (2007) as more children receive their education at mainstream schools
- Following negotiation with the Anglican diocese introducing admissions criteria at one faith school that incorporates 40% of places available specifically for the local community

We have undertaken extensive consultation in the lead up to BSF with secondary Heads and the whole learning community, including young people. This has included weekly sessions and a number of visioning conferences. We have considered and confronted some of the fears and underlying concerns that greater choice and diversity brings. The partnership has moved significantly in its views on how alternative approaches can support learning. The city has embraced the National challenge agenda; we are working effectively with DCSF and the National strategies, and have already improved standards in these schools. We quickly moved one school out of *Notice to Improve*, intervening in a timely and challenging way. Our proposed academy will transform another National Challenge school

We have a proven track record of bringing together high performing and weaker schools using successful Heads and school leaders to drive up standards and shift cultures, for example, Headteachers and senior managers of outstanding schools have taken on executive and consultant Head roles in weaker schools. Our training schools are an integral part of this work, with senior leaders and subject leaders working to support colleagues in weaker schools on aspects such as data, pastoral care and other specialist areas. We have successfully moved Governors from successful schools to support governance and leadership in weaker schools. BSF will support further dialogue with the Governors network regarding more creative approaches to joint governance particularly with our planned federated STEM centre and the future development of our proposed Surrenden learning campus.



Our Children & Young Peoples Trust (CYPT) has made significant progress in developing a local cluster model of commissioning, led by Headteachers making choices based on need at a local level. We have delegated resources to these clusters to provide extended services to support groups of schools, children and families. A range of adult learning, parenting support, leisure and multi-agency child and family services are already provided from our secondary school sites. Our BSF proposal and our recent successful Whitehawk co-location bid will allow us to offer much wider choice of multi-agency services at a community level. (See 3.1.6)

BSF will offer further impetus to:

- Further consult on new and flexible approaches to governance
- Engage parents and the wider community in discussions about the future of secondary education through a half-termly newsletter (first edition published September 2009) and through our city-wide parents' forum
- Explore opportunities to: provide education in alternative and innovative ways so that it meets the needs of all groups of learners in each community and the city as a whole
- Consider the timings of the school day to enable learners to access minority subjects and sports
- Harness technology to maximise learning potential – students, staff and wider community e.g *virtual school*.
- Provide attractive eating spaces that will draw in the wider community outside of school hours
- Extend our strong student voice work so that we engage the imaginative potential of our young people in building their own futures.
- Link citywide transport arrangements to potential changes in learning provision

We will work collectively to provide common information, advice and guidance to support families and young people in making their educational choices, narrowing attainment gaps by making sure that all communities have equal access to the best facilities, teaching expertise and learning opportunities, regardless of the school in which they are enrolled.

### **3.1.3 Tackling Underperformance and Narrowing the Gap**

We intend that all our schools will be classed as good or outstanding by 2011. We have set ourselves stringent targets and established a programme of rigorous monitoring to ensure that all services contribute to achieving our ambitious goals for improved attainment for all young people. We have welcomed the opportunity of National Challenge to drive forward practice and improve leadership at all levels. While we are proud of our record of improvement, there are still areas causing concern. We recognise that we can do more to engage and support young people and their families, particularly from our disadvantaged communities, in education and wider positive activities. BSF gives us the ideal opportunity to implement the transformation necessary to drive improvement across the work of the schools and to impact positively on the wider community.

Narrowing the gap between the achievement of those with disadvantage and other learners is a top priority for our CYPT. Robust tracking systems in schools have identified areas where progress in narrowing the gap is slow. Most notable is attainment and progress of pupils living in the 30% most deprived areas and FSM, which by all measures was substantially lower than that of other pupils at KS3 and 4. For FSM the gap has widened in relation to the % getting 5+ A\*-C. Although girls perform better than boys, against the national picture they too underperform, as do pupils with SEN and Children in Care. BSF investment will accelerate progress for these groups on four key fronts:

- *Investment in three national challenge schools, one with Notice to Improve. Two of these are included in our plans for the first wave of BSF investment, the third is reopening as an Academy in 2010 – all are in areas of deprivation.*
- *Investment in ICT will drive forward improvements in the way data is used in schools to identify underperformance, track progress, target interventions and thus ensure teachers can plan better for personalised learning*
- *Development of the curriculum at key stage 3 and 14+, including vocational learning in apprenticeships, applied learning in the full range of diplomas, and work at foundation tier will deliver courses that stimulate and equip them for the 21st century*
- *Specialist SEN provision within mainstream settings will facilitate personalised, evidence-driven interventions matched to need – e.g. 1:1 support, SEAL work*

Our strategies include work to improve attendance and further reduce exclusions; encourage participation and engagement; and crucially to address under-performance at Key Stage 3 particularly at transfer. Developments in technology through BSF will better support learners during transition from primary to secondary levels with cross phase teaching, improved tracking systems and learning resources to minimise dips in attainment. Transfer at all stages is a high priority: improved use of ICT to support collaborative working across the city before, during and after transfer will ensure that key information is efficiently exchanged between different institutions. This intelligent data sharing will improve our capacity to identify the needs of vulnerable learners, and provide timely interventions to address underachievement. It will also ensure our most able learners are stretched and tackle dips in performance.

CPD will improve teachers' ability to work in new ways to raise aspirations, tailoring the style and pace of learning and teaching to each individual, according to their needs and abilities – their stage, not their age. Drawing on Brighton & Hove's rich environment – Sea, Downlands, Culture and Sports – teachers can take learning beyond the classroom to engage all learners. This will enable children of differing abilities to develop their personal learning and thinking skills, to learn together in the way best suited to them, whether they be gifted or require higher levels of support.

The development of the 14-19 curriculum (including Diplomas, the International Baccalaureate and apprenticeships) enables us to offer a far wider choice in education and skills to those who have previously underperformed or disengaged. We will continue to develop strong partnership links with local employers to ensure high quality access to practical training and work-based learning "in the real world", so that our young people achieve in ways suited to them and secure sustainable employment. The Brighton and Hove 14-19 Partnership is strong and has worked collaboratively to offer a common timetable. This work is having a positive impact on reducing the high level of young people not in education, employment or training (NEETs) and with the support of BSF we are determined to build on this, by mapping the curriculum offer and working with schools and colleges to widen the number and scope of vocational and other courses available to draw in the disaffected and meet the needs of all our young people.

This will be refined in our phase 2 project, with our new STEM (Science, Technology, Engineering and Maths) centre, developed in partnership with the post 16 providers and offering state of the art skills and sixth form facilities. The centre will incorporate appropriate, stimulating, fit-for-purpose spaces for a range of courses at levels 1, 2 and 3, tackle underperformance in Science, and deliver a shared post-16 curriculum offer, based on an alignment of timetables and building on existing practice at 14-19. In addition, it will be available to the wider community beyond the school day encouraging participation from wider social groups. The centre will allow access to a

wider range of courses than any of the institutions alone can currently provide, offering efficiencies of scale and raising standards in the underperforming sixth forms.

### **3.1.4 Learning**

To achieve our aims, we must accelerate movements away from traditional, passive teaching styles, listen to our learners and respond to their individual needs. Teachers will be mentors, guides and facilitators, using shared practice and working together across the city. They will work alongside our young people to co-construct learning experiences, with learners acting as consultants to develop increasingly dynamic, personalised approaches. Through the investment of BSF, we will create ambient environments that promote the development of best practice, adopting a range of innovative learning and teaching styles matched to individual pupil needs. By working collaboratively on enquiry based learning and offering enriching, compelling learning experiences supported by imaginative use of technology, we will begin to transform pupils' experiences and make them increasingly independent. We will take learning outside the classroom to make more effective use of our rich local culture and heritage – the Downland to the North, the wealth of museums, libraries, galleries and historic sites in the city, our sporting facilities and our coast – promoting lifelong learning. The buildings and technology provided through the BSF programme will drive a step change in approaches to personalised learning; where students will be able to access programmes 24 hours per day, 365 days a year. Bespoke spaces for interventions such as 1:1 tuition or group work to support improved self-management will ensure pupils better engage with learning, and those falling behind catch up, and keep up. Larger spaces will facilitate group and collaborative working; the spaces themselves should support learning, for example through on-site allotments, environmental science work rooted in conservation, or work towards increased sustainability.

Inspired by the renewed KS3 curriculum, our schools are beginning to develop more innovative approaches to learning, including the Opening Minds curriculum and the introduction of themed days linked to 'Personal Learning and Thinking Skills (PLTS), compelling learning, and enriching cross-curricular project working. Pupils and staff have already been excited by the opportunities to use new approaches such as blogging and podcasting, using hand-held devices. BSF will help us build on the excellent practice that already exists in pockets, to ensure all pupils are able to make good progress not only in literacy, numeracy and ICT, but also in the PLTS, so they develop flexible, transferable skills that enable them to succeed in education and employment beyond school.

### **3.1.5 Curriculum**

The QCA 'Big Picture' underpins our thinking, focusing on quality outcomes and ensuring a breadth and balance in the curriculum at KS3, which gives learners the opportunity to find out what they enjoy and are good at before making life-defining choices. Work to develop PLTS and functional skills is developing, but hampered in many schools by a lack of appropriate spaces where larger groups can work in innovative ways. BSF will offer the means to move from the will to the way, enabling schools to find new ways of using spaces and time to promote cross-curricular working. ICT will support increasing cross-phase curriculum developments, blurring the lines between phases. Through our 'BSF ICT Change Champions' working group we have begun to explore current innovative practice and how this might be extended. The citywide learning platform hub "Pier2Peer" is also beginning to support transition and cross-phase projects enabling transfer cohorts to begin to engage with their new learning community before moving on.



Investment will better enable us to personalise learning pathways to match individual needs and aspirations, so learners from 14 can access a varied curriculum offer at venues across the city. We will develop appropriate, state of the art facilities to deliver the 2013 Entitlement for learners to have choice from the full range of applied and vocational courses. Schools will develop their specialisms and root the full range of diplomas within them. Developing our on-line prospectus will allow students to use ICT to access consistent information, advice and guidance on courses, so learners find appropriate courses and we reduce numbers who become disaffected. As young people travel between venues across the city to access their chosen courses, we will provide ICT that wraps around the individual learner wherever they are learning. We will support those learners academically and socially, providing environments that encourage positive interactions so they feel confident and secure away from their “home” school. In addition, we know many find the transfer from KS4 into KS5 challenging, and good quality careers education will also be critical throughout KS3 and KS4 in reducing the drop-out rate at 17, especially given the raised age of participation.

Our vocational specialist school, Blatchington Mill, will be part of our first phase; we will seek to use this to model support for schools in providing a curriculum that engages learners who may otherwise not have stayed on in full time education beyond 16, linking with our FE colleges and learning from their experience through our 14-19 partnership. Through BSF we will be able to build further on existing work, particularly that of the Falmer Academy and its entrepreneurialism specialism, and the plans of City College for business ‘start-up’ units. We will be able to improve the quality of the Science curriculum, offering a wider range of science-based courses at levels 1,2 and 3, including sports science and hair and beauty technology. Partnership working across the city will ensure learners are offered the diversity in the curriculum that no school or college alone could offer, improving participation while achieving economies of scale. Building and strengthening our collaborative delivery will ensure an appropriately skilled workforce for the future, driving up standards for all, and ensuring our learners are well-placed to compete in the global economy

### **3.1.6 Integrated Children’s Services, ECM and Extended Schools**

Schools are at the heart of our delivery of the ECM agenda in Brighton & Hove. Our CYPT has already demonstrated significant progress in delivering fully integrated services; we were one of the first Children’s Trusts to pool budgets and fully integrate social care and education with children and family health services. Our schools work together through collaborative cluster partnerships to provide a wide range of extended services to young people, parents and carers and the wider community. They have also been developing innovative collaborative approaches to support inclusion and reduce exclusions with positive results. We want to build on this, through integrating cross-sector teams with school staff, and maximising the potential for further co-location of services such as information and advice centres, child care or crèche facilities, so that the whole school community has “swift and easy access” to the services they need to support them. This will facilitate delivery of a ‘team around the family approach’ in order to resolve child and family issues and difficulties at an early stage. With the support of BSF investment, we will create the appropriate environments to support this multi-agency working, providing accessible support to young people and their parents and carers, also high quality social spaces within our schools, and flexible, multi-use spaces which can be used by communities for a range of cultural, social and recreational activities both during and outside of the school day.

Brighton & Hove has been delivering extended services through ten locality clusters which includes enhancement of school premises. The BSF programme offers a real opportunity to

increase and embed extended services within our schools to the benefit of pupils, their families and the local community. This includes:

- *Dedicated spaces built into each school that offer “a safe place to be”*
- *Access to services at the right time for learners during and outside core school hours and for the community; development of integrated multi-agency work , supported by the co-location of services such as G.P. surgeries, sports/leisure centres, integrated youth services and adult learning*
- *Multi-purpose spaces that can be used to provide parenting groups, adult and family learning, therapeutic space, a resource for local community and voluntary sector organisations’ with proper access, security, services and facilities.*
- *High quality eating spaces that promote healthy eating habits and which can be used by the community to promote social cohesion*

A key strand to our vision is the expansion and development of school sports facilities. Our schools’ facilities should be the first choice for those living locally to them – convenient, high quality resources, catering to the widest possible range of interests and abilities, and open to all. All schools need a minimum standard of provision to ensure participation and support delivery of the national curriculum, but BSF gives us the opportunity to transform sports provision for the whole community, and will help us towards the delivery of excellence. We need to deliver sport collaboratively across the city, through genuine partnership working between the local authority, schools and by forging sustainable links with external sports providers.

Arts in our city also plays an important role in developing confident young people and contributing to community cohesion through events such as the Children’s Parade, “Burning the Clocks” and the multiplicity of Music and Drama events. We want to support increased access to these kinds of experiences for our young people, especially those in vulnerable groups, building on successful programmes such as “*Connecting*” and “*Sound-makers.*” We will facilitate this by providing integrated, flexible rehearsal and performance spaces, drawing on technology to stimulate imagination and encourage young learners to want to get involved.

### **3.1.7 Inclusion**

We have a clear strategy that identifies and prioritises underperforming, vulnerable and hard to reach groups, and those at risk of exclusion. (See section 3.1.3) Targeted support is provided through a well developed menu of interventions and sophisticated systems of tracking pupil progress are in place in all schools and closely monitored by the local authority. Multi-agency support is provided through area teams. BSF will enable us to provide increased services early and locally through our co-location plans. Schools are fully engaged in the delivery of the CAF; co-locating services as part of BSF will help to further develop this and enable quicker, easier access for vulnerable young people and their families.

Brighton and Hove has made significant progress in reducing exclusions across the city through a strong partnership between the CYPT, schools and the Alternative Centre for Education (ACE). Funding has been delegated to clusters of schools to commission provision to support successful reductions in exclusion. With the investment of BSF, we will establish alternative BESD provision in all schools and across the city, supporting clusters of schools working in behaviour partnerships, including providing appropriate spaces where pupils with additional needs or vulnerability can be supported on a short term basis. This will significantly improve achievement for those with identified special needs and for young people living in deprived or challenging circumstances. We

will provide greater opportunities for gifted and talented pupils, using our specialist schools to ensure access to the widest possible curriculum through our City of Learning and our VLE, whereby students can access more diverse or more advanced courses at other centres. In addition, our ICT investment will offer on-line, real time reporting to ensure parents and carers can better track progress and engage with young people's learning.

BSF investment will enrich our inclusion strategy by increasing opportunities for greater social cohesion and inclusion, targeting particularly our disadvantaged and FSM pupils, whose attainment and progress remains at a lower level than their counterparts, and our ethnic minority communities. Integrated ICT within innovative building design and purpose-built facilities, will provide specialised and flexible learning that will improve progress. We will harness ICT potential, to better engage our hard to reach families using our VLE, *Pier 2 peer*, to diversify learning approaches, and to monitor impact of our approaches on vulnerable groups. A rich curriculum offer within and beyond the school day is already improving attendance and reducing truancy in many areas. New, stimulating spaces and a more personalised curriculum will enhance this, making schools attractive and exciting places to be for the whole community.

### **3.1.8 SEN**

We believe that all children and young people, including those with special educational needs, should have access to educational and social opportunities within the mainstream system, alongside high quality appropriate specialist provision. We have a strong SEN strategy and a strategy group which includes key stakeholders, who have signed up to this vision. Our Special School Headteachers have been central to the development of our BSF RTD, alongside secondary mainstream colleagues. We have audited and moderated our SEN need across the city, making comparisons with other authorities in order to provide a better match of provision to need. The city has moved quickly to address concerns around value for money on SEN, reducing the numbers of young people in out of city placements and our city special schools, freeing up resources to support inclusion and early intervention - there has been a 15% reduction in special school placements over the last 2 years. Young people who would, in the past, have transferred to the city's special schools now have the opportunity to be educated alongside their peers in their local secondary school. A reintegration programme is underway to support transition from special school to mainstream.

All our Special schools currently provide outreach support for mainstream schools that will be further developed through BSF investment, with spaces in the heart of our schools for specialist provision for SEN and disability. We have already agreed a new role for our special schools with a clear strategy to transfer expertise and resource from Special Schools to mainstreams, and enable all young people to receive high quality education and achieve educational standards appropriate to their capabilities. Through innovative approaches to the curriculum development at KS3 and 4, including the Foundation Learning Tier, we will provide personalised learning and maximise the potential of flexible ICT that wraps around the child to exploit a wider range of resources than has previously been possible. In partnership with Headteachers, we are currently in the process of re-commissioning provision for BESD for the city, developing behaviour partnerships to better match provision to need.

Within phase 2 of the project we intend to co-locate our provision for the most complex needs on a mainstream school site, building on the success of our inclusive SEN facility based on the Surrenden Campus for LDD students 16 – 24. To support the delivery of our SEN agenda we will

embed good practice through targeted CPD opportunities for staff and develop and locate specialist provision within mainstream schools wherever possible. Building on the expertise already within our special schools through coaching, team-teaching approaches and innovative use of non-teaching staff, we can train mainstream teaching staff to be competent and confident in working with young people of all abilities with a range of needs and significantly improve their achievement. Robust tracking of progress for all learners through refined ICT systems will yield data that allows us to identify underachievement within the SEN target groups, and to plan interventions to address needs, including the use of SEAL materials.

### **3.1.9 Leadership and Change Management**

We have developed a nationally recognised workforce development programme providing an integrated strategy to both develop and manage change. The key to transforming education in Brighton & Hove is the creation of a single education community – our “City of Learning” - across all secondary schools, colleges and other learning and training providers, to ensure a common high standard is achieved no matter what school a student attends. This necessitates our leaders working together to achieve systemic and systematic change, so that all schools, and learners at every level, flourish. Our Children’s Workforce Development Strategy brings together the learning and development for every one who is part of Brighton & Hove’s Children and Young People’s Trust. Within this strategy is our “continuum of leadership development” for school based staff (including school governors). This is designed to build leadership capacity at all levels in schools, beginning with early professional development for teachers in their second year and extending to Headteachers, with well-established structures for coaching, mentoring and executive coaching in place. This ensures long term leadership sustainability alongside our succession planning work. The leadership development programme includes theory and practical advice/tools for leading and managing change programmes, and the use of strong and outstanding leaders to support schools causing concern which will be refocused to address particular challenges of BSF.

Our comprehensive governors’ training programme and networking/consultation events ensures they are kept up to date with new models of leadership which we will develop to incorporate new approaches to governance. School support staff too have a dedicated workforce officer to promote their training & development, particularly to support gaining qualifications for new and changing roles which are doing much to transform teaching and learning. BSF ICT investment will enhance the potential of the VLE as a CPD arena, building on the well-established subject networks to disseminate good practice through on-line communities. School and wider children’s services workforce reform over the last five years has enabled us to develop a skilled range of professionals who work within well established local arrangements with school staff and student representatives to take workforce changes forward positively. Our Local Social Partnership (or local workforce agreement monitoring group) has been noted as excellent practice by the TDA and the wider school and children’s services staff consultation groups enable clear lines of communication and negotiation.

### **3.1.10 ICT**

The ICT Strategic Vision is for a community of learners brought together through the most efficient, reliable and state of the art ICT possible, building on our current ICT strategy together with the best aspects of the media rich environments our young people inhabit and embrace. Through the effective implementation of a city wide VLE / MLE building upon our Pier to Peer system we will develop the scope and range of online and collaborative learning opportunities, affording our learners- staff, students and the wider community - secure online learning spaces and social networking. Through



MIS integration and a single sign in system we will enhance and maximise the use of content and information to enhance the outcomes and interventions for all learners. By utilising a service that can combine the schools' infrastructure with the city's other services, we will create consistent and seamless use of ICT throughout Brighton and Hove that captures the full benefits of collaborative and multi agency work securing the best possible outcomes for learners.

We recognise the diversity of our city and the differing levels at which our ICT operates in schools. BSF is the opportunity for us to draw together a commonality and exemplar offering of ICT services to our community of learners. To achieve this we will refine our ICT vision and strategies alongside those for our learning and teaching and built environment. While creating physical environments for learning that exploit the ubiquitous integration of technology we will ensure that our building design will be sensitive to the compatibility and flexibility required to enhance the future integration of changing technologies. Our ambition for truly personalised learning, realised through a blend of individual, personal and mobile devices, 24/7/365 learning opportunities and an ICT rich environment will afford the best possible opportunities for all of our learners. We intend to use the investment through BSF to strengthen, underpin, further accelerate, and enhance the capabilities of our current ICT strategy and deliver its expressed outcomes. We have already established an ICT Change Champions group at school level and an ICT Steering Group at Authority level. It is the aim of these groups to work with us to enhance our vision for ICT, to champion the transformation ICT can catalyse and to ensure that the infrastructure we put in place is sufficiently flexible to respond to the future trends in technology, community and society.

### **3.1.11 Sustainable Schools**

In our preliminary BSF discussions with learners, they have told us they rate sustainability as very important in building better futures. We will require the highest standards in the new and refurbished buildings to reduce costs of heating and cooling and schools' overall eco-footprints. New sustainable schools policies will build on best practice in our existing "eco-school" groups and the designs of the spaces will engage pupils in active recycling, development and maintenance of green spaces, reduction of both waste and energy consumption, (promoted by events such as the 'big switch-off') and encourage reuse where possible. We will link this with work on global dimensions so that our young people become responsible consumers and citizens, building on the example of our Fairtrade schools. Our provision of enhanced social and eating spaces will also promote sustainable choices, with moves to reduce food miles, promote the use of locally sourced produce and decreased waste.

### **3.1.12 Key Performance Indicators**

The table below summarises the key Council performance indicators reflecting our aspirations for BSF (section 3.1.1) Overall ownership of KPIs resides with the Schools Futures Project Director who will carry out half yearly reviews of performance against KPIs taking any corrective action as may be required

| Brighton & Hove Priority  | Key performance indicator  | Baseline 07/08 | Target 09/10 | Target post BSF+ 3 years |
|---|--|----------------|--------------|--------------------------|
| Good and outstanding schools  | Full level 2 qualification at age 16   | 44.5%          | 51%          | 60%                      |
|   | Full level 1 qualification at age 16   | 87%            | 89%          | 93%                      |
|   | Progression by 3 levels key Stage 2 and Key Stage 4 for:<br>English<br>Maths                                       | 61.2%<br>51%   | 63%<br>53%   | 70%<br>60%               |
|   | All schools judged by Ofsted to be good or outstanding   | 57%            | 71%          | 100%                     |
|   | Average point score (APS) of students aged 16-18 in schools 6 <sup>th</sup> Form                                   | 646            | 700          | 800                      |
| Inclusive education that engages and provides for all children and young people in their own community  | Children in care achieving full level 2 qualification at 16  | n/a            | 21.2 %       | 42.4%                    |
|   | % of secondary pupils with SEN educated in mainstream schools  | 40%            | TBA          | TBA                      |
| Personalised learning in a renewed curriculum that drives up standards for all and narrows attainment gaps                                      | Gap between 30% most deprived and counterparts achieving level 2 qualification at 16                               | 27%            | 25%          | 10%                      |
| Schools at the centre of delivery of children's services, with co-located provision for young people and families to keep them safe and healthy | Under 18 conception rate   | 4.3%           | 2.6%         | 2.0%                     |
|   | % of pupils who participate in at least 2 hours high quality PE and out of hours sport in a typical week           | New measure    | New measure  | 95%                      |
|   | Young people report they can access support for their emotional and physical well being                            | New measure    | n/a          | 100%                     |
| Compelling learning experiences in stimulating, technology-rich environments that inspire a lifelong love of learning and good citizenship      | Secondary school persistent absence rate   | 8.3%           | 5.5%         | 3.5%                     |
|   | Numbers of young people volunteering and participating in their community<br>(KPIs for ICT will be set separately) | New measure    | TBA          | TBA                      |
|   | % of young people leaving the youth offending service to be in suitable education, training or employment          | 73%            | 73%          | 80%                      |
| The right opportunities so young people are ready for work or further education   | Achievement of Level 2 qualification by the age of 19  | 76%            | 80%          | 85%                      |
|   | Achievement of Level 3 qualification   | 52%            | 53%          | 58%                      |

BSf Readiness to Deliver\_Final CABINET LARGE FONT VERSION\_v1

|   |  |             |      |                       |
|---|--|-------------|------|-----------------------|
| with flexible skills that enable them to compete in the global economy  | by the age of 19   |             |      |                       |
|   | 16 to 18 year olds not in education, training or employment        | 9.3%        | 6.7% | 0%                    |
|   | % of 18-24 year olds claiming job seekers allowance                | 6.2%        | 6.2% | 5%                    |
| Spaces that support our communities by offering a wide range of opportunities to participate in learning, sports and the arts | Participation in at least 1 organised activity beyond school hours | New measure | 35%  | 60%                   |
|   | Increased lettings of school premises                              | New Measure | TBA  | Year on Year increase |

## 3.2 Deliverability

### 3.2.1 Pupil Place Planning

The Brighton & Hove annual analysis of pupil places based on GP registration data and school census returns has been subject to a rigorous review specifically commissioned for BSF and carried out by our external education consultants. This has produced the Brighton & Hove ten year pupil place forecast for BSF which has further refined the forecasts shown in the EOI. For the 11-16 age group, the current pupil number is 11,269. Over the next ten years this is forecast to grow by 7% (806) to 12,075. Extra school places will be required from 2015-16 (current capacity 11,519) with a total of an additional 5% or 556 school places required by 2018/19. Summary figures are shown in the table below with details available in Schools Chart Section Four. ("Planning Pupil Places for Readiness to Deliver" report May 2009 is available on request).

| Projected pupil numbers 2008/09 (actual) – 2018/19 (includes Falmer) |       |       |       |       |       |       |       |       |       |       |       |  |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--|
|  | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 |  |
| Yr 7   | 2284  | 2328  | 2305  | 2210  | 2321  | 2279  | 2369  | 2414  | 2411  | 2455  | 2296  |  |
| Yr 8   | 2185  | 2298  | 2341  | 2318  | 2223  | 2334  | 2292  | 2382  | 2427  | 2424  | 2468  |  |
| Yr 9   | 2269  | 2199  | 2311  | 2355  | 2331  | 2236  | 2347  | 2305  | 2395  | 2440  | 2437  |  |
| Yr 10  | 2303  | 2281  | 2211  | 2324  | 2368  | 2344  | 2249  | 2360  | 2318  | 2408  | 2453  |  |
| Yr 11  | 2228  | 2316  | 2294  | 2224  | 2337  | 2381  | 2357  | 2262  | 2373  | 2331  | 2421  |  |

For the post 16 age group the current pupil number is 857. Over the next ten years this is forecast to grow by 24% (207). With current capacity at 834 and a projected capacity of 1070 an additional 28% (236) pupil places are required. For the 11-16 age group it is proposed to address the increase in pupil places by creating an additional 556 places in the BSF phase 1 project. The projected short fall is within the west of the city which is the geographic focus of our four school phase 1 project. As part of finalising the expansion plans for each of the phase 1 school's the

CYPT is reviewing its secondary catchment areas in 2012. The current pattern of primary children resident in secondary catchment areas is indicating a possible need to realign secondary catchment areas to ensure the optimum use of existing secondary capacity and a proportionate expansion to achieve the ten year plan. For the post 16 age group it is proposed to create an additional 236 pupil places as part of our phase 2 project. This will also include the creation of a 500 place STEM Centre to provide a centre of excellence for vocational training across the city. The 11-16 and post 16 pupil places forecasts are inclusive of SEN requirements. It is the Council's intent that all secondary schools will offer increased inclusive SEN provision. This is subject to ongoing review and consultation and the detailed provision will be finalised as part of the Outline Business Case. It is anticipated that the impact of the increase in the school leaving age on the city's secondary schools will be accommodated in the Phase 2 project with the creation of the STEM Centre.

The Council is developing high level options for housing expansion for construction to be completed by 2026. Currently there is no firm indication of where or when these developments will be delivered. As such no provision has been made in this submission but the plans will be subject to ongoing review by the BSF team.

### **3.2.2 Estate Planning**

As identified in our Expression of Interest the first project targets the city's poorest performing schools and those whose students suffer the highest level of deprivation. It enables the creation of an additional 556 11-16 places and the release of land which will be used in our follow on project to construct a 14-19 STEM Centre. Our technical advisors were commissioned to produce high level master planning reports for the four schools within the proposed First phase of the Brighton & Hove BSF programme. The scope of the master planning report published covers the RIBA's preparation phase work stage A. This work verified the Council's Property Condition Survey and Asset Management Plan Suitability Survey which set out key priorities for improvements to each of the school's building stock; including energy efficiency initiatives, building maintenance, the provision of quality teaching /circulation space and out door hard play areas and sports facilities. Brighton and Hove's current five year Asset Management Plan identifies an estimated £6.48m of maintenance across the three non PFI schools in the first phase of BSF (Hove Park, Portslade, Blatchington Mill). With the proposed BSF rebuild of Hove Park and only essential maintenance being carried out on the existing buildings at this school this figure reduces to £3.9m. After completion of essential maintenance it is anticipated that backlog maintenance requirements of £3.6m will be addressed during the programme. The fourth school in the first phase is Patcham an existing PFI school and is planned to be rebuilt under BSF.

Meetings were held with the headteachers to discuss BSF related aspirations and establish the sites' opportunities and constraints. The master planning considers how the existing schools would cope with projected 2018 pupil capacities when compared with Building Bulletin 98 design guidance whilst addressing the priorities of the AMP. The quantity surveyors have produced a high level summary of cost for the first phase of £86m (ref section 3.4 Affordability). This is in line with the estimated funding in the EOI when the additional funding to achieve 60% reduction in CO2 at two rebuild schools is included.

The first phase of BSF focuses on two of Brighton & Hove's national challenge schools, Portslade and Patcham, as well as Hove Park which is the fourth lowest performing school and Blatchington Mill where sixth form standards are below expectation. Falmer the remaining national challenge school is an existing academy project. The first project has a geographical focus on the west of



the city. It also enables the release of land for the construction of a post 14 STEM Centre as part of the follow on project. Pupil place planning projections indicate the need for an additional three forms of entry in the Hove area. As identified in 3.2.1 the provision of these places will be subject to the outcome, in spring 2010, of the admissions review for places in 2012 and further consultation with schools and the community. The follow on project will focus on four schools located in the east of the city and the construction of the STEM centre which will serve the whole city. This project will address the need for an additional 236 post 16 Pupil Places. There is also a real opportunity to develop an integrated campus of two higher performing secondary schools (Varndean and Dorothy Stringer), two Further Education centres and a primary school all located on the same campus but currently run as separate education centres. This phase will support the ongoing development of Longhill and Cardinal Newman schools.

The high level master planning exercise was based on the ten year pupil place forecast, the development of the city wide and individual schools SFCs, and the current condition and suitability of the school buildings and facilities. It has enabled an initial high level assessment to be made of the construction options at each school. Hove Park is the proposed sample school being a rebuild on the existing site. A high level summary of master planning is shown in the table overleaf. (The detailed master planning report is available on request).

| School name and location  | No. on roll                                | Current school capacity and site areas   | Current building stock condition and site constraints  | Identified site abnormalities  | BSF capital construction funding   |
|---|--|--|--|--|--|
| <b>Hove Park School</b><br>Upper School: Nevill Road<br>Lower school: Hangleton Way<br>Fourth lowest performing school in B&H | 1,483<br>11 – 16 yrs<br><br>188<br>post 16 | 1500 11 - 16<br>250 post 16<br>Upper school 49,066m2<br>Lower school 39,712 m2 | Operating on split sites 2 miles apart. Mix of 1930's, post war buildings and out buildings.         | Demolition of pre and post war buildings.  | 100% New build on the Upper school site<br>Lower school site identified in the decant strategy for temporary accommodation whilst works are being carried out at Portslade, Blatchington and Hove Park. On completion of phase one works, the lower school site will accommodate a new STEM centre, which will be included in phase two. |
| <b>Blatchington Mill School</b><br><br>Nevill Road  | 1,584<br>11- 16 yrs<br><br>134<br>post 16  | 1500 11 - 16<br>260 post 16<br><br>Site area 82,822m2                          | Buildings in average condition with many outbuildings. Former 1930's grammar school, post war former | School built on sloping site. Demolition of outbuildings. Resolution of significant circulation and access problems, | 96% refurbishment<br>4% new Build<br><br>Resulting in creation of a new entrance and the removal of outbuildings, improved circulation and access  |

BSf Readiness to Deliver\_Final CABINET LARGE FONT VERSION\_v1

|   |                                     |  |   |  |  |
|---|-------------------------------------|--|---|--|--|
|   |                                     |  | secondary school. Extensions over years linking the complex.  | created by building adaptations over the years.  |  |
| <b>Patcham High School</b><br>Warmdene Road<br>Nationally challenged school           | 937 11 to 16 yrs<br>No post 16      | 1050 11 - 16<br>No post 16<br>Site area 42,700m <sup>2</sup>     | Former 1930's girls school links down steep embankment to a post war secondary school complex   | Existing buildings located on significant sloping site. Poor dining facilities and centralised community spaces<br>Demolition of pre and post war buildings  | 100% New build on level part of site   |
| <b>Portslade Community College</b><br><br>Chalky Road<br>Nationally challenged school | 964 11 to 16 yrs<br><br>126 post 16 | 1200 11 - 16<br>80 post 16<br><br>Site area 71,133m <sup>2</sup> | Operates on split sites 1 mile apart with a separate sixth form. Former 1920's girl's school, post war secondary school in poor condition. Shared access Community sports centre. | Significant sloping site changes in level across the site approximately 15m from East to West resulting in issues with DDA<br>Demolition of post war buildings and resolution of building defects in 1990's construction | 74% refurbishment<br>26% New build<br>Resulting in consolidation onto the Chalky road site.<br>Resolution of DDA access issues |

At this stage in the master planning it is not anticipated that there will be any land disposals or change in use that will require section 77 or section 106 approvals.

There are no existing ICT contracts that pose any interface issues. There is an existing three school PFI agreement; however, the SPV (Semperian) is fully engaged in the BSF programme and fully supportive of applying BSF to the existing PFI estate, including the proposed rebuild of the Patcham PFI School.

Our recent Sports Facilities Audit across the city has identified a significant lack of facilities. As a compact city, there is limited opportunity to develop new sporting facilities due to lack of land. Some of our more specialist sports such as gymnastics are currently “making do” with inadequate accommodation, and some of our very popular clubs and societies are unable to offer access to many of those who are interested due to insufficient space.

Our schools are keen to be key players in transforming the delivery of sport in Brighton & Hove. School sites are the ideal locations for increasing and improving facilities for the city. Many of our local sports clubs are keen to develop partnerships with our schools, sharing expertise, providing specialist coaching and expertise to enhance the schools’ sports offer, and maximising the potential of the BSF programme to support the provision of 21<sup>st</sup> century facilities and accommodation. We have established a BSF Sports and Culture Working Group which is integrating the aspirations of local sports societies and schools into an integrated Leisure and Playing Fields Strategy.

Brighton & Hove’s cultural facilities are under increasing demand and fail to meet the needs and requirements of the community at large. Existing provisions vary throughout the schools, inhibiting the number of young people who can engage within the arts. We are committed to improving our existing cultural facilities. We need to facilitate this by providing integrated, flexible rehearsal and performance spaces, drawing on technology, to stimulate imagination and encourage learners to want to get involved. We need music-practice facilities which will allow our community and peripatetic musicians to work effectively in our extended schools developing opportunities beyond the mainstream. We need dance spaces with appropriate flooring to encourage our learners to be active and creative, and to encourage them to develop habits that will stay with them in their futures. These requirements will be integrated into the detailed schools designs during the BSF OBC phase.

### **3.2.3 Sustainability**

Brighton & Hove aims to achieve a 60% reduction in carbon across its schools by integrating the BSF programme with its ongoing city wide five year plan for carbon management (March 2007). Four strands underpin the plan for schools carbon reduction; Education, Planning, Building Design, and Renewable Energy. A Schools Carbon Management Programme Officer is responsible for creating awareness and education of all users of school buildings in how CO2 emissions can be reduced. Implementing energy reduction projects using the Display Energy Certificates is the starting point and encouraging the integration of sustainability knowledge and best practice into teaching and learning settings. This officer is a member of the Council’s BSF Team.

B&H benefits from having its own in-house team of architects who specialise in school design. They have developed a Sustainability Design Brief that has to be applied to all school building projects to minimise CO2 emissions. This includes building orientation to maximise passive solar gain, minimising mechanical cooling, maximising the use of natural daylight, utilising building management systems and exploiting Combined Heat and Power systems. New build must achieve BREEAM rating very good up to 999 sq metres and excellent rating above this. Remodelling projects must ensure no net increase CO2. All school building projects must include a statement on waste minimisation in particular how recycled demolition materials may be reused on site and how excavated spoil may be retained on site to reduce reliance on landfill. Brighton & Hove requires all new build schools to achieve the current renewable energy target as defined by the DCSF Carbon Calculator Pre Design Tool. The current Falmer Academy project is achieving a 60% reduction in CO2 through use of on site renewable energy sources, largely bio mass heating.

An established bio mass fuel, ash removal and boiler maintenance supply chain will facilitate the further use of bio mass in the BSF programme. Ground source heat pumps will be used where practical to do so. The Council is also supporting schools initiatives to secure grants for solar energy projects as a means of reducing CO2 both through renewable energy sources and using such installations as on site practical teaching aids. Dorothy Stringer High School has recently completed an installation of Solar Voltaic Panels.

Also contributing to the city wide reduction of CO2 is the Council's schools transport strategy which aims to educate parents and guardians as to the benefits of reduced car transport to schools. This is supported by an expansion of the well established cycling programme across the city. School Travel Plans will be further enhanced to reflect the benefits that can be achieved through the BSF programme.

### **3.2.4 Consultation and Communication**

Brighton & Hove has an excellent reputation for providing timely and informative consultations to its community, as identified in the Context and Vision Statement. The current vision for the Children and Young People's Trust is based on a process of city wide consultation which involves and engages all our users. For the BSF programme we have developed a bespoke communication and consultation plan. The aim of the plan is to ensure all Council and external stakeholders are kept fully informed and involved in the key issues of the BSF programme. This is an "active" document that will be adjusted as necessary to reflect the ongoing needs of both the Council and its varied stakeholders.

To date Brighton & Hove have:

- Undertaken a detailed consultation with all headteachers in the city, securing whole-hearted engagement with and support from the Heads for the BSF programme
- Undertaken detailed visioning work involving students, staff, parents and governors
- Committed to student voice as a core element of the BSF design process
- A planned programme of ongoing engagement activities with schools from RTD to OBC
- Established ICT, Sports and PE Strategy Groups to integrate BSF with city wide strategies including the ongoing development of the Brighton & Hove Open Space Strategy. The membership of these groups includes senior representation from within the Council, the School Sports Partnership, the County Sports Partnership, Community Sport Network and the schools..

The Council is in the process of establishing a range of external stakeholder consultation groups to ensure that all external stakeholders are fully informed and engaged throughout. External consultation will be overseen and scrutinised by an over-arching Strategic Stakeholder Reference Group. Membership of this group will consist of community leaders and key external stakeholders as identified in the plan. The full Communications and Consultation Plan has been undertaken by the Council and is available on request. The Stakeholder Engagement Plan for the period from submission of Readiness to Deliver to joining the BSF programme is shown overleaf.

| Brighton & Hove Stakeholder Engagement Planning |             |                   |          |          |         |                  |       |   |
|---|-------------|-------------------|----------|----------|---------|------------------|-------|---|
| Pre-Engagement to Readiness to Deliver Phase    | B&H Council | Heads & Governors | Partners | Learners | Parents | Community Groups | Other | Engagement Type   |
| March – May 2009                                | ☐           | ☐                 | ☐        | ☐        |         |                  |       | Complete BSF Consultation and communication plan 11 Secondary Heads meetings (wed 0800-0900)<br>8 ICT Change Champions Meetings (Thursday 1600-1800)<br>4 Student Voice workshops |
| June 2009                                       |             | ☐                 |          |          |         |                  | ☐     | ICT Steering Group set up   |
| July 2009                                       | ☐           | ☐                 | ☐        | ☐        | ☐       | ☐                |       | BSF Conference (14 <sup>th</sup> July)<br>Complete Stakeholder Engagement Plan  |
| August 2009                                     | ☐           |                   |          |          |         |                  |       | Internal Staff awareness raising<br>Publications of draft text<br>Website work/ internet  |
| September 2009                                  |             | ☐                 | ☐        | ☐        | ☐       | ☐                |       | Full Construction exercise<br>Secondary heads meetings<br>ICT SG and Change Champions   |
| October 2009                                    | ☐           | ☐                 | ☐        | ☐        | ☐       | ☐                | ☐     | Website launch<br>BSF Team launch<br>Media Coverage<br>Business Presentations<br>Briefings/ Meetings  |
| November 2009                                   |             |                   | ☐        | ☐        | ☐       |                  |       | Consultation exercise feedback<br>Community Presentations<br>Update Comms Plan 2010   |
| December 2009                                   | ☐           | ☐                 | ☐        |          |         |                  |       | Publications<br>Website update – Schools SfC<br>Media Coverage/ Exhibitions   |

Any proposed school organisational changes which may result from the current dialogue with Headteachers, the proposed new PFI at Hove Park, revisions to the secondary catchment areas, will all require statutory consultation. Planning this consultation has started will be finalised and implemented as part of the OBC.

### 3.2.5 Project Planning

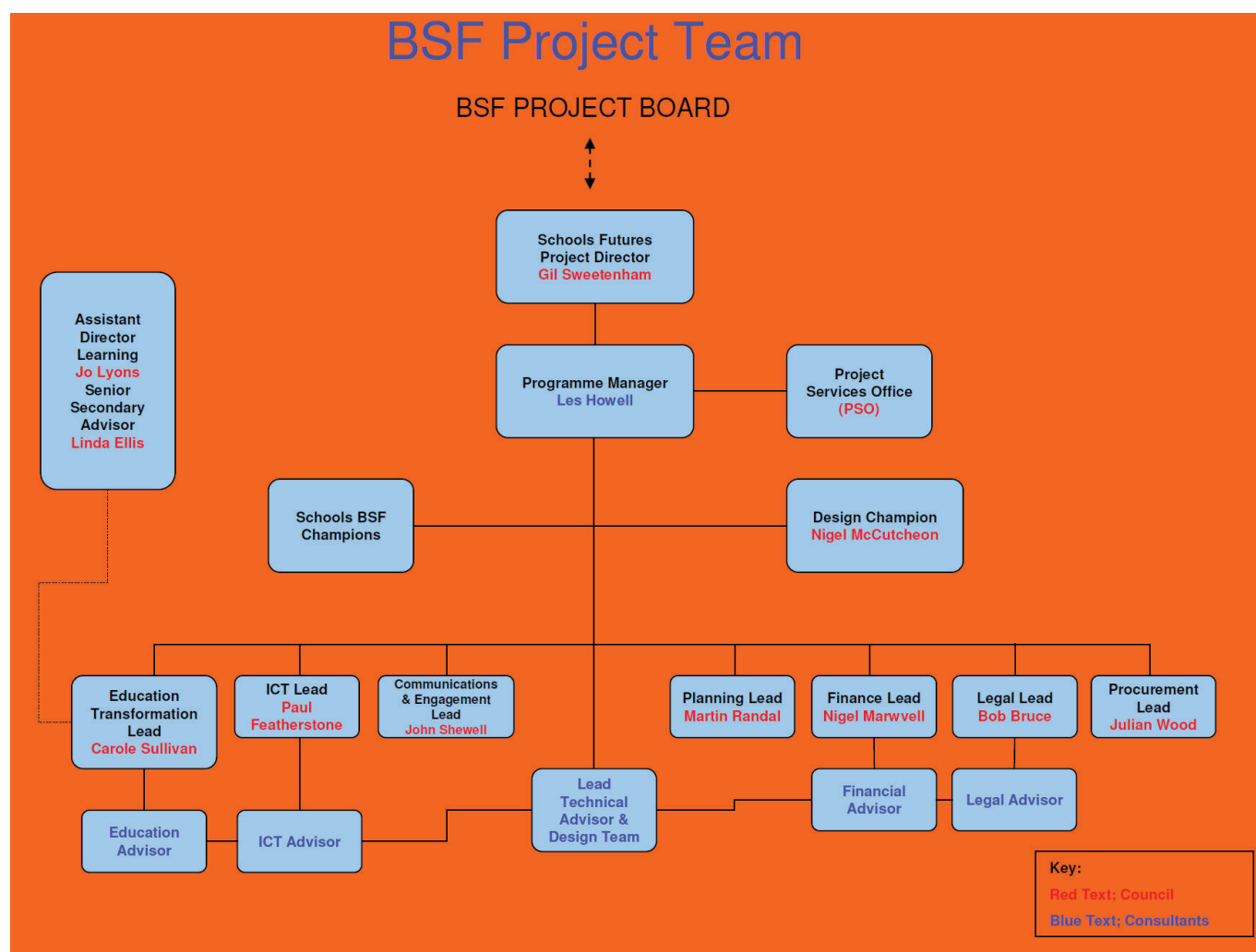
A Project Services Office (PSO) has been established to ensure robust project planning and control procedures are in place. A Project Initiation Document (PID) has been created to define the project and form the basis of its management. Microsoft Project is being used as the main project planning tool with Prince2 practitioners. Project records are held in a structured electronic filing system on central servers and fully backed up. As the programme moves into the

procurement phase an appropriate web based document management system will be utilized. A web portal has been established to enable project team members to have ready access to project documents. Pier2Peer facility ( [www.pier2peer.org.uk](http://www.pier2peer.org.uk) ) is available on the City's VLE enabling easy and confidential exchanges of information between headteachers and the project team. This has been heavily used during Readiness to Deliver especially by the headteachers and education advisors in developing their SFCs.

A full BSF risks and opportunities workshop has been facilitated by the B & H Risks and Opportunities Manager. The risk log is active with ongoing review and mitigation actions and fully integrated into the Council's corporate risks management procedures. The current top five risks are : 1) Unsuccessful submission of RTD. 2) Not agreeing choice, diversity and access plan with the OFC. 3) Not agreeing a revised PFI Agreement to enable BSF capital investment in the three existing PFI schools. 4) Failure to recruit corporate resources at the appropriate time for the BSF Project Team. 5) Not securing the required planning permission to ensure full BSF vision is realised.

For the BSF RTD project the Council's programme director (Schools Futures Project Director) established six key work streams: Education Transformation, Communications and Engagement, ICT Strategy, Technical (including estates master planning, environment and sustainability), Finance and Procurement. Within Education Transformation, sub groups have been established to cover the specific areas of Sport, Leisure & Culture; Transfer and Transition; SEN; KS3. Under ICT an ICT Steering Group has been established along with a schools ICT Change Champions team. As Brighton & Hove progress with its BSF Programme the intent is to expand to eight streams with the addition of dedicated legal and planning streams. A BSF Programme Manager is already in place, ensuring all work streams are fully integrated. Dedicated schools' BSF Champions will represent the schools across the work streams. The programme team structure is detailed overleaf.





One of the significant strengths of the Brighton & Hove BSF Programme is the very high level of commitment from the Headteachers to the BSF programme, positively engaging at every level to enable the completion of the Readiness to Deliver submission. All work streams provide regular updates to the Secondary Headteachers BSF Forum which meets weekly. The headteachers have appointed ICT Change Champions, and BSF deputies to ensure continuity at their weekly BSF Forum. School governors have been involved in school SFC visioning and vision to reality workshops. Heads of Governors and headteachers attended a Brighton & Hove BSF workshop held in July with senior council officers including the leader, in readiness to enter the BSF programme.

### 3.3 Investment Strategy

#### 3.3.1 Council Commitment

The BSF Programme is championed by the B&H Chief Executive who chairs the BSF Project Board. The Council are supportive of the DCSF / PfS programme funding strategy and the potential PFI funding of any new build schools (there are two potentials); supportive of the Local Education Partnership and exploring opportunities for potential joint LEPs with neighbouring authorities, in particular East Sussex and Hampshire.

Extensive discussions have already been held with schools headteachers and the Council's Head of ICT to ensure support for the ICT managed services. The Head of Legal has confirmed support for the use of standard PfS forms. The SPV (Semperian) of the existing three schools PFI is fully supportive of the BSF programme. There are no existing ICT contracts that pose any interface issues for the BSF programme. The existing PFI SPV is committed to supporting the BSF programme by varying the associated FM agreement as may be required. (A letter confirming the above from the Chief Executive is attached).

The Council is developing an integrated Facilities Management (FM) strategy across all secondary schools to ensure that a two tier estate (PFI and non PFI) from a maintenance perspective is avoided. The FM strategy will be integrated with the Strategy for Change (SFC) to ensure that the physical environment required to deliver the SFC will be consistently achieved. A key feature of the Soft FM Strategy (including site management) is to ensure flexible and responsive control of facilities to enable the extended schools objectives to be achieved. The Council recognises that for successful Hard FM an essential feature is a sinking fund that enables the required ongoing lifecycle investment in the post BSF estate. The Council aims to ensure that lifecycle planning will be matched with available funding (schools DSG and DFC) to ensure Hard FM is successfully delivered.

Brighton & Hove's preferred means of BSF procurement for the existing three school PFI (one in the first phase, 2 in the second phase) is by means of variation to the existing PFI Agreement. The Council's legal advisers Pinsent Mason advise that in their opinion there is minimal risk of procurement challenge associated with varying the existing PFI Agreement to accommodate BSF works (report available on request). The Council will require the SPV to run a full open tendering process for the Capital Works to ensure value for money. The existing PFI debt lender Bank of Ireland have indicated a strong interest in refinancing the existing PFI Agreement to fund the BSF Works at all three PFI schools. Whilst PfS only require new build schools to be funded by PFI the Council hopes that by exploring the option of funding for all three PFI schools this may be of benefit to PfS in funding the Brighton & Hove BSF programme. Brighton & Hove recognise that by possibly funding three of the eight BSF secondary schools under the existing PFI Agreement this may make the remaining five secondary schools less attractive to potential LEP bidders as a single LEP. The Council is exploring opportunities for a) a joint LEP with neighbouring authorities b) to participate in the proposed Hampshire REP as well as c) a dedicated LEP.

The opportunity to utilise the LEP for non BSF projects is being explored. The intention behind the creation of a Schools Futures Project Director is to improve capital projects value for money by integrating project management. The Schools Futures Project Director is also responsible for BSF, Primary Capital Programme, Early Years Programme (as well as PFI and the Falmer Academy project).

### 3.4 Affordability

#### 3.4.1 *Balanced Investment Proposals*

The estates and master planning exercise has been carried out for phase one projects and has indicated a capital expenditure of approximately £86 million which is in line with the indicative EOI funding. Should a funding gap develop as the OBC is progressed it is the Council's intent to provide the additional investment required. This funding would be sourced from a variety of funding streams including Devolved Formula Capital, the Capital budget and property disposals. **Section**



**3.2.2 details the split of new build and remodelling by school which underpins the CAPEX figures in the table below.**

| School            | FAM Funding        | 60% CO2 Funding   | Total PfS Funding  | B&H CAPEX Master planning |
|-------------------|--------------------|-------------------|--------------------|---------------------------|
| PCC               | £21,405,000        | 0                 | £21,405,000        | £21,000,000               |
| Hove Park         | £25,138,000        | £779,000          | £25,917,000        | £35,000,000               |
| Blatchington Mill | £26,606,000        | 0                 | £26,606,000        | £8,000,000                |
| Patcham           | £11,436,000        | £471,000          | £11,907,000        | £22,000,000               |
| <b>TOTAL</b>      | <b>£84,585,000</b> | <b>£1,250,000</b> | <b>£85,835,000</b> | <b>£86,000,000</b>        |

### **3.4.2 Funding**

The affordability of the proposed capital investment is based on the comprehensive estates master planning which identified four potential technical options for each school. Detailed reviews have been carried out of the options at each of the four first phase schools arriving at a preferred option for each school which fitted within the funding envelope and aligned with the strategies for change (Full master planning reports and costings are available). RIBA Stage A drawings have been produced and associated costings prepared. Technical advisors Mace were engaged to carryout master planning working with a local architect's partnership Nightingales and Quantity Surveying GPM Partnership. All three companies are knowledgeable of BSF and experienced in secondary schools design and construction.

The PfS funding model for the provision of ICT services through the LEP and ICT MSP is understood and supported by the Council and schools.

## **3.5 Resources and Capacity**

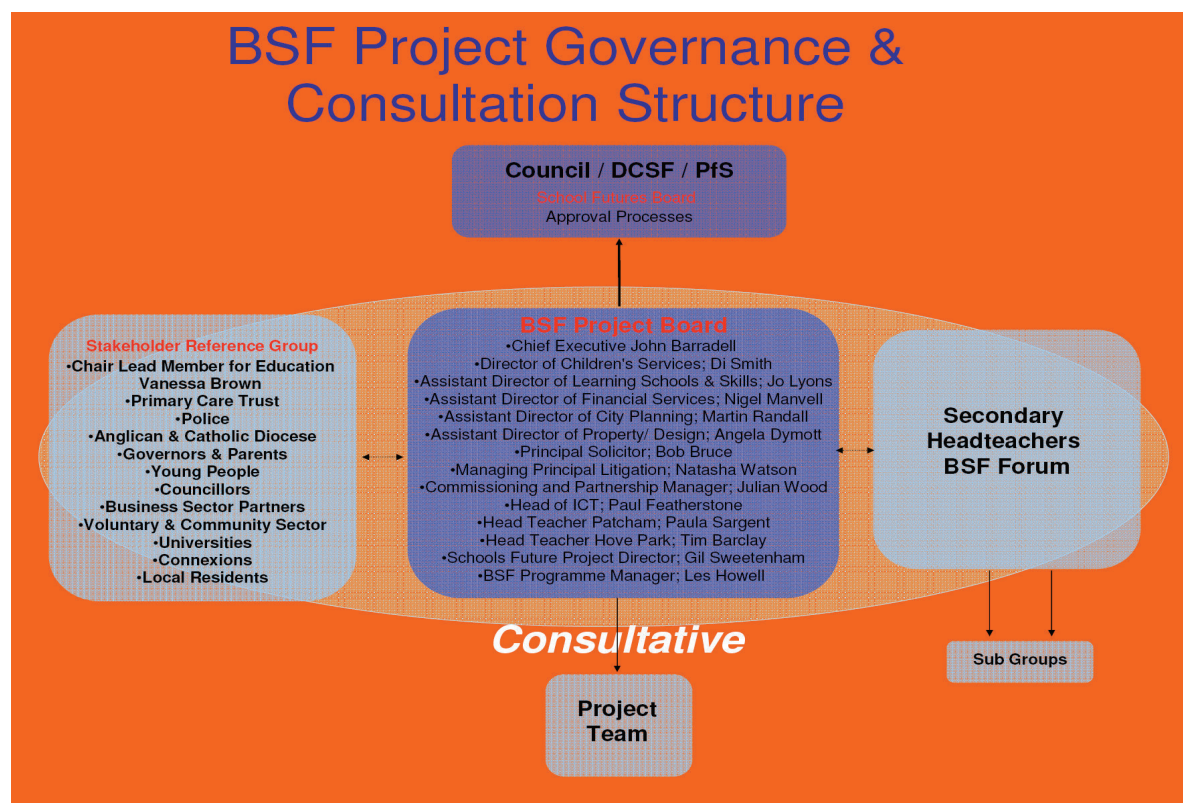
### **3.5.1 Governance**

The required governance structure to deliver the BSF programme has been put in place with the preparation of the Readiness to Deliver submission. The intent is that the resource commitment will be expanded in line with the progress and demands of each stage of the BSF programme. Brighton & Hove have agreed and signed a Memorandum of Understanding, as part of the Readiness to Deliver submission, submitted to PfS. The Chief Executive(John Barradell) is the project sponsor and chairs the BSF Project Board. The lead member for education (Vanessa Brown) is chairperson of the Stakeholders Group. The Project Board is established and currently meets every eight weeks but with monthly programme reports produced by the Programme Director. The Board Meeting frequency will increase to monthly once Brighton & Hove join the BSF programme. The PfS MOU has been signed and submitted with this Readiness to Deliver submission.

Two 4Ps BSF briefing sessions have also been held for senior council officers and directors.

The headteachers are all fully committed to the BSF programme and have created a Secondary Headteachers BSF Forum. This Forum has been meeting weekly since December 2008 focussed on the development of the city wide strategy for change and individual schools strategy for change. It has also supported the development of the ICT MSP strategy with each Headteacher providing an ICT champion for their school.

The council have appointed a Schools Futures Project Director (Gil Sweetenham) who is responsible for the delivery of BSF, PCP, the Falmer Academy and the operation of the existing secondary school PFI agreement.



The Schools Futures Project Director has established a BSF programme team that meets weekly (ref 3.2.5 Project Team diagram). The structure of the programme team is designed to form the foundation of the team required to deliver the entire BSF programme and resources will flex in line with the needs of the current stage of the BSF programme. The resourcing approach has been to identify senior council officers as stream leads for each of the key areas of activity supported by external advisors to provide any additional expertise and capacity where required. The intent is to ensure knowledge transfer from advisors to council officers in order to ensure programme continuity and that an appropriate balance of council officers and advisors is achieved throughout the life of the BSF programme. The BSF Programme Team is supported by a number of sub groups each developing key strands of the Brighton & Hove Strategy for Change. These sub groups are: Transfer & Transition; Sport, Leisure & Culture; 14-19; ICT; SEN; KS3.

For Readiness to Deliver, the Council has utilised the services of Mace as technical advisors, Place as education and ICT Advisors, Nightingales Associates (Architects) as design advisors and Pinsent Mason as legal advisors. On completion of the Readiness to Deliver submission it is the

Council's intent to procure the required advisors for completion of the OBC, LEP procurement and Financial Close utilising the PfS framework.

### **3.5.2 Financial Commitment**

The Council Leadership Team has committed to providing the required funding to progress from Readiness to Deliver to Financial Close for both phases. Currently this is estimated at £5m, an estimated 3% of the programmes capital value. This funding is being drawn from Corporate and Children and Young People Trust budgets. For completion of Readiness to Deliver the approximate breakdown of funding is 70% for external advisors and 30% for internal staff. Once onto the programme the aim is to progressively reverse this ratio through structured training and development and have 70% for internal staff and 30% for external advisors.

A Resource budget is being identified to ensure the availability of sufficient funding to support the Council's management of procurement, change and LEP post financial close. The initial provision is £200,000 per annum for the first five years of the LEP contract reducing to £100,000 pa for the second five years once all construction projects have been placed with the LEP. In addition financial support will be provided to schools to assist in the backfilling of staff required to support the completion of the OBC and procurement phases.

### **3.5.3 Project Team Support**

The Council has undertaken a skills audit and recognised the need to match external advisors with internal stream leads to ensure the appropriate level of expertise and capacity at each stage of the programme. A detailed resource plan has been developed identifying corporate and adviser roles. Existing corporate resources have been matched to corporate roles and where vacancies exist the recruitment process initiated. Procurement of external advisors from the PfS framework has been initiated and will be completed by December 2009.

An experienced Schools Futures Project Director and former Headteacher has been appointed Schools Futures (including BSF) Project Director; ensuring education focused outcomes. He is supported by a part time external advisor as Programme Manager. Once on the BSF programme the intent is to recruit a senior council officer as programme manager who after financial close would also lead the Council's LEP Management team. The key role of the Education Transformation Lead resides with the CYPT Senior Secondary Advisor supported by a Secondary Schools Advisor and external education and ICT advisors. The Design Champion is the Council's senior in-house architect. A further officer architect dedicated to BSF will be recruited by October 2009 and will be supported by external technical and design advisors. The ICT Lead is the Council's Head of ICT supported by an external advisor. ICT Champions have been appointed at each school and an ICT Sub Group has been established developing an integrated ICT strategy across all BSF schools and linking with the Council's city wide ICT strategy. Finance, procurement and legal support is provided from existing corporate resources that are also supporting the current Falmer Academy project.

Sufficient expertise and capacity is being ensured by the procurement of external education, technical, finance and legal advisors from the PfS framework. Each corporate group provide a work stream lead that is part of the BSF Programme Team. The Council's Head of Sport & Leisure leads the programme sub group integrating BSF with the City Playing Fields Strategy and broader community services planning.

The Council's resource planning for 2009/10 and beyond assumes that the Council will formerly join the BSF programme in early 2010 and as such will see an increase in dedicated corporate resources who will be part of the corporate BSF Programme Team.

### 3.5.4 Corporate Strategy

In March 2009 the Audit Commission summarised the Council's progress over the previous year:

*"Brighton & Hove City Council is a council that is improving well and demonstrating a 4 star overall performance. The council is delivering improvements in its five key priority areas, particularly in social care, economic development and public transport usage. It has achieved good performance ratings for services for children and young people and social care services for adults."*

The Council have integrated the delivery of the Primary Capital Programme, the Falmer Academy and Early Years projects with BSF. From a governance perspective an overarching Schools Futures Steering Groups chaired by the Council's Chief Executive has been established and currently meets every six weeks. The position of Schools Futures Project Director has been created, responsible for the delivery of all the projects, integrating project management, ensuring knowledge sharing and maximizing the opportunities to exploit the LEP. A central Programme Services Office has been created ensuring a common and integrated approach to project management including planning, resourcing and reporting. The existing PFI management team will be used to develop and manage the new PFI Agreement likely to be required by the BSF programme.

The Council has experience of working in partnership with the private sector on the successful delivery of a number of capital projects including schools, libraries and community centres PFI and waste PFI. The Jubilee Library was a highly successful PFI project which constructed a new central library for the city. A post 16 SND Centre providing 70 places was constructed as an extension to the Varndean FE College successfully integrating SND with existing college. The current Falmer Academy should successfully achieve financial close in October 2009. Key lessons learnt from these projects have been: the need for clear accountability in terms of Council project management responsibilities; absolute clarity in terms of Council requirements; effective communication with all stakeholders; a well established change management process which is strictly adhered to especially by the private sector partner.

## 3.6 Benefits Realisation

### 3.6.1 Working with the Private and 3<sup>rd</sup> Sector

The BSF team is working with the B&H Core Strategy, Local Development Framework (LDF), City Employment Skills Plan and the Local Employment Partnership to fully understand city wide requirements; assessing the needs for new or improved public services and the possibilities for BSF beyond the confines of a traditional school day. Our BSF Consultation and Communication plan also outlines a range of activities to ensure both business and voluntary sector partners are fully involved in our transformation programme. This joined up approach will enable the integration of the BSF programme into the wider community. The Council requires the LEP and ICT MSP private sector partners to offer work experience, training, apprenticeships and employment opportunities for local young people, including NEET.



There will be a close working between the Council and the Local Education Partnership (LEP) to ensure that local businesses and trades benefit from the opportunities associated with the development of a large capital programme. In particular the procurement of local design, construction and ICT partners. The Council's ability to fully utilise its experience of working with third party/ private sector partners in the context of LEP and PFI will be enhanced by the incorporation of the Council's PFI Contract Management Team (CMT) into the Council's BSF Programme team, with the intent of the PFI CMT becoming part of the broader council LEP/PFI Management Team. This experience will build upon the recent successful procurement of the Falmer Academy which is on scheduled to achieve financial close in October 2009. The Council has an active co location programme currently focussed on primary schools and the Primary Capital Programme. By integrating this programme with our BSF extended school plans and our wider Core strategy, co location benefits will be significantly enhanced..

### ***3.6.2 Joining up with the local authority***

The BSF Leisure and Culture sub group has been working to ensure a joined up approach to delivering Leisure and Culture services across all schools and the city. The city's sport strategy and active living strategies and action plans for 2006 – 2012 outlines the Council's and city's commitment to sport and active living and together with the Council's playing field strategy and open spaces strategy form the basis for the delivery of sport and active living with communities, schools and other organisations in the city. Ongoing initiatives include the creation of a new Five a Side all weather football facility at Patcham High School. This is being developed in partnership with the local football club and a third party investor who will develop the facility and manage its operation providing services to the entire community. With the schools being located in high density housing areas the Council will be working with the LEP to ensure maximising the reuse on site of construction waste, minimising the need to transport waste to local landfill sites. The Council will also be focussed on using BSF as a means of generating further efficiencies in schools general waste management and recycling policies. In developing its Strategy for Change and phased approach the Council has considered how the city's congested transport system especially in Hove can benefit from a regionalised approach to the provision of 14-19 education.

### ***3.6.3 Quality of Place***

Entwined with the Brighton & Hove City Council's BSF vision are their key commitments under the Corporate Plan for 2008/11: to "protect the environment while growing the economy" and "reduce inequality by increasing opportunity". Investment through BSF in the National Challenge schools in particular, and in the deprived communities they serve, will result in higher standards, thus narrowing attainment gaps, and promoting real pride in their transformed, ICT-rich environments. It will improve community cohesion by offering access through extended schools to high quality facilities that promote healthy lifestyles and positive engagement for all. Commitment to sustainability is demonstrated in section 3.2.3. The transformation of school timetables through BSF will also support the corporate goal of "keeping our city moving" specifically building on our status as a cycling demonstration town to change attitudes around travel to school, and improve air quality. We recognise the opportunity BSF offers to improve the quality of our school environments, in particular, making them all accessible to those with disabilities, thus supporting us to achieve our ambition that "all our children and young people have the best possible start in life, so that everyone has the opportunity to fulfil their potential, whatever that might be." (CYPP – 2008).

4.0 Supplementary Programme Requirements









|                         |   |   |                     |
|-------------------------|---|---|---------------------|
| <b>Subject:</b>         | <b>Targeted Budget Management (TBM) Month 4</b> |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>                        |   |                     |
| <b>Report of:</b>       | <b>Director of Finance &amp; Resources</b>      |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>                                    | <b>Nigel Manvell</b>                      | <b>Tel: 29-3104</b> |
|                         | <b>E-mail:</b>                                  | <b>nigel.manvell@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>                                      | <b>Forward Plan No: CAB11485</b>          |                     |
| <b>Wards Affected:</b>  | <b>All</b>                                      |   |                     |

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

- 1.1 This report sets out the forecast outturn position on the revenue and capital budgets as at the end of July 2009 (month 4).

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the forecast outturn for the General Fund, Section 75 Partnerships and Housing Revenue Account (HRA) for 2008/09 as at month 4.
- 2.2 That Cabinet notes that further recovery measures will be identified by month 6 to achieve a balanced budget.
- 2.3 That Cabinet notes the forecast outturn position on the capital budgets as at month 4.
- 2.4 That Cabinet approves the changes to the capital budget as summarised in Appendix 3 and detailed in Appendices 4 – 6.

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The table below shows the forecast outturn position for council controlled budgets within the general fund, including directorates and centrally managed budgets and the outturn on NHS managed S75 Partnership Services.

| Forecast<br>Variance<br>Month 3 |                                  | 2009/10<br>Budget<br>Month 4 | Forecast<br>Outturn<br>Month 4 | Forecast<br>Variance<br>Month 4 | Forecast<br>Variance<br>Month 4 |
|---------------------------------|----------------------------------|------------------------------|--------------------------------|---------------------------------|---------------------------------|
| £'000                           | <b>Directorate</b>               | £'000                        | £'000                          | £'000                           | %                               |
| 879                             | Adult Social Care & Housing      | 43,075                       | 43,886                         | 811                             | 1.9%                            |
| 53                              | S75 Learning Disability Services | 23,804                       | 23,804                         | -                               | 0.0%                            |
| 1,107                           | Children & Young People's Trust  | 54,148                       | 55,713                         | 1,565                           | 2.9%                            |
| (72)                            | Finance & Resources              | 18,765                       | 18,723                         | (42)                            | -0.2%                           |
| 70                              | Strategy & Governance            | 12,540                       | 12,540                         | -                               | 0.0%                            |
| 240                             | Environment                      | 38,150                       | 38,664                         | 514                             | 1.3%                            |
| 232                             | Culture & Enterprise             | 12,107                       | 12,389                         | 282                             | 2.3%                            |
| 2,509                           | Sub Total                        | 202,589                      | 205,719                        | 3,130                           | 1.5%                            |
| (745)                           | Centrally Managed Budgets        | 26,167                       | 25,422                         | (745)                           | -2.8%                           |
| 1,764                           | Total Council Controlled Budgets | 228,756                      | 231,141                        | 2,385                           | 1.0%                            |
| 336                             | NHS Trust managed S75 Servs      | 13,540                       | 13,832                         | 292                             | 2.2%                            |
| 2,100                           | Total Overall Position           | 242,296                      | 244,973                        | 2,677                           | 1.1%                            |

- 3.2 The Total Council Controlled Budgets line in the above table represents the total current forecast risk to the council's General Fund. This includes all directorate budgets, centrally managed budgets and council-managed Section 75 services. The NHS Trust-managed Section 75 Services line represents those services for which local NHS Trusts act as the Host Provider under Section 75 Agreements. Services are managed by Sussex Partnership Trust and South Downs Health Trust and include health and social care services for Adult Mental Health, Older People Mental Health, Substance Misuse, AIDS/HIV, Intermediate Care and Community Equipment. The financial risk for these services generally lies with the relevant provider Trust. The forecast outturn on the HRA is as follows:

| Forecast<br>Variance<br>Month 3 |                                | 2009/10<br>Budget<br>Month 4 | Forecast<br>Outturn<br>Month 4 | Forecast<br>Variance<br>Month 4 | Variance<br>Month 4 |
|---------------------------------|--------------------------------|------------------------------|--------------------------------|---------------------------------|---------------------|
| £'000                           | <b>Housing Revenue Account</b> | £'000                        | £'000                          | £'000                           | %                   |
| (120)                           | Expenditure                    | 47,869                       | 47,704                         | (165)                           | -0.3%               |
| 204                             | Income                         | (47,869)                     | (47,615)                       | 254                             | 0.5%                |
| 84                              | Total                          | -                            | 89                             | 89                              |                     |

- 3.3 The overspend forecast of £2.385 million (excluding S75 Partnerships) is explained in more detail in Appendix 1. This forecast compares to an overspend of £0.718 million for the same period last year, although this included a £1.8 million in-year improvement on concessionary fares' costs. The underlying forecast was therefore a £2.5 million overspend. Higher forecasts at this stage of the year have therefore been seen in previous years prior to measures and actions to manage demands and costs taking effect during the remainder of the

year. However, current pressures are substantial and need to be actively managed throughout the year to ensure breakeven, particularly given that there are unlikely to be significant savings from financing costs and investment income as in previous years.

- 3.4 For this reason, the revenue budget approved by Council includes significant and appropriate risk provision (contingency) and there are other potential in-year contingencies and provisions, for example, pay awards and an improving collection fund balance, that will need to be retained until the position on TBM is clearer later in the year.

### Corporate Critical Budgets

- 3.5 Targeted Budget Management (TBM) is based on the principles that effective financial monitoring of all budgets is important. However, there are a small number of budgets with the potential to have a material impact on the council's overall financial position. These are significant budgets where demand or activity is difficult to predict with certainty and where relatively small changes in demand can have significant financial implications for the council's budget strategy. These therefore undergo more frequent, timely and detailed analysis. Set out below is the forecast outturn position on the corporate critical budgets.

| Forecast<br>Variance<br>Month 3<br>£'000 |                                  | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|----------------------------------|---------------------------------------|---|--|--------------------------------------|
|  | <b>Corporate Critical</b>        |                                       |   |  |                                      |
| 821                                      | Child Agency & In House          | 18,144                                | 19,143                                  | 999                                      | 5.5%                                 |
| 63                                       | Sustainable Transport            | (911)                                 | (758)                                   | 153                                      | 16.8%                                |
| (250)                                    | Housing Benefits                 | 159,350                               | 159,050                                 | (300)                                    | -0.2%                                |
| (220)                                    | Concessionary Fares              | 7,345                                 | 7,125                                   | (220)                                    | -3.0%                                |
| 800                                      | Community Care                   | 22,763                                | 23,568                                  | 805                                      | 3.5%                                 |
| 53                                       | Section 75 Learning Disabilities | 20,657                                | 20,657                                  | -  | 0.0%                                 |
| 1,267                                    | Total Council Controlled         | 227,348                               | 228,785                                 | 1,437                                    | 0.6%                                 |
| 336                                      | S75 NHS & Community Care         | 11,323                                | 11,615                                  | 292                                      | 2.6%                                 |
| 1,603                                    | Total Corporate Criticals        | 238,671                               | 240,400                                 | 1,729                                    | 0.7%                                 |

- 3.6 The key activity data for each of the corporate critical budgets is detailed in Appendix 2. Note that the analysis in Appendix 2 will not always match exactly the outturn variances shown in the table above, due to a number of different elements that can affect the outturn. The Appendix is designed to highlight the key underlying activity data that is having the most significant effect on the forecast. Narrative explanations regarding the projections are contained within the individual directorate forecasts contained in Appendix 1.

### Impact on the Medium Term Financial Strategy (MTFS)

- 3.7 At present it is too early in the financial year to determine the impact of current forecasts on the longer term financial position. Clearly, the growth in numbers and costs experienced in Children in Care and areas of Adult Social Care needs to be managed over the remainder of the year otherwise this could lead to very significant financial pressures in future years and consequently greater savings

requirements. Some service areas are also suffering due to economic conditions, for example, land charges, commercial rents, cultural services and sustainable transport. Economic conditions and their potential financial impact will need to be kept under review in terms of the medium term financial strategy and future reports will begin to track the ongoing impact of current pressures and will show the impact on the medium term financial strategy (MTFS) in future years.

### **Capital Budget 2009/10**

- 3.8 This part of the report gives Members details of the capital programme budget position for 2009/10. On 26 February 2009, Budget Council considered a capital investment programme report for the financial year 2009/10 and agreed a capital investment programme of £107.265 million. Some of the schemes included in the budget report related to schemes already approved in detail in previous years, while the remainder of the schemes have yet to be approved in detail following their inclusion.

- 3.9 The following table shows the currently approved capital budget:

| <b>Capital Budget</b>                                       | <b>2009/10<br/>Budget<br/>£'000</b> |
|---|-------------------------------------|
| Slippage brought forward from 2008/09 approved 11 June 2009 | 2,578                               |
| Budget Reprofiles from 2008/09 approved 11 June 2009        | 3,550                               |
| Capital Investment Programme schemes approved               | 66,914                              |
| <b>Total Capital Budget 2009/10 as at month 4</b>           | <b>73,042</b>                       |

The major part of the capital investment programme still to be approved is the Local Delivery Vehicle to improve council housing stock detailed in the budget report. These costs will be subject to a separate report to Cabinet for approval to spend.

Where schemes are forecast to exceed their budget, budget holders must identify additional resources to finance the shortfall. Forecast overspends of greater than £0.050 million or 10% of the original budget are required to be reported back to Members, either in detailed reports or through this capital monitoring report. Scheme delays or 'slippage' are also monitored in an effort to ensure schemes are delivered not only on budget, but also on time. Where a scheme is forecast to slip by £0.050 million or more, the budget holder will report back to Members, on the amount and the impact of the delay on service delivery.

### **Capital Forecast Outturn**

- 3.10 A number of changes are proposed to the capital programme as follows: new schemes are proposed and summarised in appendix 4, budget reprofile requests in Appendix 5; variation requests to the capital budgets are contained in Appendix 6 and slippage forecasts of over £50,000 are listed in Appendix 8. A summary of the proposed changes are shown in the table below.

|                                 | 2009-10<br>Budget | New<br>Schemes | Budget<br>Reprofiles | Budget<br>Variations | Amended<br>Budget | 2009-10<br>Forecast<br>Outturn | 2009-10<br>Forecast<br>Slippage | 2009-10<br>(Savings) /<br>Overspends |
|---------------------------------|-------------------|----------------|----------------------|----------------------|-------------------|--------------------------------|---------------------------------|--------------------------------------|
| Directorate                     | £'000             | £'000          | £'000                | £'000                | £'000             | £'000                          | £'000                           | £'000                                |
| Strategy & Governance           | 756               |                |                      |                      | 756               | 756                            | -                               | -                                    |
| Culture & Enterprise            | 1,498             |                |                      |                      | 1,498             | 1,498                          | -                               | -                                    |
| Finance & Resources             | 4,288             | 45             |                      |                      | 4,333             | 4,333                          | -                               | -                                    |
| Adult Social Care & Housing     | 11,572            |                |                      | 63                   | 11,635            | 11,635                         | -                               | -                                    |
| Housing Revenue Account (HRA)   | 19,843            |                |                      |                      | 19,843            | 19,843                         | -                               | -                                    |
| Children & Young People's Trust | 17,300            | 510            | 1,496                | -                    | 19,306            | 19,306                         | -                               | -                                    |
| Environment                     | 17,785            | 956            |                      |                      | 18,741            | 18,741                         | -                               | -                                    |
| <b>Total Council Budgets</b>    | <b>73,042</b>     | <b>1,511</b>   | <b>1,496</b>         | <b>63</b>            | <b>76,112</b>     | <b>76,112</b>                  | <b>-</b>                        | <b>-</b>                             |

### Budget Reprofiting

- 3.11 Delays have been identified in some projects due to factors outside of project managers' control. Appendix 5 provides details of the reasons and asks Members to agree to the re-profiling of the budget, which in most cases will result in the resources being moved from this year's capital programme to the next.

### Capital Slippage

- 3.12 No capital slippage has been reported this month. This is not unusual at this early stage of the financial year because even where contractual, works or other delays are being experienced, there is normally still sufficient time to bring programmes back on track.

### Prudential indicator for capital expenditure

- 3.13 Each year, the council sets a number of prudential indicators that show its capital investment plans are affordable and that borrowing levels are sustainable and prudent. For 2009/10, these were set by the council on 26 February 2009. One of these indicators is 'capital expenditure' and in February the council set this at £107.265 million for 2009/10. This indicator helps us to demonstrate that our capital expenditure plans are affordable.
- 3.14 The Capital Investment Programme report demonstrated how the schemes are fully funded and affordable. The revenue effects of this programme were fully considered as part of the revenue budget setting process.

### Capital Receipts

- 3.15 Capital receipts are used to support the capital programme. For 2009/10 the programme is fully funded, however, any changes to the level of receipts during the year will impact on future years' capital programmes.
- 3.15.1 Capital receipts (excluding housing) were estimated to be £2.1 million. Currently, £0.4 million has been received which includes the disposal of the Wellsbourne Centre site. This leaves £1.7 million of receipts to be achieved during the rest of the financial year. Assets are actively being marketed to achieve the level of receipts budgeted for.
- 3.15.2 The level of sales of council homes through 'right to buy' has been severely affected by the current market conditions in house prices generally and the

higher cost and availability of mortgages in the current economic climate. The Government receive 75% of the proceeds of 'right to buy sales'; the remaining 25% is retained by the council and used to fund the capital programme. The estimated useable receipts for 'right to buy' sales is £0.5 million for this financial year and to date £0.03 million has been received.

- 3.15.3 The reduction in receipts will impact on the level of investment in future years for corporate funds such as the Strategic Investment Fund, Asset Management Fund and ICT Fund. If there are no other compensating receipts generated and the current trend for 'right to buy' sales continues, the capital strategy will need to be reviewed and the consequences of this will be reported within the Capital Investment Programme report to Cabinet in February 2010.

### **Comments by the Director of Finance & Resources**

- 3.16 The current position indicates that significant social care and economy-related pressures are building up. These will need to be closely monitored by directorates to understand their current and potential longer term financial impact and factored into the development of the 2010/11 budget strategy. In the meantime, directorates will need to continue to take mitigating actions and identify short and medium term recovery measures to address overspends. By TBM month 6, directorates will be expected to identify further recovery measures and plans to bring the financial position back into balance.

## **4. CONSULTATION**

- 4.1 No specific consultation was undertaken in relation to this report.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The financial implications are covered in the main body of the report.

### Legal Implications:

- 5.2 Part 3.4 of the council's financial regulations requires the Director of Finances & Resources to report to the Executive on the overall revenue and capital budget position on a regular basis, under the Targeted Budget Management framework.
- 5.3 Further, under part 3.1 of these regulations, it is for the Executive to take in-year decisions on resources and priorities in order to deliver the budget within the financial limits set by full Council. Hence Cabinet is authorised to change the capital budgets, as proposed by recommendation 2(4), having regard to the effect this may have on the capital outturn position for 2009/10.

*Lawyer consulted:*

*Oliver Dixon*

*Date: 04/09/09*

### Equalities Implications:

- 5.4 There are no direct equalities implications arising from this report.

Sustainability Implications:

- 5.5 There are no direct sustainability implications arising from this report.

Crime & Disorder Implications:

- 5.6 There are no direct crime & disorder implications arising from this report

Risk & Opportunity Management Implications:

- 5.7 There are no direct risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

- 5.8 The Council's financial position impacts on levels of Council Tax and service levels and therefore has citywide implications.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The forecast outturn position on council controlled budgets is an overspend of £2.385 million. Any overspend that exceeds risk provisions and contingencies will need to be funded from General Fund reserves, which will then need to be replenished as part of the 2010/11 budget and MTFS proposals.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Budget monitoring is a key element of good financial management, which is necessary in order for the council to maintain financial stability and operate effectively.
- 7.2 The proposed budget allocations and capital budget changes are necessary to maintain a balanced programme and effective financial management.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Directorate Revenue Outturn Forecasts
2. Corporate Critical Budgets Activity Data
3. Summary of Capital Budget Movements
4. New Capital Scheme Requests
5. Capital Budget Re-profile Requests
6. Capital Budget Variation Requests

### **Documents in Members' Rooms**

None

### **Background Documents**

None



**Adult Social Care & Housing**

| Forecast<br>Variance<br>Month 3<br>£'000 | Division          | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|-------------------|---------------------------------------|---|--|--------------------------------------|
| 79                                       | Housing Strategy  | 4,746                                 | 4,746                                   | -  | 0.0%                                 |
| 800                                      | Adult Social Care | 38,329                                | 39,140                                  | 811                                      | 2.1%                                 |
| 879                                      | Total             | 43,075                                | 43,886                                  | 811                                      | 1.9%                                 |

**Explanation of Key Variances**

The Directorate's budget was set to reflect growth predictions assessed using data analysis from nationally recognised social care and health models (POPPI and PANSI) and local trends. Predicting growth is not an exact science and there is now clear evidence of people living longer and having increasing needs.

Pressures of £2.176 million have been identified for the year to date as follows: Across the Community Care corporate critical budget, which has a predicted overspend variance of £1.704 million, the straight-line forecast indicates that there will be net growth of 350 clients compared to the budgeted level unless actions to manage demand take effect over the remainder of the year. Joint Needs Assessments are undertaken each year to predict levels of demand but there are so many contributing factors that demand can be difficult to estimate reliably, particularly in the short term. This year, there has been an increase in the number of older and frailer clients whose packages are at a higher cost due to their complex needs and there is also evidence of increasing length of stay within services. Growth was anticipated in Physical Disability services, however there is a 26% increase above that level, mainly in homecare services.

The other main variance is an overspend on Older People & Physical Disability mainstream services of £0.173 million where anticipated efficiency savings are still being worked through.

Strategies are in place to work towards eliminating the overspend. Management actions already in place are expected to offset the pressures and significantly reduce the potential overspend. Actions include:

- Ensuring appropriate funding streams are used to meet the costs of complex need cases and Disabled Living Allowance /Independent Living Fund are maximised. Expected to generate £0.500million;
- Robust application of Fair Access to Care Services criteria saving £0.080 million;
- Maximising benefits and ensuring that attendance allowance and other benefits are used to purchase domiciliary and other 'low level' requirements saving approximately £0.100 million;
- At review, ensuring that Fair Access to Care Services criteria is applied and care repackaged to ensure new services are fully utilised (e.g. Community Solutions/Telecare etc.) saving approximately £0.300 million;
- Continuing the review of No Recourse to Public Funds cases and maximising client benefits to reduce forecast costs by £0.200 million;
- Operating a vacancy control system and controls over agency staff costs saving approximately £0.164 million.

The remaining risks on Adult Social Care leading to the forecast overspend of £0.811 million are:

- Physical Disabilities with a projected overspend of £0.600 million because of the complex caseload and the continued growth in client numbers;
- Other service user groups with a projected overspend of £0.200 million reflecting current caseload.

**Children & Young People's Trust**

| Forecast<br>Variance<br>Month 3<br>£'000 | Division                    | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|-----------------------------|---------------------------------------|---|--|--------------------------------------|
| 407                                      | Area Integrated Working     | 26,002                                | 26,686                                  | 684                                      | 2.6%                                 |
| (10)                                     | Learning , Schools & Skills | (4,014)                               | (4,014)                                 | -  | 0.0%                                 |
| 854                                      | Citywide Services           | 30,168                                | 31,247                                  | 1,079                                    | 3.6%                                 |
| 156                                      | Commissioning & Governance  | 1,992                                 | 2,094                                   | 102                                      | 5.1%                                 |
| (300)                                    | Vacancy Management          | -                                     | (300)                                   | (300)                                    | 0.0%                                 |
| 1,107                                    | Total                       | 54,148                                | 55,713                                  | 1,565                                    | 2.9%                                 |

**Explanation of Key Variances**

Much of the pressure facing CYPT has arisen as a result of the aftermath of Baby P and the implementation of the recommendations of the subsequent Laming Report. The effect of the Baby P case has been felt nationally and there is now evidence cited in a recent Price Waterhouse Coopers report that, 'this has resulted in higher referrals and increases in care order applications'.

In Brighton and Hove there has been a significant and sustained increase in activity in terms of referrals to social care (at times up to 61%). This has resulted in a 33% increase in the number of children with a child protection plan and a 12% increase in the number of looked after children as at June 2009.

This increase in activity has had a knock on effect on the corporate critical budget of Child Agency and In House Placements which is forecasting an overspend of £0.999 million. Overspends on Independent Foster Agency<sup>1</sup> of £0.981 million and Secure Accommodation<sup>2</sup> of £0.518 million are partly offset by an underspend of £0.515 million on Residential Agency Placements<sup>3</sup>. Individual placement costs compare favourably with other local authorities but the number of looked after children is rising.

With the significant rise in referrals, the main focus has been on ensuring the delivery of a safe service, fulfilling statutory obligations and tackling issues relating to the recruitment and retention of social work staff. An independent review of assessment and referral arrangements has been undertaken which indicates that thresholds are broadly at the right level. Management action is now focussed on addressing the long term impact of this increase in activity and tackling the impact on resources. A work programme is underway to tackle issues such as pre-birth planning, early permanence and a review of early intervention strategies.

The increased activity in terms of care order applications combined with changes introduced as a result of the Public Law Outline has required additional legal support and legal fees are currently forecast to overspend by £0.270 million.

<sup>1</sup> Independent Foster Agency – 35 placements higher than budgeted for

<sup>2</sup> Secure Accommodation – 3 placements higher than budgeted for.

<sup>3</sup> Residential Agency – 36 placements which is 6 fewer than budgeted for

The main overspend within Area Integrated Working is £0.458 million on Preventative Payments. This relates to the ongoing costs relating to homeless families, payments to 'friends & relatives' carers and provisions. Joint work with Adult Social Care and Housing is underway to determine appropriate cross departmental action.

To partly address the overspend, a Vacancy Management target of £0.300 million is included in the forecast; the aim is to achieve savings without impacting on social workers and statutory staffing.

**Finance & Resources**

| Forecast<br>Variance<br>Month 3<br>£'000 | Division          | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|-------------------|---------------------------------------|---|--|--------------------------------------|
| (134)                                    | Finance           | 6,177                                 | 6,043                                   | (134)                                    | -2.2%                                |
| (200)                                    | ICT               | 5,703                                 | 5,533                                   | (170)                                    | -3.0%                                |
| (58)                                     | Customer Services | 3,873                                 | 3,747                                   | (126)                                    | -3.3%                                |
| 320                                      | Property & Design | 3,012                                 | 3,400                                   | 388                                      | 12.9%                                |
| (72)                                     | Total             | 18,765                                | 18,723                                  | (42)                                     | -0.2%                                |

**Explanation of Key Variances**

Finance and ICT projected underspends are due to higher than normal levels of staff turnover and vacancy management actions to assist the overall financial position.

The main pressure in Customer Services relates to an expected shortfall in land charge income of £0.192 million due to the continued downturn in the housing market and the competition from private sector search companies. The corporate critical Housing Benefit budget is expected to generate an additional £0.300 million in subsidy, as local authority errors are predicted to be held below the government threshold.

Property & Design is forecasting a shortfall against commercial rent income of £0.370 million. The main loss is due to rent/lease renewals being on lower terms than expected due to the continuing economic downturn; there has also been a slight increase in the number of voids. Income on this budget is particularly sensitive to the current market conditions and is being monitored very closely. Underperforming properties are kept under review, for example, Charter Hotel which is reported on elsewhere on the agenda. The council is also extending some payment arrangements as part of its recession relief measures to help businesses.

Additional financial controls are being implemented to contain other cost pressures within the service.

## Strategy & Governance

| Forecast<br>Variance<br>Month 3<br>£'000 | Division                  | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|---------------------------|---------------------------------------|---|--|--------------------------------------|
| -  | Improvement & Organ Devel | 1,663                                 | 1,663                                   | -  | 0.0%                                 |
| -  | Legal & Democratic Servs  | 3,055                                 | 3,055                                   | -  | 0.0%                                 |
| 70                                       | Policy Unit               | 3,064                                 | 3,064                                   | -  | 0.0%                                 |
| -  | Human Resources           | 3,605                                 | 3,605                                   | -  | 0.0%                                 |
| -  | Executive Office          | 577                                   | 577                                     | -  | 0.0%                                 |
| -  | Communications            | 576                                   | 576                                     | -  | 0.0%                                 |
| 70                                       | Total                     | 12,540                                | 12,540                                  | -  | 0.0%                                 |

## Explanation of Key Variances

A breakeven position is projected despite emerging pressures estimated at £0.295 million. These relate to: a drop in legal income because of downturn in the property market; recruitment costs; and Policy Unit salary and partnership budgets. The following plan is in place to address the pressures:

- £0.080 million is likely to be secured via additional LPSA Stage 2 funding for area mapping using BHLIS (Brighton & Hove Local Intelligence Service) and for Community Engagement work.
- Developing additional external and internal income streams across the directorate could achieve a further £0.070 million.
- It is anticipated that a further £0.145 million could be achieved from a combination of reviewing current committee agenda printing costs, evaluating electronic meeting management and member travel costs and early identification of deliverable underspends, particularly in Human Resources, Communications and Improvement & Organisational Development.

## Environment

| Forecast<br>Variance<br>Month 3<br>£'000 | Division              | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|-----------------------|---------------------------------------|---|--|--------------------------------------|
| -  | City Services         | 29,700                                | 29,700                                  | -  | 0.0%                                 |
| 100                                      | Sport & Leisure       | 2,225                                 | 2,325                                   | 100                                      | 4.5%                                 |
| 63                                       | Sustainable Transport | (911)                                 | (758)                                   | 153                                      | 16.8%                                |
| -  | Public Safety         | 4,825                                 | 4,805                                   | (20)                                     | -0.4%                                |
| 240                                      | City Planning         | 2,311                                 | 2,701                                   | 390                                      | 16.9%                                |
| (163)                                    | Vacancy Management    | -                                     | (109)                                   | (109)                                    | 0.0%                                 |
| 240                                      | Total                 | 38,150                                | 38,664                                  | 514                                      | 1.3%                                 |

## Explanation of Key Variances

The Sport & Leisure budget is forecast to overspend due to increased energy costs.

Sustainable Transport are forecasting a very small shortfall of £0.047 million from parking income. Additional on-street and permit receipts are primarily being offset by shortfalls in penalty charge notice (PCN) income and a shortfall at The Lanes car park due to the works taking longer than originally anticipated. A cost pressure also exists on bus system and traffic signal maintenance.

There are two main reasons for the overspend on City Planning. The legal fees associated with the Marina Development appeal are expected to cost £0.250 million.

Due to economic conditions, there has also been a decline in the number of planning applications, in particular those for large residential schemes, which has led to a forecast shortfall in income of £0.140 million.

The directorate is endeavouring to improve the financial position by keeping all services under constant review and taking action where feasible to reduce expenditure and raise additional revenue. Budgets are under severe pressure and options for savings may be limited but vacancy management has been introduced with immediate effect to try and mitigate overspends. The vacancy management will need to be carefully managed to ensure the impact on service delivery is minimised.

**Culture & Enterprise**

| Forecast<br>Variance<br>Month 3<br>£'000 | Division                         | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|----------------------------------|---------------------------------------|---|--|--------------------------------------|
| 25                                       | Tourism & Venues                 | 1,675                                 | 1,750                                   | 75                                       | 4.5%                                 |
| -  | Libraries & Information Services | 4,301                                 | 4,301                                   | -  | 0.0%                                 |
| 190                                      | Royal Pavilion & Museums         | 2,241                                 | 2,431                                   | 190                                      | 8.5%                                 |
| 17                                       | Culture & Economy                | 3,414                                 | 3,431                                   | 17                                       | 0.5%                                 |
| -  | Major Projects & Regeneration    | 476                                   | 476                                     | -  | 0.0%                                 |
| 232                                      | Total                            | 12,107                                | 12,389                                  | 282                                      | 2.3%                                 |

**Explanation of Key Variances**

The Directorate has instigated management action to contain the forecast overspend and progress towards a balanced position. The financial recovery actions include maximising income from events, holding vacant posts across the Directorate, and reducing spend on supplies and services.

Tourism and Venues is forecasting an overspend due to business rates revaluation and unbudgeted repairs works at the Brighton Centre on the soil waste pipes. Venues will continue to maximise income to meet budget pressures and will look to re-phase planned maintenance work to accommodate this within the available planned maintenance budget (PMB) and reduce pressure on the venues budget.

Income at the Royal Pavilion and Museums is expected to be £0.250 million below target with energy pressures of £0.040 million. These pressures are partly offset by vacancy management and other efficiencies within the service. Additional actions include retail product introduction and driving up profit margins; introduction of events to compensate for losses on corporate functions and weddings.



## Centrally Managed Budgets

| Forecast |                         | 2009/10 |                  |                   |                   |
|----------|-------------------------|---------|------------------|-------------------|-------------------|
| Variance | Division                | Budget  | Forecast Outturn | Forecast Variance | Forecast Variance |
| Month 3  |                         | Month 4 | Month 4          | Month 4           | Month 4           |
| £'000    |                         | £'000   | £'000            | £'000             | %                 |
| -        | Bulk Insurance Premia   | 2,960   | 2,960            | -                 | 0.0%              |
| (220)    | Concessionary Fares     | 7,345   | 7,125            | (220)             | -3.0%             |
| (375)    | Capital Financing Costs | 10,319  | 9,944            | (375)             | -3.6%             |
| -        | Levies & Precepts       | 195     | 195              | -                 | 0.0%              |
| (150)    | Other Corporate Items   | 5,348   | 5,198            | (150)             | -2.8%             |
| (745)    | Total                   | 26,167  | 25,422           | (745)             | -2.8%             |

## Explanation of Key Variances

The concessionary bus fares budget is forecast to underspend by £0.220 million due to the increase in journey numbers for the first three months being below the 10% increase in journey numbers that was allowed for in the budget. The overall increase in journey numbers was 4.2% in April, 3.1% in May and 7.6% in June, however within this there are routes heading for Saltdean, Peacehaven and Eastbourne that have seen a much higher increase in concessionary journeys. There has only been one appeal to the Department of Transport in respect of the 2009/10 scheme which is from Stagecoach South. The outcome of the appeal is not expected until the start of the next calendar year and in the meantime discussions continue with Stagecoach South in respect of an additional capacity cost claim.

The collection fund is currently forecast to come in on budget. However, it is hoped that the number of new properties added to the valuation list through the course of the year, will exceed the anticipated increase in exempt student properties so that there will be a net increase in the number of properties, which will improve the position.

There is a forecast £0.375 million underspend on Financing Costs (after a contribution from the interest rate reserve of £0.900 million).

Contingency is forecast to underspend by £0.150 million.

The forecast assumes the transfer of £0.700 million from contingency to support Building Schools for the Future; this transfer is dependent on a break even revenue outturn position. There is also £0.750 million still held as risk provision which is currently unallocated.

## Section 75 Partnerships

| Forecast<br>Variance<br>Month 3<br>£'000 | Division                    | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|-----------------------------|---------------------------------------|---|--|--------------------------------------|
| 53                                       | Council managed S75 Servs   | 23,804                                | 23,804                                  | -  | 0.0%                                 |
| 336                                      | NHS Trust managed S75 Servs | 13,540                                | 13,832                                  | 292                                      | 2.2%                                 |
| 389                                      | Total S75                   | 37,344                                | 37,636                                  | 292                                      | 0.8%                                 |

### Explanation of Key Variances

Council managed S75 services (Learning Disabilities) are forecasting a breakeven position. A financial recovery plan of £1.9 million is in place and the forecast assumes achievement of this target. To date, £0.878 million has been achieved as a result of panels ensuring that eligibility criteria (FACs) are applied robustly; there are also cost reductions from Preston Drove remodelling and the Home Care review. Discussions with the PCT are ongoing on complex cases which are considered eligible for Continuing Health Care or Joint Funding which it is anticipated will address the remaining element of the Financial Recovery Plan.

NHS Trust managed S75 services are forecasting an overspend of £0.292 million as follows:

- Sussex Partnership Foundation Trust (SPFT) – Mental Health & Substance Misuse is overspending by £0.292 million due to increases in the number and cost of homecare placements in Adult Mental Health.
- South Downs Health Trust – is forecasting a small overspend of £0.009 million, due to a small pressure on the community equipment budget. The Trust expects to manage this pressure.

Generally, the S75 Partnership Agreements require the Integrated Service Providers (SPFT and SDH) to manage in-year cost pressures and carry this risk, subject to any agreement by the partners to vary risk-sharing provisions within the agreements. However, in practice, overspends can arise for a combination of unplanned provider and/or commissioning reasons and therefore overspends often need to be resolved jointly by commissioners and the provider/s by agreeing new risk sharing parameters. Risk share arrangements and ways of controlling expenditure are being actively discussed with SPFT to ensure that the current pressure is managed.

**Housing Revenue Account (HRA)**

| Forecast<br>Variance<br>Month 3<br>£'000 |                                 | 2009/10<br>Budget<br>Month 4<br>£'000 | Forecast<br>Outturn<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>£'000 | Forecast<br>Variance<br>Month 4<br>% |
|--|---------------------------------|---------------------------------------|---|--|--------------------------------------|
|  | <b>Housing Revenue Account</b>  |                                       |   |  |                                      |
| (378)                                    | Employees                       | 9,266                                 | 8,748                                   | (518)                                    | -5.6%                                |
| (146)                                    | Premises – Repair               | 10,728                                | 10,659                                  | (69)                                     | -0.6%                                |
| 9  | Premises – Other                | 3,038                                 | 3,047                                   | 9  | 0.3%                                 |
| (41)                                     | Transport & Supplies            | 2,113                                 | 2,106                                   | (7)                                      | -0.3%                                |
| 2  | Support Services                | 2,251                                 | 2,232                                   | (19)                                     | -0.8%                                |
| 140                                      | Revenue contribution to capital | 5,034                                 | 5,174                                   | 140                                      | 2.8%                                 |
| (628)                                    | Capital Financing Costs         | 4,356                                 | 3,743                                   | (613)                                    | -14.1%                               |
| 922                                      | Subsidy Payable                 | 11,083                                | 11,995                                  | 912                                      | 8.2%                                 |
| (120)                                    | Net Expenditure                 | 47,869                                | 47,704                                  | (165)                                    | -0.3%                                |
| 5  | Dwelling Rents (net)            | (41,168)                              | (41,084)                                | 84                                       | 0.2%                                 |
| -  | Other rent                      | (1,222)                               | (1,237)                                 | (15)                                     | -1.2%                                |
| 75                                       | Service Charges                 | (3,861)                               | (3,782)                                 | 79                                       | 2.0%                                 |
| 20                                       | Supporting People               | (564)                                 | (544)                                   | 20                                       | 3.5%                                 |
| 104                                      | Other recharges & interest      | (1,054)                               | (968)                                   | 86                                       | 8.2%                                 |
| 204                                      | Net Income                      | (47,869)                              | (47,615)                                | 254                                      | 0.5%                                 |
| <b>84</b>                                | <b>Total</b>                    | <b>-</b>                              | <b>89</b>                               | <b>89</b>                                |                                      |

**Explanation of Key Variances**

The forecast spend has marginally increased to a projected overspend of £0.089 million compared to the overspend of £0.084 million forecast at month 3.

- TBM month 3 showed a forecast underspend on Employees of £0.378 million due to the anticipated pay award being lower than budgeted for and vacancy management, this underspend has increased to £0.518 million. Vacancy management continues to be the major factor pending reviews to be implemented as part of the Housing Management improvement programme.
- Premises- Repairs are projected to underspend by £0.069 million (£0.146 million in month 3). This is due to the new service contracts being implemented later than expected. The change from month 3 is due, in part, to an increase in rates for Lift Servicing taking effect from August.
- Revenue Contributions to Capital, continues to be projected as a £0.140 million overspend. The capital projection variation relating to 6 major voids was approved at TMT cabinet on 29 June 2009.
- The current economic situation has led to a change in the corporate policy towards Treasury management. In order to substantially reduce its

exposure to risk, the council has prematurely repaid some £57 million of debt. This early repayment has also benefited the council by reducing capital financing costs of which the HRA has seen a reduction of £0.525 million, (i.e. £0.613 million capital financing costs underspend net of £0.088 million interest reduction shown under Income). However, for the HRA, due to the complexities of the subsidy system, there is also an increase of £0.912 million Housing Subsidy payable to central government resulting in a net overspend of £0.387 million.

The council is monitoring the financial markets and when there are signs that the markets are returning to a more stable and secure outlook, these interim measures will be withdrawn and new borrowing will be raised. If and when this happens, the negative impact on the HRA will be revised.

- The amount the council charges its leaseholders of sold council flats for major works is projected to under-achieve by £0.075 million. The amount that can be charged to leaseholders is dependant upon the completion of capital schemes within a strict timescale. The budget for income relating to major works anticipated schemes completing earlier than was the case. However, it should be noted that any income not received during 2009/10 will be receivable in the next financial year.
- Dwellings rents are likely to underachieve by £0.080 million due to Temporary Accommodation properties being held vacant pending conversion of shared facilities.

## KEY ACTIVITY DATA SUPPORTING CORPORATE CRITICAL BUDGET FORECASTS

|   | Activity Indicator | Unit Cost Indicator | BUDGET   |                           |             | FORECAST |                           |             | VARIANCE |                           |             |
|---|--------------------|---------------------|----------|---------------------------|-------------|----------|---------------------------|-------------|----------|---------------------------|-------------|
|   |                    |                     | Activity | Unit Cost/<br>Income<br>£ | Budget<br>£ | Activity | Unit Cost/<br>Income<br>£ | Budget<br>£ | Activity | Unit Cost/<br>Income<br>£ | Budget<br>£ |
| <b>Child Agency &amp; In-house Placements</b> |                    |                     |          |                           |             |          |                           |             |          |                           |             |
| Disability Agency                             | Number of children | Cost per week       | 9.00     | 1,893.30                  | 888,500     | 8.99     | 2,048.58                  | 960,300     | (0.0)    | 155                       | 71,800      |
| Disability Respite                            |                    |                     | n/a      | n/a                       | 157,000     | n/a      | n/a                       | 123,000     |          |                           | (34,000)    |
| Independent Foster Agency (IFA)               | Number of children | Cost per week       | 96.00    | 946.20                    | 4,736,400   | 130.51   | 840.14                    | 5,717,300   | 34.5     | (106)                     | 980,900     |
| Residential Agency                            | Number of children | Cost per week       | 42.00    | 2,419.09                  | 5,297,800   | 35.79    | 2,563.08                  | 4,783,200   | (6.2)    | 144                       | (514,600)   |
| Secure Accommodation                          | Number of children | Cost per week       | 2.00     | 4,088.77                  | 426,400     | 4.58     | 3,953.28                  | 944,100     | 2.6      | (135)                     | 517,700     |
| In-House Placements                           | Number of children | Cost per week       | 401.00   | 268.32                    | 5,610,400   | 376.45   | 285.56                    | 5,605,400   | (24.6)   | 17                        | (5,000)     |
| Leaving Care Accommodation                    | Number of children | Cost per week       | 43.50    | 404.15                    | 916,700     | 45.88    | 298.87                    | 715,000     | 2.4      | (105)                     | (201,700)   |
| Leaving Care Ex AsylumSeekers                 | Number of children | Cost per week       | 16.00    | 133.65                    | 111,500     | 29.55    | 191.59                    | 295,200     | 13.6     | 58                        | 183,700     |
| Educational Agency (DSG)                      | Number of children | Cost per week       | 121.00   | 723.81                    | 4,566,700   | 103.00   | 760.38                    | 4,083,804   | (18.0)   | 37                        | (482,896)   |
|   |                    |                     |          |                           |             |          |                           |             |          |                           | 515,904     |
| <b>Community Care</b>                         |                    |                     |          |                           |             |          |                           |             |          |                           |             |
| NHSCc Older People                            | No. WTE Clients    | Cost per week       | 1,645    | 205                       | 17,563,000  | 1,820    | 185                       | 17,564,000  | 175.0    | (20)                      | 1,000       |
| NHSCc Physical Disabilities                   | No. WTE Clients    | Cost per week       | 486      | 191                       | 4,833,000   | 643      | 162                       | 5,435,000   | 157.0    | (29)                      | 602,000     |
| NHSCc Asylum Seekers MH                       | No. WTE Clients    | Cost per week       | 40       | 174                       | 367,000     | 88       | 123                       | 567,000     | 48.0     | (51)                      | 200,000     |
|   |                    |                     |          |                           |             |          |                           |             |          |                           | 803,000     |
| <b>Section 75 Learning Disabilities</b>       |                    |                     |          |                           |             |          |                           |             |          |                           |             |
| S75 NHSCc Learning Disabilities               | No. WTE Clients    | Cost per week       | 682      | 581                       | 20,657,000  | 697      | 565                       | 20,543,000  | 15.3     | (16)                      | (114,000)   |
| <b>S75 NHS &amp; Community Care Act</b>       |                    |                     |          |                           |             |          |                           |             |          |                           |             |
| S75 NHSCc Adult Mental Health                 | No. WTE Clients    | Cost per week       | 235      | 260                       | 3,184,000   | 305      | 226                       | 3,589,000   | 69.9     | (34)                      | 405,000     |
| S75 NHSCc Older People Mental Health          | No. WTE Clients    | Cost per week       | 483      | 262                       | 6,608,000   | 524      | 242                       | 6,606,000   | 41.0     | (20)                      | (2,000)     |
| S75 NHSCc Substance Misuse                    | No. WTE Clients    | Cost per week       | 5        | 390                       | 104,000     | 5        | 409                       | 104,000     | (0.1)    | 19                        | 0           |
| S75 NHSCc HIV                                 | No. WTE Clients    | Cost per week       | 26       | 154                       | 210,000     | 32       | 134                       | 224,000     | 5.8      | (20)                      | 14,000      |
|   |                    |                     |          |                           |             |          |                           |             |          |                           | 417,000     |



## SUMMARY CAPITAL TABLES

|   | 2009/10<br>Budget<br>£'000 | 2010/11<br>Budget<br>£'000 | 2011/12<br>Budget<br>£'000 | Total<br>Changes<br>£'000 |
|---|----------------------------|----------------------------|----------------------------|---------------------------|
| <b>New Schemes Summary (Appendix 4)</b> |                            |                            |                            |                           |
| <b>CYPT</b>                             |                            |                            |                            |                           |
| Children's Social Services              | 43                         |                            |                            | 43                        |
| Cookery in the Curriculum               | 345                        |                            |                            | 345                       |
| Youth Capital Fund                      | 122                        |                            |                            | 122                       |
| <b>Environment</b>                      |                            |                            |                            |                           |
| Controlled Parking Scheme               | 640                        |                            |                            | 640                       |
| Cycling Town                            | 316                        |                            |                            | 316                       |
| <b>Finance &amp; Resources</b>          |                            |                            |                            |                           |
| Land at Falmer Way                      | 45                         |                            |                            | 45                        |
| <b>Total Changes to Budgets</b>         | <b>1,511</b>               | <b>-</b>                   | <b>-</b>                   | <b>1,511</b>              |

|  | 2009/10<br>Budget<br>£'000 | 2010/11<br>Budget<br>£'000 | 2011/12<br>Budget<br>£'000 | Total<br>Changes<br>£'000 |
|--|----------------------------|----------------------------|----------------------------|---------------------------|
| <b>Reprofiles Summary (Appendix 5)</b> |                            |                            |                            |                           |
| <b>CYPT</b>                            |                            |                            |                            | -                         |
| New Deal for Schools Modernisation     | 350                        | (350)                      |                            | -                         |
| Devolved Formula Capital               | 1,146                      | (1,146)                    |                            | -                         |
| ICT Fund                               | (500)                      | 500                        |                            | -                         |
| Kitchens & Bathrooms                   | 500                        | (500)                      |                            | -                         |
| <b>Total Changes to Budgets</b>        | <b>1,496</b>               | <b>(1,496)</b>             |                            | <b>-</b>                  |

|   | 2009/10<br>Funding<br>£'000 | 2009/10<br>Budget<br>£'000 | Total<br>Changes<br>£'000 |
|---|-----------------------------|----------------------------|---------------------------|
| <b>Budget Variations Summary (Appendix 6)</b> |                             |                            |                           |
| <b>Adult Social Care &amp; Housing</b>        |                             |                            |                           |
| Craven Vale Project                           |                             | 63                         | 63                        |
| Grant   | (63)                        |                            | (63)                      |
| <b>CYPT</b>                                   |                             |                            |                           |
| Our Lady of Lourdes                           |                             | 120                        | 120                       |
| Extended Services                             | (120)                       |                            | (120)                     |
| <b>Total Changes to Budgets</b>               | <b>(183)</b>                | <b>183</b>                 | <b>-</b>                  |





## New Capital Schemes for all Directorates

Directorate: CYPT

New Project Budget: £43,000

Project Title: Children's Social services

This funding is available to support capital costs associated with improving /providing facilities required for the welfare of individual children. Each case is considered on its merits and funding is agreed where considered in the best interests of the child. An example may be a contribution to adaptations to the home of a disabled child.

| 2009/10<br>£ | 2010/11<br>£ | 2011/12<br>£ | Total<br>£ |
|--------------|--------------|--------------|------------|
| 43,000       |              |              | 43,000     |

In December 2007 government departments announced details of their assessment of local authorities' relative need to incur capital expenditure. £0.043 million supported borrowing was allocated to Personal Social Services for 2009/10.

Directorate: CYPT

New Project Budget: £345,000

Project Title: Cookery in the Curriculum

This is a Targeted Capital Fund grant to fund practical cookery spaces in schools that do not have the facilities. This was following a change in the national curriculum that made the teaching of cookery skills compulsory for key stage 3 students from September 2011. A bid was submitted in respect of Cardinal Newman School and Hillside Special School. The bid was successful and the £0.345 million is for the work at Cardinal Newman School which is being undertaken this year. The work at Hillside will be undertaken next year and we will receive £0.3 million for that in the 2010 / 11 financial year.

| 2009/10<br>£ | 2010/11<br>£ | 2011/12<br>£ | Total<br>£ |
|--------------|--------------|--------------|------------|
| 345,000      |              |              | 345,000    |

The grant in respect of practical cooking teaching spaces in schools was offered at a flat rate of £300,000 per school without access to such facilities. The funding in the first year will be allocated to Cardinal Newman School which, because it is a Voluntary Aided school, has also been granted the VAT at 15%. The project is being taken forward by the school and the catholic diocese and if the grant does not cover the full cost of the provision the school and / or the diocese will be required to meet the remainder of the costs.

Directorate: CYPT  
Project Title: Youth Capital Grant

New Project Budget: £121,800

This project is the council's share of the national Youth Capital Fund Grant for 2009/10.

The aim of the Youth Capital Fund is to improve the provision of positive activities for young people. Funded activities must support the five Every Child Matters outcomes, benefit the local community and offer good value for money.

Authorities must also ascertain young people's views on provision. Capital investments through the Youth Capital Fund are integral to the Government's broader ambitions to improve the range and quality of places for young people to complement investments through "myplace", which is a national programme to deliver world class youth facilities and is managed on behalf of the government by the Big Lottery Fund.

The Grants are paid under section 14(2) of the Education Act 2002 to provide financial assistance only for the purposes of supporting the provision of activities and facilities for young people.

| 2009/10<br>£ | 2010/11<br>£ | 2011/12<br>£ | Total<br>£ |
|--------------|--------------|--------------|------------|
| 121,800      |              |              | 121,800    |

The Youth Capital grant funding due from the DCSF for 2009/10 is £121,800.

Directorate: Environment  
Project Title: Controlled Parking Scheme

New Project Budget: £640,000

Residents and ward councillors have made strong representations for inclusion in controlled parking schemes. In November 2006 a timetable was agreed by Environment Committee, showing that consultation on the Preston Park Station scheme, Preston Park Avenue and Stanford ward (the Martlets) would commence in 2007 and if agreed, be completed during 2009. The financial impact of the revenue from this new scheme has been included within the budget for 2009/10.

It was agreed by Environment Committee that the final stages of implementing parking schemes on the timetable would be funded by capital budgets.

Detailed work has already been undertaken for this scheme, and approval is now sought to set up the capital budget to cover the costs of the consultation, physical works, and consultancy costs. New parking schemes are funded through unsupported borrowing, repaid over 7 years.

| 2009/10<br>£ | 2010/11<br>£ | 2011/12<br>£ | Total<br>£ |
|--------------|--------------|--------------|------------|
| 640,000      |              |              | 640,000    |

The financial impact of the revenue to be achieved from this new scheme has been included within the budget for 2009/10. Likewise the ongoing additional revenue costs of enforcement, processing and repayment of borrowings. Therefore, the costs of implementing this new parking scheme are designed to be cost-neutral to the council.

---

Directorate: Environment  
Project Title: Cycling Town

New Project Budget: £316,000

---

B&HCC submitted a further bid for Cycling Town (CT) funding from Cycling England in April 2008. The city successfully secured a further three years external funding of £1.5 million. This was presented to the CMM meeting on 11 September 2008 for formal acceptance.

The funding is provided by the Department for Transport through Cycling England. Including match funding, the City will benefit from over £3 million investment for cycling infrastructure and promotional measures between 2008/09 to 2010/11.

The funding will enable cycling infrastructure and associated promotional measures to continue across the city including:

- i. City Wide cycle network and improvement to the National Cycle Network (NCN) local routes.
- ii. Personalised Travel Planning for approximately 39,000 households
- iii. Free Bikeability training for a minimum of 3,900 pupils (1,300 per year).
- iv. 36 Bike IT Schools to receive promotional and engineering incentives.

Improving awareness and provision for cycling increases overall transport choice for residents and visitors. Encouraging sustainable forms of transport, such as cycling, will contribute towards reducing air and noise pollution in the city.

A consultation strategy is identified and members will be informed prior to commencement of any works. Consultation will involve key stakeholders and any external and internal consultation. Where appropriate, public consultation and member briefings will take place. The City Council is required to provide match funding using spend on previously agreed schemes and no additional funding is required.

Regular monitoring and communication with Cycling England will ensure relevant risks are identified and action taken accordingly. Failure to complete any committed works could result in loss of part or all of the funding. The financial impact of the revenue to be achieved from this new scheme has been included within the budget for 2009/10. Likewise the

ongoing additional revenue costs of enforcement, processing and repayment of borrowings. Therefore, the costs of implementing this new parking scheme are designed to be budget neutral to the council.

| 2009/10<br>£ | 2010/11<br>£ | 2011/12<br>£ | Total<br>£ |
|--------------|--------------|--------------|------------|
| 316,000      |              |              | 316,000    |

Directorate: Finance & Resources

New Project Budget: £45,000

Project Title: Land at Falmer Way

The Community Stadium Limited (TCSL) secured planning permission to deposit excavated chalk arising from the construction of the Community Stadium onto a field owned by the council directly opposite the Stadium site. A 7-year licence was granted to the Club to enable this work to take place.

The Land was subject to a 1986 Agricultural Holdings Act tenancy and to enable the project to proceed it was necessary for the council to negotiate a surrender of the farm tenant's interest.

The stripping, storage and depositing of the chalk will be carried out to a specification to minimise the effects of soil handling and on completion the land will undergo an aftercare plan by TCSL to restore the land to a level of quality that will enable continued agricultural use.

On 30 March the Leader and the Cabinet Members for Environment, Culture Recreation & Tourism and Enterprise Employment & Major Projects were briefed on the negotiations and a report was presented to Cabinet on 11 June 2009.

The project supports the council's priority to protect the environment while growing the economy by reducing potential lorry movements and carbon emissions. By granting consent the Club will avoid the need to transport the chalk off site saving lorry movements and CO<sub>2</sub> emissions.

| Capital expenditure profile |         |         |         |        |
|-----------------------------|---------|---------|---------|--------|
| Year                        | 2009/10 | 2010/11 | 2011/12 | TOTAL  |
| Estimated costs and fees    | 45,000  | 0       | 0       | 45,000 |

The 7 year licence to the Club covers a premium to be paid to the council of £0.320 million. From the premium paid, the council will fund the costs of the surrender premium paid to the farm tenant, the professional fees incurred and the costs of monitoring the chalk disposal and aftercare works. The total cost of the premium and fees is £365,000, requiring a net investment of £45,000 from the council after taking into account the premium payable by the Club to the council.

The costs of monitoring the chalk disposal and aftercare plan will be approximately £2,560 for the first year and approximately £1,520 for each subsequent year for the duration of the licence plus fees for analysing surveys to assess volume of chalk deposited.

## Re-profiles for all Directorates

|                                     |                             |
|-------------------------------------|-----------------------------|
| Directorate: CYPT                   | Approved Budget: £1,364,880 |
| Project Title: New Deal for Schools | Revised Budget: £1,714,880  |
| Modernisation                       | Variation: £350,000         |

This is a forward funding amendment to the Capital Programme due to the need to provide additional temporary accommodation at West Blatchington primary school to accommodate a further additional form of entry. Last year we provided temporary additional forms of entry at West Blatchington and Davigdor infant schools. We accepted that the additional form of entry at Davigdor would need to be a permanent expansion and are working towards providing this permanent expansion at the present time. We had expected that the temporary additional form of entry would only be required for one year at West Blatchington and, therefore, we provided just one additional classroom. It has now become apparent that the additional form of entry will be required for the 2009/10 and the 2010/11 academic years too. Consequently we have decided that the best course of action is to purchase rather than hire further additional accommodation as it will need to be in site for a considerable period of time.

We estimate that the cost of this temporary accommodation, complete with groundworks and delivery is likely to be in the order of £0.300 million. There is no budget available in the current financial year to meet this cost since all budget headings are fully committed, however at the present time there is funding available from the NDS heading in 2010/11 that is as yet uncommitted. It is proposed that some of the NDS funding from next year be brought forward to fund the provision of the temporary accommodation at West Blatchington. To ensure that there is adequate funding available, the sum requested to be brought forward is £0.350 million.

Indicative figures for 2010/11 NDS Modernisation is £2.3 million of which £1.3 million is already committed. There are therefore sufficient uncommitted funds to bring forward £0.350 million to 2009/10 for this project.

|   |                             |
|---|-----------------------------|
| Directorate: CYPT                       | Approved Budget: £2,656,960 |
| Project Title: Devolved Formula Capital | Revised Budget: £3,803,410  |
|   | Variation: £1,146,450       |

This represents the bringing forward of 40% of all indicative Devolved Formula Capital (DFC) allocations for 2010/11 to 2009/10 as advised by the DCSF on 3<sup>rd</sup> March 09. This acceleration is a key plank of the Government's fiscal stimulus package to boost the economy in the current downturn.

The purpose of DFC is that it is capital funding that schools can use to undertake capital works on their own behalf. It is intended that the works should contribute towards the improvement and modernisation of the school buildings and be undertaken in accordance with their asset management plans. Typical works could include playground upgrades, small extensions or internal modifications etc. It is also intended that schools could use

this funding to meet any changes in legislations that may arise, and for which they have responsibility, such as the recent changes in fire regulations etc. The rules around this funding mean that schools have the option to roll the funding up for a maximum of three years, effectively allowing them to 'save up' for larger projects that they may wish to undertake.

We have asked all schools whether they wish to take advantage of the 40% forward funding opportunity. The up to date position in respect of this forward funding only is as follows;

£0.619 million has already been requested (some of which has already been transferred to schools);

£0.352 million will definitely not be requested this financial year

£0.176 million is as yet unallocated – we are awaiting the return of forms to see how much, if any, will be requested this year.

The original Devolved Formula Capital allocation for 2009/10 was £2.657 million. The indicative allocation for 2010/11 is £2.866 million of which the 40% to be brought forward is £1.146 million. Any unspent funds can be carried forward to 2010/11.

|  |                           |
|--|---------------------------|
| Directorate: Adult Social care & Housing (HRA) | Approved Budget: £700,000 |
| Project Title: ICT Capital Budget              | Revised Budget: £200,000  |
|  | Variation: (£500,000)     |

The major part of the budget was for the replacement of the council's main Housing Management System, OHMS. Due to the risk and potential for service disruption of implementing a new IT system at the same time as implementing IT changes required for the new Repairs and Maintenance contract, Housing Management have decided to move the replacement of OHMS to 2010/11.

There will be no effect on Service Delivery.

## Budget Variations for all Directorates

### Adult Social Care & Housing

|  |                           |
|--|---------------------------|
| Directorate: Adult Social care & Housing | Approved Budget: £155,600 |
| Project Title: Craven Vale               | Revised Budget: £218,600  |
|  | Variation: £63,000        |

The project costs have increased since the original budget allocation was agreed, due to scope of tenders being changed to ensure the 7 new en-suite rooms met full inspectorate (CSCI) standards and provided necessary space for assistance in each of the bedrooms and en-suite areas.

The variation of £0.063 million will be financed from utilisation of the Mental Health Capital Grant allocation for 2009/10 (total grant £0.130 million). There are no conditions attached to this grant funding, so it can be spent on any related capital purpose.

|  |                             |
|--|-----------------------------|
| Directorate: Adult Social care & Housing (HRA) | Approved Budget: £2,189,980 |
| Project Title: Kitchens and Bathrooms          | Revised Budget: £2,689,980  |
|  | Variation: £500,000         |

The 2009/10 approved budget provision for central and west areas in terms of the decent homes kitchens and bathrooms programme carried out by Kier, the contractor for these areas, has been completed ahead of schedule. The kitchen and bathroom programme in these areas of the city will remain dormant until April 2010 unless alternative proposals are considered and adopted as an approved way forward,

It is proposed that £0.500 million of the 2010/11 kitchen and bathroom for the central and west areas of the city, which is part of the new housing procurement contract, is brought forward into 2009/10 programme. This initiative would provide continuity of the decency programme in a very important area of kitchens and bathrooms and would also facilitate a full 1% reduction against our decent homes target. However, as this work would have been undertaken by Mears Limited within the new contract of 2010/11 it is proposed that the work is awarded to Mears and they work on kitchen and bathrooms in the central and west areas of the city for the remainder of 2009/10.

The HRA Business Plan includes funding for Kitchens and Bathrooms next year (and over the 30 years) and this will be updated with the changes proposed above.

|                                    |                          |
|------------------------------------|--------------------------|
| Directorate: CYPT                  | Approved Budget: £0      |
| Project Title: Our Lady of Lourdes | Revised Budget: £120,420 |
|                                    | Variation: £120,420      |

The proposal is to enclose and extend an area known as the arches in the infant playground of Our Lady of Lourdes RC Primary School in Rottingdean to create an internal space and also to undertake groundwork to return some of the playground area taken

through this development. In addition, the provision of additional toilets is proposed. This is to enable delivery of afterschool and holiday childcare provision for Our Lady of Lourdes RC Primary School and St Margaret's CE Primary School.

Provision of after school childcare provides vital support to parents to enable them to access work and training thus contributing to the corporate priority to protect the environment while growing the economy. It also contributes to the priority to reduce inequality by increasing opportunity by reducing worklessness and by giving children the best start in life through provision of cultural and learning opportunities that enable them to aim high and achieve their potential.

The provision of the Core Offer of Extended Services, including childcare from 8-6 in primary schools where there is demand, is both a government target for all schools and priority 15 in the CYPT Children and Young People's Plan 'To improve the engagement, achievement and enjoyment of children and young people through extended services support, out of hours learning and recreational activities.'

The capital development proposed will enable our Lady of Lourdes and St Margaret's to improve and extend the varied menu of out of school and recreational activities that they provide.

Surveys of parents in Our Lady of Lourdes and St Margaret's have demonstrated that there is considerable demand for childcare that is not currently being met. In July 2008, there was demand for 184 places a week for 73 children, an average of 37 places a day. This is sufficient for a sustainable afterschool club and the Local Authority has a new statutory duty to provide sufficient childcare to enable parents to work.

Consideration has been given to other options for provision of childcare within the local community. Because of Rottingdean's location, it is not feasible for most parents to access other provision. A small number of children access Boomerang Kids Club at Saltdean but this requires transport outside the community, increasing carbon emissions and separating children from their friendship group.

Consideration has also been given to refurbishment of a community venue called 'The Cottage', as initially the schools did not feel in a position to establish a club on either school site. However, a number of substantial problems were identified with this building including the need for additional toilets and limited internal space. This would restrict the capacity of the club and therefore affect the sustainability and economic feasibility of the service. Necessary alterations to ensure the service met Ofsted guidelines were unquantifiable due to the issue of raised drains and building restrictions. In addition, The Cottage would not be available for use during holiday periods again affecting ability to meet demand and core offer requirements and adversely affecting sustainability.

Because of the problems with 'The Cottage', extensive work has been undertaken with both schools in Rottingdean to identify an alternative solution. As a result of this work the Headteacher at Our lady Of Lourdes identified that there was a there was a space within the school site that with capital development would make an ideal site for delivering afterschool childcare. The Headteacher is supportive and enthusiastic about the proposal and the support it will offer to both children and parents.

Consultation has taken place with parents at both schools in Rottingdean, and with the Headteachers of both Our Lady of Lourdes and St Margaret's. In addition, discussion



concerning the need for after school provision has taken place with stakeholders through the Deans Cluster meetings which include representatives of all the schools in Rottingdean, Governors, parents and Community and Voluntary sector elected representatives. In addition the Headteacher of Our Lady of Lourdes has discussed proposals with her Chair of Governors, Councillors, and diocesan representatives who have given their approval to the scheme.

The project will be funded from the Extended Services Capital Budget; this is a budget within the schools capital budget that is restricted to capital work required to meet the core offer of Extended Services. Ongoing maintenance of the facility following completion will be the responsibility of the school and there will be a formal agreement with the school in relation to use of the facility for Extended Services initiatives. A feasibility study for the Extended Services Development at Our Lady of Lourdes has put the cost of the project at £0.120 million. The majority of the works will be funded by the Extended Services Capital Budget at a cost of £0.115 million. Our Lady of Lourdes has agreed to fund the works to extend the school playground at £0.005 million.

In addition to the one off capital expenditure, there will also be start up costs associated with this project including a one off capital grant to fund equipment and furnishings for the childcare service at £0.005 million and a one off start up grant of £0.010 million to sustain the service until numbers are established. The Extended Services Childcare Revenue and Capital Budget will fully fund these activities.



|                         |                                       |  |                    |
|-------------------------|---------------------------------------|--|--------------------|
| <b>Subject:</b>         | <b>Pedestrian Network – Phase Two</b> |  |                    |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>              |  |                    |
| <b>Report of:</b>       | <b>Director of Environment</b>        |  |                    |
| <b>Contact Officer:</b> | <b>Name:</b>                          | <b>David Parker</b>                      | <b>Tel:</b> 292474 |
|                         | <b>E-mail:</b>                        | <b>david.parker@brighton-hove.gov.uk</b> |                    |
| <b>Key Decision:</b>    | <b>Yes</b>                            | <b>Forward Plan No: CAB6466</b>          |                    |
| <b>Wards Affected:</b>  | <b>Regency</b>                        |  |                    |

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

- 1.1 To inform the Cabinet of the results of consultation on the Pedestrian Network Phase Two proposals and request permission to begin implementation of the scheme. The principle of the Pedestrian Network Improvement Scheme is to create a more attractive, accessible and safer environment in which Brighton & Hove's visitors, residents and workers feel confident and safe to move around. These proposals include enhancing pavements and crossing points in key areas along the seafront and will contribute to the economic vitality of the city, the Council's Legibility Strategy, and continue making Brighton & Hove an attractive destination.

**2. RECOMMENDATIONS**

- 2.1 That Cabinet notes the consultation results which indicate an overall support for the scheme as consulted.
- 2.2 That Cabinet approves commencement of detailed design and implementation of the scheme to include advertising the associated Traffic Regulation Orders and entry treatments under the Road Traffic Act 1984.
- 2.3 That Cabinet further approves the commencement of feasibility, design and consultation of a Phase 3 which will examine the potential of further measures in the East Street area. Members will be informed of the outcome of the consultation and findings will be brought back to a future Cabinet Member Meeting.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Cabinet Member for Environment authorised implementation of the first phase of the Pedestrian Network on 27 January 2009. The Cabinet authorised consultation of Phase Two of the scheme on 11 December 2008 and this report sets out the plans following consultation of Phase Two of the project.
- 3.2 Phase Two is designed to improve access to the seafront, notably the city's largest asset and attraction. Secondly, it will enhance the appearance of an area

with undeveloped potential which has become tired and worn and will support local businesses. It is also designed to build on and continue the progress made in Phase One from Middle Street to Black Lion Street along to East Street. The proposals for Phase Two are shown in the Appendices: a plan of the existing layout is shown in Appendix A and a plan showing the proposed schemes is in Appendix B.

- 3.3 The area of Phase Two comprises the southern section of East Street and the Kings Road (north of the Queens Hotel and the area in front and bordered by the Thistle Hotel, Dr Brighton's pub, and the Queens Hotel).
- 3.4 East Street is the major pedestrian route between three of the city's key tourist destinations; the Royal Pavilion, the Lanes and the seafront. Over recent years its appearance has degenerated. Through the use of good design and materials, the attractiveness and accessibility of the area will be improved. The scheme essentially includes upgrading the footway surfacing and improving the layout, together with an improved single stage pedestrian crossing providing a more direct link to the seafront.
- 3.5 The scheme therefore provides benefits for local businesses and hotels in the area by improving the look and feel of the area, and seeks to provide a more direct and natural linkage for visitors to the seafront from the Lanes via East Street with a closure to vehicles (except servicing) at the southern end of East Street. Access for loading will be provided in Brills Lane, leading to the loss of 3 disabled parking bays, and will be from the seafront only. The closure of the southern section of East Street will involve the removal of two Pay & Display parking bays. It is considered that sufficient parking provision will remain in East Street following implementation of Phase Two.
- 3.6 The area bordered by the Thistle Hotel, Dr Brighton's pub, Queen's Hotel and the A259 is dominated by poorly positioned car parking and a bus stop, and is tired and worn. The scheme will improve pedestrian movement in this area through re-positioning of the taxi rank to a better position closer to the A259, with the bus stop relocated and the potential provision of a coach loading bay and installing new footway surfacing using high quality materials.
- 3.7 As part of the work in developing the Phase Two scheme, officers have investigated the feasibility of altering traffic movement and direction in the area to improve access for both pedestrians and vehicles using and servicing surrounding businesses. This has also been included in the consultation.
- 3.8 The traffic direction along East Street will be revised so traffic moving south along East Street will turn right at King's Road and will join the A259 between the Queen's Hotel and the Thistle Hotel. To allow this the traffic flow is reversed in Kings Road (minor road behind Queens Hotel). This will allow the pedestrian crossing to be positioned on the natural pedestrian desire line between this area and the Seafront.
- 3.9 In order to cater for large vehicles turning into Kings Road (minor) from East Street it will be necessary to move the loading facility further west along Kings Road (minor) with the loss of three parking bays. However, the long term economic benefits of the scheme will outweigh the loss in revenue.

- 3.10 The works associated with this second phase will be carried out with funding from Brighton & Hove City Council's Local Transport Plan 2006/07 to 2010/11.

#### **4. CONSULTATION**

- 4.1 A public exhibition of the proposed scheme was held between the 3 and 17 February 2009 at Brighton Town Hall. 250 local residents and businesses from the scheme area and 18 stakeholder groups received personal invitations. Additional consultation with key stakeholders and local businesses was carried out throughout the design process and direct consultation with local Members of Regency ward was also undertaken.
- 4.2 The Queens Hotel and the Thistle Hotel indicated their support for the proposals as it would improve the quality of the area directly outside the hotels' frontage. Outside of the consultation process positive comments have been received from local businesses following the completion of Phase One.
- 4.3 Conceptual plans of the proposed scheme were presented to members of the Taxi Forum on 25 February 2009 and more detailed plans were distributed to members via the Hackney Carriage Office with a two week period for responses. No comments were received during this period but further engagement with the taxi trade will be carried out as part of the Traffic Regulation Order process.
- 4.4 A full breakdown of the consultation response is contained in Appendix C.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 Any costs associated with the implementation of Phase Two of this scheme will be covered by the allocation of funding from Walking Networks within the Local Transport Plan. This amounts to £450k in 2009/10.
- 5.2 The parking bays on East Street and Kings Road generate approximately £19,600 per annum of revenue each so removal of parking could result in a loss of revenue for the council.

*Finance Officer Consulted: Karen Brookshaw Date: 07/03/09*

##### Legal Implications:

- 5.3 Section 2 of the Local Government Act 2000 gives local authorities power to promote the economic, social or environmental well being of their communities. This project can be perceived to fall under promotion/improvement of the social and environmental well being of members of the community.
- 5.4 The works are to be carried out within the existing public highway and fall under the general powers of improvement available to the highway authority under the Highways Act 1980. Moreover the works, being works carried out by the highway authority within the confines of existing public highway; do not amount to development for the purposes of the Town and Country Planning Act 1990.

- 5.5 The making of the required traffic regulation order will follow the statutory procedure including advertising, as set out in the Road Traffic Regulation Act 1984.
- 5.6 It is not considered that any adverse human rights implications arise from the Report.

*Lawyer Consulted:*

*Hilary Woodward*

*Date: 17/04/09*

Equalities Implications:

- 5.7 The scheme will increase accessibility for residents and visitors, particularly for the mobility impaired. Improving awareness and provision for walking will increase the overall transport choice for residents and visitors, particularly for those without access to private motorised transport.

Sustainability Implications:

- 5.8 Creating a better pedestrian environment along the Pedestrian Network will encourage people to walk instead of using less sustainable means of transport thus reducing carbon emissions, improving air quality and health, and reducing congestion.

Crime & Disorder Implications

- 5.9 Increasing the number of pedestrians, and the associated passive surveillance, has been shown to improve public safety and the public's perception of safety.

Risk and Opportunity Management Implications:

- 5.10 During the implementation stage user audits will be carried out to ensure the safety of the designs.

Corporate / Citywide Implications:

- 5.11 The Pedestrian Network improvements will improve the appearance, accessibility and legibility of the commercial areas around The Lanes, contributing towards the council priorities to 'protect the environment whilst growing the economy' and 'reduce inequality by increasing opportunities.'

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The traffic flow alterations were identified by the design team and traffic modelling used to test the feasibility of each. Consultation was carried out with local residents and businesses, and showed a general support for the scheme
- 6.2 Officers of the design team will continue to examine the feasibility of increasing the number of trees in the scheme.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The Pedestrian Network improvements will target key areas in the city which are heavily used by pedestrians but fail to offer adequate pedestrian facilities. This project will benefit local businesses, residents and visitors by creating a more attractive, accessible and legible route along the seafront and enhance the pedestrian connection between The Lanes and the seafront.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Plan: Existing Layout
2. Appendix B – Plan: Proposed Layout
3. Appendix C - Report from the Public Exhibition & Consultation and Comments from Stakeholders

### **Documents in Members' Rooms:**

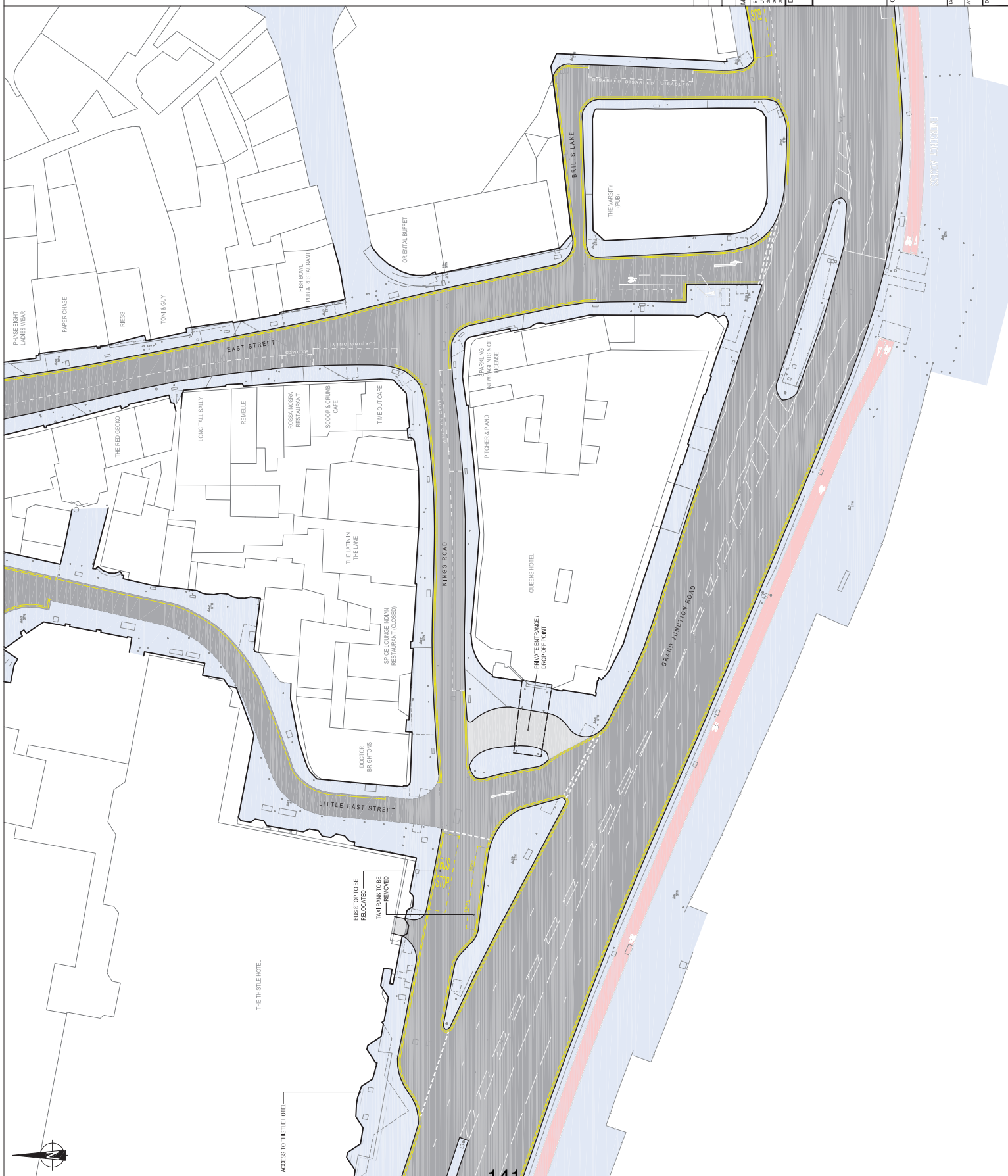
1. Large Plans showing Plan

### **Background Documents**

1. Local Transport Plan 2006/7-2010/11
2. Legibility Study - Public Life Public Space – Brighton & Hove





[illegible]

**UTILITIES NOTE:** The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake his own investigation where the presence of any existing sewers, services, plant or apparatus may affect his operations.

Drawing/Issue Status

## PEDESTRIAN NETWORK IMPROVEMENT SCHEME

## PHASE 2 - EXISTING LAYOUT

Client



Offices throughout the UK, Ireland,  
United States, Japan and Australia
















**www.pba.co.uk**

READING

|                |               |          |   |
|----------------|---------------|----------|---|
| Drawing Number | 21770/005/001 | Revision | A |
|----------------|---------------|----------|---|





- | KEY   |   |
|---|---|
|   | EXISTING FOOTWAY                                    |
|  | EXISTING CARRIAGEWAY                                |
|  | PROPOSED KERB/CHANNEL LINE                          |
|  | PROPOSED FOOTWAY                                    |
|  | PROPOSED CARRIAGEWAY (90° HERRINGBONE BLOCK PAVING) |
|  | FOOTWAY "LADDER" PAVING/CYCLEWAY                    |
|  | RED TACTILE PAVING FOR CONTROLLED CROSSING          |
|  | BUFF TACTILE PAVING FOR UNCONTROLLED CROSSING       |
|  | LITTER BIN  |
|  | REFLECTIVE BOLLARD                                  |
|  | BOLLARD   |
|  | BUS STOP FLAG                                       |
|  | BENCH   |
|  | PLANTER   |
|  | TREE  |

## NOTES

1. UTILITY RECORDS HAVE NOT BEEN OBTAINED FOR THIS AREA AND SHOULD BE ACQUIRED BEFORE COMMENCING DETAILED DESIGN.
2. RESTRICTIONS AND TROs NOT INCLUDED WITHIN THIS PLAN

[illegible]

**SCALING NOTE:** Do not scale from this drawing. If in doubt, ask.

**TITLE NOTE:** The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake his own investigation where the presence of any existing sewers, services, plant or apparatus may affect his operations.

**Drawing Issue Status**

DRAFT FOR CABINET 17th SEPT 2009

---

PEDESTRIAN NETWORK IMPROVEMENT SCHEME

**PHASE 2 - OPTION 2**

Client

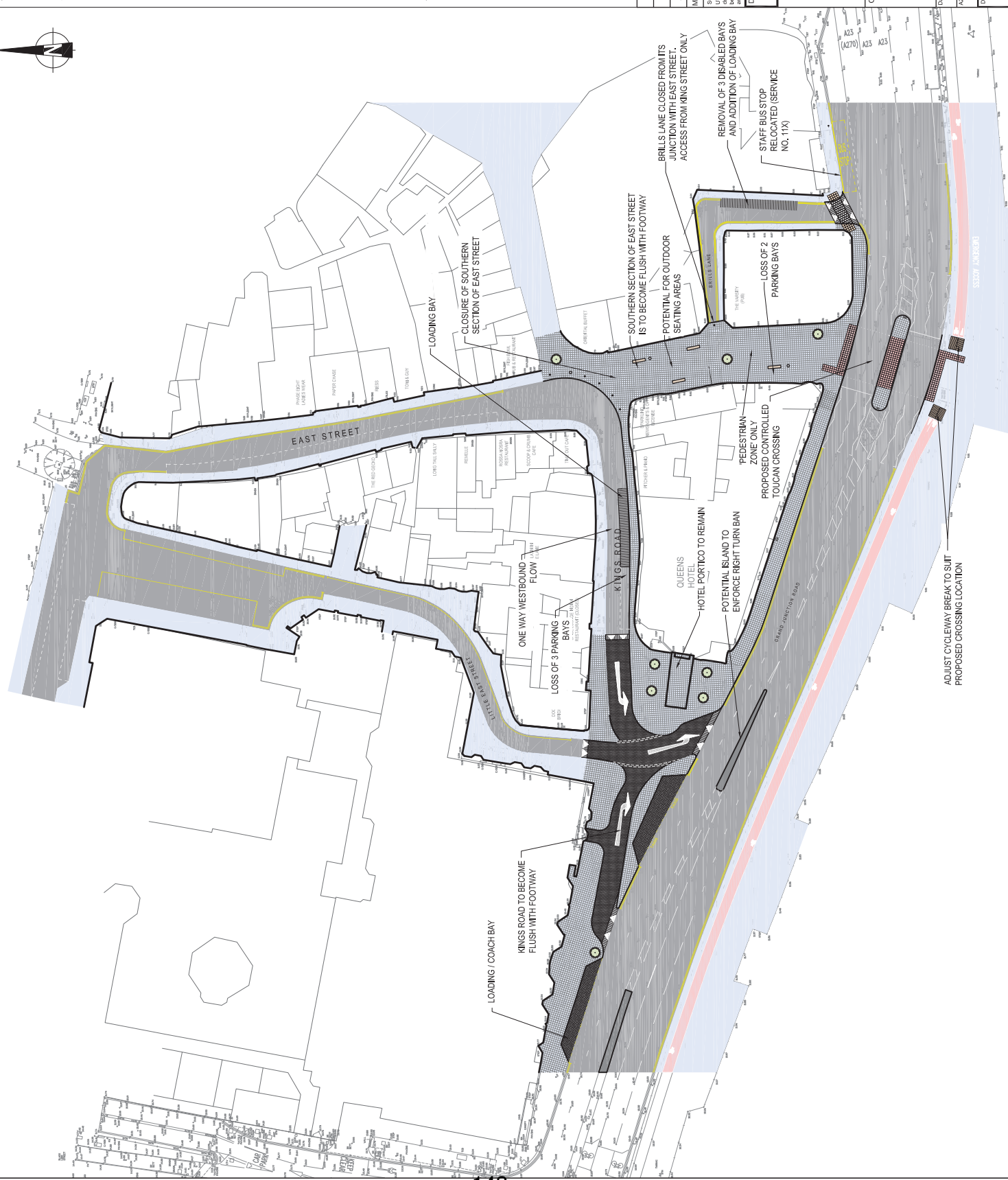


Offices throughout the UK, Ireland, mental Europe, Africa, Asia and Australia

[www.pba.co.uk](http://www.pba.co.uk)

© Peter Brett Associates LLP  
DEACONS

READING  
: 0118 950 0761 Fax: 0118 959 7498

[illegible]



# **Pedestrian Network Improvements Phase 2 Report from the Public Exhibition & Consultation**

## **Background**

The second stage of the Walking Network scheme will focus on the area of King's Road between Black Lion Street and East Street. The aim of the project is to improve pedestrian facilities to enhance the east-west route along King's Road and create better links between The Lanes and the Seafront.

## **List of Consultees**

### **Representative Groups / Associations**

|                                       |                       |
|---------------------------------------|-----------------------|
| Cycle Forum                           | Mark Strong           |
| East Sussex Association for the Blind | Christine Tester      |
| Local Access Forum                    | Colin Bennett         |
| Econ Partnership                      | Tony Mernagh          |
| RNIB                                  | Maxine Miles          |
| Transition Brighton & Hove            |                       |
| Living Streets                        | Stephen Young         |
| BH Federation of Disabled             | Geraldine des Moulins |
| Brighton Society                      | Selma Montford        |
| Cycle Forum                           | Chris Boocock         |
| Living Streets                        | Bruce Smith           |
| Local Access Forum                    | David Brookshaw       |
| LSP                                   | Jannet Cook           |
| Taxi Forum                            |                       |

### **Businesses / Traders**

|               |               |
|---------------|---------------|
| BH Buses      | Pat Stringer  |
| Hotel Group   | Mark Colson   |
| Lanes Traders | Stuart Wilkie |
| Bus Company   | Peter Salvage |

### **Councillor / Officer**

|                       |                             |
|-----------------------|-----------------------------|
| Equalities Councillor | Brian Pidgeon               |
| Ward Cllr             | Jason Kitkat                |
| Cabinet Member        | Geoffrey Theobald           |
| Ward Cllr             | Sven Rufus                  |
| Equalities Officer    | Mary Evans                  |
| Conservation officer  | Geoff Bennett               |
| Tourism Officer       | Adam Bates                  |
| Seafront Officers     | David Wheeler, Chris Ingall |
| Urban Design Officer  | Jenny Exley                 |
| Equalities Officer    | Diane Coe                   |

**Consultation Results**

- The response rate of the comments sheet was very low. A total of 16 forms were completed & returned.
- 43.5% of people considered that overall they were in favour of the scheme – 25% were not and 31.5% were unsure.
- 94% of the forms included comments, and 50% of these expressed concern that there was no provision for cyclists.
- 19% expressed concerns about vehicular access to the town Hall and the provision of parking.
- 25% considered that there was not enough detail in evidence to make an informed decision.
- 15% requested that green landscaping be included in the plan.
- 6% could not see provision for seating
- 6% thought that signage was an issue
- 6% were concerned that a couple of trees appeared to block the traffic exit from East St onto Grand Junction Rd (seafront)

## Comments from Stakeholders

Table 1 below shows a list of positive and negative comments received directly from stakeholders through the consultation process:

### Positive Comments

- The Scheme is a good improvement
- Could a 'shared space' feel be developed for Kings Road minor?
- The proposals are welcomed and supported
- The scheme will improve pedestrian links between the seafront and the old town
- It is essential to retain the NCN2 link to the seafront
- Additional cycle parking in the area would improve cycle access to retail and leisure facilities

### Negative Comments

- The exhibition / consultation was not well publicised and largely unstaffed
- Information at the exhibition was limited
- Concerned the proposals have been developed without consideration for cyclists
- The concept proposals lack detail and therefore it is difficult to make comment on the scheme





|                         |  |  |                     |
|-------------------------|--|--|---------------------|
| <b>Subject:</b>         | <b>A23 Sustainable Transport Corridor – Proposals for Phases 5 &amp; 6</b> |  |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>   |  |                     |
| <b>Report of:</b>       | <b>Director of Environment</b>   |  |                     |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Robin Reed</b>                      | <b>Tel: 29-3856</b> |
|                         | <b>E-mail:</b>   | <b>robin.reed@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>No</b>  |  |                     |
| <b>Wards Affected:</b>  | <b>Patcham</b>   |  |                     |

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

- 1.1 To inform Cabinet of the proposed consultation on Phases 5 & 6 of the A23 Sustainable Transport Corridor (STC) works and request permission to consult on the scheme plan as proposed in this report. To date, phases one to four of the A23 STC (those located closest to the city centre) have been successfully implemented.
- 1.2 The provision of the A23 STC will contribute towards achieving several of the Council's corporate priorities including 'keeping our City moving', 'preserving and improving our natural environments', and 'improving the health of our residents'. The scheme will also contribute towards achieving several targets in the second Local Transport Plan (LTP2) 2006/7-2010/11. Most notably, to improve accessibility, safety, reduce congestion and assist in delivering the objectives of the Council's Cycling Town status.
- 1.3 The A23 STC scheme proposes north and southbound cycle lanes and formalised pedestrian crossing facilities to improve access to nearby schools and residential areas. The scheme will result in improved safety and journey times for cyclists and pedestrians whilst a wide two-way carriageway will be retained meaning that there would be no additional delay or increase in journey times for general traffic. The A23 also forms part of National Cycle Network (NCN) Route 20 and the scheme would provide a missing link from the City Centre to the South Downs and the emerging National Park, thereby improving access to open space and recreation.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet approves the proposals to improve access for cyclists and pedestrians along Phases 5 & 6 of the A23 STC and gives further approval to conduct public consultation with key stakeholders and residents in the affected area. Members will be informed of the outcome of consultation and permission to proceed with the scheme will be sought at a future Cabinet or Cabinet Member Meeting.

- 2.2 That Cabinet authorises the preparation and advertisement of a Traffic Regulation Order following the results of the public consultation.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The A23 between the A27 and Preston Circus is a Primary Route that connects central Brighton and Hove to the A23 and A27 Trunk Roads. The A23 is therefore regarded as a Sustainable Transport Corridor (STC) in Brighton & Hove's second LTP. STCs are main routes that carry significant levels of traffic and where there is considered to be potential to improve transport choice.
- 3.2 The proposal for improvements to Phases 5 & 6 of the A23 STC (between The Deneway and A27/A23 junction) was adopted as part of a package of capital schemes in the current LTP. Improvements to Phases 1-4 were successfully completed during the first LTP Period (2001/2 – 2005/6) and completion of the corridor will further contribute towards achievement of the LTP objectives to increase cycling trips by 5% per year, and reduce congestion by 5% by 2010. Brighton & Hove City Council was awarded Cycling Demonstration Town (CDT) status by Cycling England in October 2005, and improving conditions for cyclists along the A23 corridor will also contribute to improving health by encouraging more people to cycle.
- 3.3 The principle of the scheme is to improve conditions and safety for all road users, with particular emphasis on cyclists and pedestrians. There is significant potential to improve access to local schools by providing formalised pedestrian crossing points on pedestrian desire lines. The A23 also forms part of National Cycle Network (NCN) Route 20 and implementation of the scheme would provide a valuable missing link to the South Downs and the emerging National Park, thereby improving access to open space and recreation.
- 3.4 The scheme has been developed to ensure minimal impact on capacity and general traffic while still improving conditions for pedestrians and cyclists. The proposal consists of north and southbound advisory cycle lanes as well as formalised pedestrian crossing facilities, thus resulting in improved safety and accessibility for pedestrians and improved conditions for cyclists. As a wide two-way carriageway would be retained there would be no resultant delay and increase in congestion for general traffic. The retention of all right turn lanes would also prevent turning vehicles delaying other vehicles in the main carriageway.
- 3.5 The indicative cost of the scheme is £250k. This includes the provision of north and southbound cycle lanes and two 'puffin' type pedestrian crossings. The project will be funded from the LTP2 allocation directly attributed to the A23 STC scheme along with a proportion of funding allocated towards improving cycle routes.

### **4. CONSULTATION**

- 4.1 To date, the relevant internal Council directorates have been consulted as well as the Children and Young People's Trust (CYPT) who provided input into potential pedestrian crossing locations.

- 4.2 If approval to consult is granted, a 4 week public consultation will be undertaken. Local residents, key stakeholders and businesses will be consulted via a door drop leaflet explaining the scheme proposals and offering the opportunity to respond via a questionnaire. A staffed public exhibition will also be held where members of the public can discuss the scheme proposals with staff in the Transport Planning team.
- 4.3 On completion of the consultation period, all responses will be analysed and a report will be prepared for consideration by Cabinet or Cabinet Member at a future meeting.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 £100,000 has been specifically identified for the A23 Sustainable Corridor within the LTP budget for 2009-10. In addition to this there is a budget of £110,000 available for cycling facilities and an element of the budget for cycle routes, totalling £750,000, which will together make up the remaining £150,000 required for this scheme.
- 5.2 There are no current revenue implications for this scheme. However, any future maintenance of the new cycle lanes and crossings will have to be covered from revenue budgets.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 13/08/09*

### Legal Implications:

- 5.3 The proposed public consultation will at this formative stage try to ensure that sufficient time and sufficient reasons for these proposals is given. The product of those consultations has then to be conscientiously taken into account when considering whether or not to proceed with the scheme. The scheme if it is to go forward can then be finalised prior to the advertising of any draft traffic orders that may be required.
- 5.4 At this stage no human rights issues have been identified but in the event that any are they will feature in a future report.

*Lawyer Consulted:*

*Stephen Dryden*

*Date: 11/08/09*

### Equalities Implications:

- 5.5 The consultation exhibition will be held in a venue conforming to Disability Discrimination Act regulations. It will be manned at specific advertised times to allow the visually impaired to discuss the scheme with Officers.
- 5.6 The scheme will increase accessibility for residents and visitors. Improving awareness and provision for walking and cycling will increase the overall transport choice for residents and visitors, particularly for those without access to private motorised transport.

#### Sustainability Implications:

- 5.7 The consultation element has no sustainability implications. Creating a better cycling and pedestrian environment on the A23 will encourage people to walk and cycle instead of using less sustainable means of transport thus reducing carbon emissions, improving health, and reducing congestion.

#### Crime & Disorder Implications:

- 5.8 There are no crime and disorder implications associated with the consultation stage.

#### Risk and Opportunity Management Implications:

- 5.9 There are no significant risks attached to the consultation stage of the project.

#### Corporate / Citywide Implications:

- 5.10 The A23 is a key route into the city centre. Improving transport choice for both commuters and visitors to the area will result in increased accessibility and a likely reduction in congestion for all traffic.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Progressing the scheme with minimal external consultation was rejected due to the scope and location of the proposals. The improvements will affect a large geographical area and will also affect a large number of users. It was therefore felt that to ensure the scheme benefited everyone a public consultation was required.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Phases 1-4 of the A23 STC were implemented during the first LTP period. Continuation of the scheme will ensure consistency along the entire corridor and will improve safety and conditions generally for those wishing to travel by walking or cycling. This project will benefit businesses, residents throughout the city, and visitors by creating a more attractive, accessible and less congested route into the city centre. Access to local schools will also be improved.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. A23 STC Preliminary Scheme Drawings.

### **Documents In Members' Rooms**

None

### **Background Documents**

1. A23 London Road Sustainable Transport Corridor – Phase 5 to 7 Scheme Review (Peter Brett Associates).





|      |          |                                    |  |       |          |      |
|------|----------|------------------------------------|--|-------|----------|------|
| A    |          | Revised in line with BHCC comments |  | GW    | 04.06.09 | SJL  |
| Mark | Revision |                                    |  | Drawn | Date     | Chkd |

SCALE NOTE: Do not scale from this drawing. If in doubt, ask.  
 UTILITIES NOTE: The position of any existing public or private sewers, utility services, plant or apparatus shown on this drawing is believed to be correct, but no warranty to this is expressed or implied. Other such plant or apparatus may also be present but not shown. The Contractor is therefore advised to undertake his own investigation where the presence of any existing sewers, services, plant or apparatus may affect his operations.

Drawing Issue Status

**DRAFT**

**A23 LONDON ROAD, BRIGHTON  
SUSTAINABLE TRANSPORT CORRIDOR  
POSSIBLE LAYOUT - CYCLE LANE OPTION  
PHASE 5**

|                |               |                                     |    |  |     |
|----------------|---------------|-------------------------------------|----|--|-----|
| Client         |               | <br>Brighton & Hove<br>City Council |    | <br>pba<br>peterbrett  |     |
| Date of Issue  | 04-03-09      | Drawn by                            | GW | Checked by   | SJL |
| A1 Scale       | 1:1000        |                                     |    |  |     |
| Drawing Number | 21881/001/003 | Revision                            | A  | © Peter Brett Associates LLP<br>READING<br>Tel: 0118 950 0761 Fax: 0118 959 7498 |     |









|                         |   |   |                     |
|-------------------------|---|---|---------------------|
| <b>Subject:</b>         | <b>Shoreham Harbour Regeneration</b>                |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>                            |   |                     |
| <b>Report of:</b>       | <b>Director of Culture &amp; Enterprise</b>         |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>  | <b>David Fleming</b>                      | <b>Tel:</b> 29-2700 |
|                         | <b>E-mail:</b>                                      | <b>david.fleming@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>  | <b>Forward Plan No: CAB11908</b>          |                     |
| <b>Wards Affected:</b>  | <b>Hangleton &amp; Knoll; South Portslade; Wish</b> |   |                     |

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

- 1.1 In September 2007 Policy & Resources Committee agreed to work collaboratively with the proposed project partners and neighbouring authorities in developing new regeneration proposals and a Joint Area Action Plan (JAAP) for the Shoreham Harbour area. In June 2008 the Cabinet Member Meeting for Enterprise, Employment & Major Projects approved the terms of reference for, and appointed, appropriate representatives to sit on a Joint Member Steering Group. In January 2009, the Environment Cabinet Member Meeting approved the Shoreham Harbour Interim Planning Guidance produced with Adur District Council (ADC) and West Sussex County Council (WSCC). This was prior to the production of the JAAP to guide the regeneration proposals for the wider Shoreham Harbour area.
- 1.2 The changing funding position presents some short term challenges to the project. As a result, a review is underway which will focus on how Growth Point funding, and funding contributions from SEEDA and the Homes & Communities Agency (HCA), can be utilised to ensure continued progress and to safeguard the substantial investment in the JAAP already made.
- 1.3 The development of the JAAP for Shoreham Harbour is now well advanced, but key issues remain to be resolved including transport, flood risk, land reclamation, and economic development. Continued investment in these issues will support the Core Strategies of BHCC and ADC and ensure the project is well positioned for longer term funding.
- 1.4 The purpose of this report is therefore to provide and update on Shoreham Harbour Regeneration. Essentially, the same report went to WSCC's Cabinet Briefing Meeting on 21 July and ADC's Full Cabinet on 23 July 2009.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the progress of the project.
- 2.2 That Cabinet reaffirms the council's commitment to the production together with Adur District Council and West Sussex County Council of a Joint Area Action Plan

for Shoreham Harbour that will test the capacity of the harbour area and provide the planning framework to guide delivery over the next 20-30 years.

- 2.3 That Cabinet endorses the approach to investment in the key work strands subject to short term cashflow issues being resolved and an overall project review.
- 2.4 That Cabinet agrees in principle to establish a Joint Committee with ADC and WSCC to steer the project forward subject to terms of reference being agreed at a future Cabinet meeting.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The regeneration of Shoreham Harbour has long been an objective of the three local authorities: BHCC, ADC and WSCC and the Shoreham Port Authority (SPA). This desire has been driven by an underperforming coastal economy, worsening deprivation, the need for port modernisation, underutilised land in and around the port, and the challenge of finding strategic land for housing and economic growth given the physical and environmental constraints of the sub-region. In 2006 a reappraisal of the project concluded that a much larger scheme of *up to* 10,000 homes and 8000 jobs may prove viable. A statutory Joint Area Action Plan (JAAP) was proposed as the instrument for testing the proposals.
- 3.2 The emerging JAAP sets out the following ambitions:
  - A sustainable balance of housing and employment uses.
  - A place making approach which respects the distinct character of local areas and creates a new community with a strong sense of place.
  - Ensuring that the development embraces and addresses the needs of the existing community, and integrates with it.
  - Exemplary environmental standards to ensure that the development complements the area, improves local infrastructure, and does not create congestion and strain on existing infrastructure.
  - Appropriate 'urban' density levels that facilitate a financially viable scheme and provide the critical mass for the ongoing maintenance of local services and businesses.
  - Provision of suitable commercial accommodation aligned with a robust economic development strategy.
  - Consolidation of the port into a central core utilising reclaimed land and releasing existing port land, while retaining wharf capacity to meet the requirements of the minerals and waste planning authorities.
  - Maintenance of public access to Southwick beach.
  - Adoption of a comprehensive approach to flood risk management.
  - High level of accessibility to key services by sustainable modes.

### **Funding and delivery**

- 3.3 Over the last two years significant progress has been made on the technical work, the JAAP, and the development of a strong partnership made up of the local authorities, SPA and key government agencies.

- 3.4 Financial support for the project has, until now, come from SEEDA alongside substantial staff and in-kind contributions from the local authorities and partner agencies. In 2007 SEEDA approved a £2.95 million of funding to progress all of the studies and technical work required to progress the JAAP. Some of this has been channelled through the local authority with ADC acting as the 'Accountable Body'. Some has been channelled directly by SEEDA to consultants. In September 2008, Shoreham Harbour was granted provisional Growth Point status, which led to an award of £3.23 million from government. (However, following recent re-profiling and reprioritisation across budgets in order to fund the Government's Housing Pledge – Building Britain's Future, Shoreham Harbour's provisional allocation for 2010/11 has been cut by £800,000 making the total award £2.53m). The HCA, in December 2008, agreed to match SEEDA's contribution with a further £2.95 million. Whilst only some of the SEEDA funding has been released and spent to date, it was on the basis of this *overall* funding package that the JAAP Team was established and a series of studies commissioned.
- 3.5 In March 2009 SEEDA announced a major review of their operations following a £50 million budget cut. Initially SEEDA has indicated that the impact of this will be that, with immediate effect, no further funding will be made available to the local authority beyond the £1.007m already released. In parallel, the HCA has faced funding constraints and has not been able to confirm any of the £2.95 million it had earmarked for the project. Against this backdrop the local authority leaders met in April and agreed to continue to progress the JAAP and explore options for a Special Purpose Vehicle to drive delivery of the project (see para.6.5 below).
- 3.6 Following a series of discussions and meeting throughout May and June 2009, SEEDA and the HCA have indicated that they may be able to provide some immediate additional revenue support. In parallel, the local authorities are investigating the extent to which the Growth Point funding, awarded to the three authorities mainly as capital, can be used to complete the JAAP and associated work. However, these funding sources *are not yet* available to support on-going revenue requirements and the usual strict rules defining the use of capital funding do not favour the kind of works needing to be undertaken without the guarantee of a capital asset being produced with a reasonable time frame.
- 3.7 The effective withdrawal of SEEDA as the main funding agency, and the emergence of Growth Point as the main current funding source, has created the conditions for a greater leadership role for the local authorities. Over the past two years a strong partnership of the local authorities and partner agencies has developed, and this continues to provide the basis of a new structure that will now take the project forward. However, in recognition of the short term cash flow issues and the longer term change in funding structure, a review process is underway and further expenditure by ADC, as the Accountable Body, is temporarily on hold. What is likely to emerge from this review is a new project management structure, budget, and procurement strategy that will reflect this new position and put the local authorities in greater control of the project. The local authorities will continue to work closely with the key partners, particularly the HCA as a long term funding partner, and the Port Authority as a primary landowner.
- 3.8 Following a meeting of the leadership of the three local authorities on 9 July, a

letter was sent to the Secretary of State for Communities & Local Government setting out the local authority position and commenting upon the stance taken by SEEDA and HCA in particular. A copy of this letter is attached as Appendix One to this report.

### **Joint Area Action Plan**

- 3.9 The three authorities are committed to producing a JAAP that will test the capacity of the harbour area, and provide the planning framework to guide delivery over the next 20-30 years. The JAAP together with proposed amendments to policy DA7 (the Shoreham Harbour Area) is referred to in the recently published proposed amendments to the Core Strategy, which is due to go to full Council for approval in November 2009. It is recognised that the harbour is an area of change and that over this period development will take place with or without a planning framework. The JAAP will provide the framework to enable development to come forward that meets local expectations and delivers the required infrastructure. Without a robust planning framework, it is likely that development will come forward in a more piecemeal fashion and is unlikely to deliver the local benefits and strategic investment that are required.
- 3.10 A progress report on the JAAP was formally presented to the local authorities in March 2009, and the development of the JAAP is now well advanced with many of the studies complete and the need to test the robustness of the evidence base underpinning the JAAP. A public consultation is being planned for October 2009 but in the light of the funding issues, the timetable for the JAAP is being kept under review and is subject to change. However, what is already clear is that there are a small number of key issues that require continued investment. These are transport, flood risk management, land reclamation, economic development, and progress to establish a Special Purpose Vehicle. These issues are so fundamental to the project that further delay on these key work strands pose serious risks to the soundness of the BHCC and ADC Core Strategies and ultimately the JAAP. Continued investment in these will not only support the planning policy but will potentially unlock longer-term funding sources.

### **Key work strands**

- 3.11 Transport  
A new regime has been established for the transport work. This puts WSCC and BHCC, as the highways authorities, in greater control of the strategy. A key element of the strategy is the production of a business case for a new Coastal Transport System which brings together the WSCC Coastal Expressway and the former BHCC Rapid Transit System proposals into a new combined project. The development of this business case, alongside the overall transport strategy, is critical for ensuring that existing allocations of £23 million in the Regional Transport Board budgets are safeguarded and that a Community Infrastructure Fund 2 bid worth £5 million approved by Ministers on behalf of the Department for Communities & Local Government and the Department for Transport on 4 August 2009 can be successfully delivered. Critical to this is the commitment of WSCC and BHCC to fund this work and submit this business case by December 2009. It is proposed that some of the Growth Point funding be channelled into supporting this work. The finance officers from the three local authorities are currently

discussing this in detail.

3.12 Flood Risk Management

The local authorities are working closely with the Environment Agency to resolve flood risk issues. A formal Memorandum of Understanding has been signed by the partners to set out how the process will work. This document is an expression of the commitment by all partners and gives greater certainty to what is a key element of the project. Further work to prove the case on flood risk is required to make credible the Core Strategies and JAAP, and to cement Environment Agency support for the project.

3.13 Port Masterplanning, Land Reclamation and Harbour Revision

Port consolidation into a central area utilising reclaimed land is a key component of this project. The early resolution of the layout options for the port, and initial work on the Harbour Revision Order that will facilitate port reconfiguration is now considered to be of fundamental importance. This work will not only support the spatial planning for the area but will help to ensure continued port commitment to the project, without which the project aspirations cannot be achieved.

3.14 Economic Development

This project was conceived as a job creation and business growth project of sub-regional significance. Further work is required to produce an economic development strategy for the sub-region, and to develop inward investment strategies that will ensure employment, skills and enterprise growth is achieved.

3.15 Special Purpose Vehicle (SPV)

Alongside these work strands, the authorities have previously agreed to explore the options for the establishment of a Special Purpose Vehicle. This element remains crucial to the overall delivery of the project and in the current climate would send out a clear message to other partners about commitment to the project. If agreed, an SPV would also help to facilitate more binding commitments from the HCA and potentially other funding agencies including the Environment Agency. Detailed discussions need to take place with SPA, and there needs to be greater involvement of the local authorities than previously has been the case and a clear understanding of the long term commitment of the HCA and SEEDA. A brief is being prepared by the Partners' lawyers to invite solicitors' firms with the appropriate knowledge and experience to develop and deliver clear guidance to the Partners on the options for governance of the project in the short, medium and long term and to assist with the drafting of appropriate documentation in respect of the preferred option. Cabinet will in due course need to decide what their preferred option is. This piece of work will be undertaken at no direct cost to the council.

3.16 Establishment of Local Authority Joint Committee

Members of all three local authorities have been attending the Shoreham Harbour Joint Member Steering Group since its establishment in August 2008. It has been suggested by the Leaders that a more formal arrangement by a Joint Committee be established to improve and strengthen decision making and to steer the project forward. This will provide the authorities an opportunity to review the membership of the Joint Committee before confirming their nominations. This would be an important step in the process to develop a suitable SPV. Cabinet is asked to

support this proposal. As with other Joint Committees, e.g. Shoreham Airport, the Committee will not have the ability to commit council resources without referral back to the individual authorities' Cabinet meetings unless it is expressly provided for in the terms of reference.

#### 4. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

- 4.1 The initial funding streams would have ensured that the project was adequately funded until completion of the JAAP and beyond. However, since the project has commenced, the prospects for public expenditure have deteriorated and the commitment to the funding streams by our partners has substantially reduced.

##### **Original funding streams**

|                            | <i>Revenue</i> | <i>Capital</i> | <i>Total</i> |
|----------------------------|----------------|----------------|--------------|
|                            | <i>£'000</i>   | <i>£'000</i>   | <i>£'000</i> |
| SEEDA                      | 2,950          | 0              | 2,950        |
| DCLG - Growth point status | 97             | 3,135          | 3,232        |
| HCA                        | 2,950          | 0              | 2,950        |
| Total funding              | 5,997          | 3,135          | 9,132        |

##### **Revised funding streams**

|                                 | <i>Revenue</i> | <i>Capital</i> | <i>Total</i> |
|---------------------------------|----------------|----------------|--------------|
|                                 | <i>£'000</i>   | <i>£'000</i>   | <i>£'000</i> |
| SEEDA (own consultants)         | 1,943          |                | 1,943        |
| SEEDA (Adur JAAP team)          | 1,007          |                | 1,007        |
| DCLG – 2009/10                  | 97             | 1,162          | 1,259        |
| DCLG – Additional grant awarded | 100            |                | 100          |
| DCLG – 2010/11                  | 129            | 1,043          | 1,172        |
| HCA                             |                |                | 0            |
| Total funding                   | 3,276          | 2,205          | 5,481        |

##### **Spend to date**

|                             | <i>Revenue</i> | <i>Capital</i> | <i>Total</i> |
|-----------------------------|----------------|----------------|--------------|
|                             | <i>£'000</i>   | <i>£'000</i>   | <i>£'000</i> |
| 2008/09 SEEDA (consultants) | 1,943          |                | £1,943       |
| 2008/09                     | 784            | 0              | 784          |
| 2009/10 to date             | 367            | 0              | 367          |
|                             | 3,094          | 0              | 3,094        |

##### **Remainder in 2009/10 budget**

|    |       |       |
|----|-------|-------|
| 53 | 1,162 | 1,215 |
|----|-------|-------|



- 4.2 Expenditure to date has been covered by the funding received. There is likely to be sufficient left in the budget to fund the residual items of expenditure at this time. Going forward, there are still a number of work streams that need to be completed prior to the JAAP being finalised which is now our prime objective.
- 4.3 One of the key issues currently facing the partnership is that the majority of the funding remaining is for capital purposes only. However, whilst our funder will allow us to use this funding to complete the JAAP, it is unclear how much of the remaining expenditure, if any, meets the definition of capital allowed in the legislation.
- 4.4 Work is currently underway to identify what key tasks remain and how much of this can be legitimately capitalised. In addition, officers are investigating the option of capitalisation direction which would enable the Councils to capitalise revenue expenditure. However, these directions are difficult to obtain. They are normally only granted where a local authority is placed in an unavoidable situation. The process is a fairly lengthy one; there is a 'two gate' process:

- Gate 1: Those meeting the policy criteria for capitalisation will initially receive confirmation of that fact in a "minded to" letter. Confirmation of whether the council has passed Gate 1 is normally received within 15 working days of submitting a request.
- Gate 2: The second stage is when all applications which pass the Gate 1 stage will be considered simultaneously to determine the actual amounts which may be capitalised by each authority.

The council will not get confirmation until 29 January 2010 of the amount that it will be allowed to capitalise.

- 4.5 The issue regarding the funding of the remaining work streams requires urgent resolution if the project is to maintain momentum. Officers will pursue a capitalise direction and, in the interim, work will continue to identify the quantum of work that is required to complete the JAAP.
- 4.6 Consultations are taking place between the finance officers of the three councils to examine ways in which the capital could be used to best effect, particularly on issues such as transportation.
- 4.7 Based upon original projections of funding required to complete the JAAP process and Shoreham Port related work, there is a significant shortfall in the funding streams currently identified. The current review will identify the medium to longer term issues and so determine the way forward in the future.

*Finance Officer consulted: James Hengeveld*

*Date: 12/08/09*

Legal Implications:

- 4.8 The Council together with ADC and WSCC has power under Section 102 of the Local Government Act 1972 to appoint a joint committee of those authorities and Section 20 of the Local Government Act 2000 allows for the creation of a joint

committee for the discharge of functions under executive arrangements.

- 4.9 It is possible for the Partners to form an SPV pursuant to Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000.
- 4.10 The legal advice referred to at paragraph 3.15 above will include consideration of Joint Committees, a Joint Planning Committee, Limited Liability Partnerships and Joint Venture Companies. Pending the Partners' decision on the appropriate way forward it is proposed that the three councils establish a Joint Committee.

*Lawyer consulted:*

*Bob Bruce*

*Date: 17/08/09*

Equalities Implications:

- 4.11 Major Projects & Regeneration are in the process of developing a bespoke Equalities Impact Assessment process that fits within the agreed corporate process but which better reflects the nature and decision making arrangements of major projects managed by the city council. Development of this process has and will continue to involve the Corporate Equalities Team. An Equalities Impact Assessment for Shoreham Harbour Regeneration will need to be prepared in conjunction with our project partners.

Sustainability Implications:

- 4.12 A key priority for this project is the long term sustainable regeneration of the Shoreham Harbour area, including transport, buildings and infrastructure. The project will also address key considerations arising from the impact of climate change, including the potential risks from flooding and the opportunities arising from sustainable energy sources.

Crime & Disorder Implications:

- 4.13 Crime & Disorder Implications will be considered throughout the development of the Joint Area Action Plan.

Risk & Opportunity Management Implications:

- 4.14 A risk register is maintained and regularly updated. This is reported through to the Project Delivery Group meeting as a standing item.

Corporate / Citywide Implications:

- 4.15 The outcome of the production of the Joint Area Action Plan leading to Shoreham Harbour Regeneration is very significant in terms of the council's overall reputation to sustain, improve and create healthy and prosperous communities.

**5. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 5.1 The proposal to establish a Joint Committee reflects the greater leadership role now being undertaken by the local authorities. The project management

arrangements, budget management and procurement strategy will also need to reflect this new position. The structure will be kept under review and alternative arrangements may well be necessary in future.

## **6. REASONS FOR REPORT RECOMMENDATIONS**

- 6.1 The changing funding position and the need for a greater leadership role for the local authorities has necessitated the establishment of a Joint Committee with Adur District Council and West Sussex County Council to steer the project forward.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Letter to the Secretary of State for Communities & Local Government from the Leaders of Brighton & Hove City Council, Adur District Council and West Sussex County Council.
2. Response from the Secretary of State for Communities & Local Government.

### **Documents in Members' Rooms**

None

### **Background Documents**

None



Strategic Director

The Rt Hon John Healey MP  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London SW1E 5DU

Our Ref: SH/PW/CW  
Your Ref:

Date: 10 July 2009

Dear Secretary of State

**Shoreham Harbour Regeneration Project**

You will be aware that Shoreham Harbour was granted provisional second round growth point status in September 2008, leading to an award of £3.23m from your department.

This was achieved largely as a result of work initiated by SEEDA, who in 2007 had approved £2.95m to fund studies and technical work required to progress a Joint Area Action Plan. £1m has been paid to Adur District Council as accountable body with the remainder being spent by SEEDA in preparing the case for Growth Point and the JAAP.

In December 08 the Homes and Communities Agency agreed to match SEEDA's initial contribution with a further £2.95m. This regrettably has never materialised.

It has been known for some time that in order for the work to be driven forward at the pace required and thoroughness needed, that further funding would be necessary in these early years. There were strong expectations that further SEEDA funding would have been forthcoming and the project in fact has always proceeded on the basis that both this and the HCA funding were promised.

The recession and consequent effect upon government funding streams has of course changed that picture. Whilst we understand this, our own local authorities have been operating under financial restraints for a number of years. What is not acceptable is the speed with which SEEDA is effectively stepping back from the partnership table and the fact that the HCA has, from a financial point of view, failed to take its seat at the table.

You will forgive us for thinking that we, together with our partner, Shoreham Port Authority, have been left high and dry at this crucial time, just when we are so close to completing the initial work, which of course may mean that we are not able to fully benefit from the millions of pounds of public money and much expert officer time already invested in the project.



The purpose of this letter is manifold. The first is to request from you a clear indication of the importance of the project to the government and its agencies in order for us to understand and so inform our project in terms of financial and business planning, timetabling and resource allocation. This is directly relevant to our Local Development Framework and all that flows from that, as well as impacting upon Shoreham Port's ability to develop its own business plans. An early response on this point would be appreciated, as it will prove vital in determining our own level of commitment.

There are other messages we wish to convey, which you will be pleased to hear are in the main very positive ones. The 3 local authorities and the Port have achieved levels of collaboration and partnership not previously enjoyed. This has been achieved through joint meetings, shared workloads bringing together of agendas and the building of trust and confidence to work together.

We remain fully committed to developing a Joint Area Action Plan to benefit our communities and for there to be strong, clear leadership of that process by the local authorities in partnership with the Port. We will build upon the considerable work and studies undertaken to date and draw from it as many positives and as much information as possible. We also need to test thoroughly the assumptions made so far. To that end, we fully intend to draw down and spend the full growth point allocation.

There remains much that needs to be done and there are a number of technical studies to be completed. However, funding of these remains a problem and your officials will brief you upon the issues and difficulties presented by strict rules on capital/revenue demarcation. We would urge you to bring clarity and common sense to that debate.

We are bringing forward proposals to set up a formal Joint Committee to streamline decision making ahead of any Special Purpose Delivery Vehicle that may be set up.

Together with the Shoreham Port, we will be re-examining the proposed Joint Venture agreement as the positions of SEEDA and the HCA need to be clearly understood before this can be advanced.

We look forward to hearing from you soon.

Yours sincerely


**Neil Parkin**  
**Leader**  
**Adur**  
**District Council**

**Mary Mears**  
**Leader**  
**Brighton & Hove**  
**City Council**

**Henry Smith**  
**Leader**  
**West Sussex**  
**County Council**

c.c. David Edwards, Homes & Communities Agency  
Pam Alexander, SEEDA  
Rod Johnstone, Shoreham Port Authority  
Richard Emmens, Government Office for the South East



Cllr Neil Parkin  
Leader of the Council  
Adur District Council  
Civic Centre, Ham Road  
Shoreham by Sea  
West Sussex  
BN43 6PR

The Rt Hon John Healey MP  
Minister for Housing and Planning

Department for Communities and Local  
Government  
Eland House  
Bressenden Place  
London SW1E 5DU

Tel: 020 7944 8931  
Fax: 020 7944 8953  
E-Mail: [john.healey@communities.gsi.gov.uk](mailto:john.healey@communities.gsi.gov.uk)

[www.communities.gov.uk](http://www.communities.gov.uk)

Our Ref: 020496/09  
Your Ref: SH/PW/CW

*Dear Councillor Neil 16 August*

Thank you for the letter of 10 July sent jointly from you, Cllr Mary Mears and Cllr Henry Smith about progress with the Shoreham Harbour Regeneration Project and highlighting issues around funding and SEEDA's and the HCA's involvement in the project. As you will know, I have also subsequently set out proposed changes to the provisional capital Growth Fund allocations for 2010/11.

Shoreham was given provisional Growth Point status in 2008 and the priority attached to Shoreham was confirmed by the Secretary of State in the Regional Spatial Strategy for the South East (RSS) which confirmed Shoreham Harbour as a Strategic Development Area with a target of 10,000 net additions between 2006 and 2026 (subject to detailed studies).

As you know, SEEDA have already invested significant funding to support the development of the Shoreham Harbour proposals and, as part of the South East England Partnership Board, they will play a key role in implementing the RSS policies, working closely with other delivery partners such as the HCA. It will be for SEEDA and the HCA to determine the level of support they can offer going forward.

However, you will know that Sadiq Khan and I announced on 4 August that the Shoreham Harbour Regeneration scheme had been successful in its bid for Community Infrastructure Funding and has been awarded £5m. This will be a key project for supporting the growth plans at Shoreham Harbour.

I recognise that the proposed budgetary changes to the Growth Fund (which will be subject to consultation) will be challenging. However, getting house building across the country re-started and onto a recovery path is a key priority. The budgetary changes to the Growth Fund and other departmental investment programmes support the £1.5bn Housing Pledge to build an extra 20,000 affordable homes over this year and next. This will not only help provide new homes for people to rent and buy, but will also support jobs and the economy through the recession. As a result we are now investing £7.5bn over this year and next to deliver up to 112,000 affordable homes and around 15,000 private homes.

I announced on 27 July that 270 stalled developments across the country had now been shortlisted for a share of £925m Kickstart funding. This will help get building work on 22,400 homes back on track and create 20,000 jobs. 26 schemes in the South East have been shortlisted with nearly £110m available to them, which could deliver up to 2,326 homes. The Homes and Communities Agency will be carrying out a second bidding round for further kickstart funding, which will close at the end of September and I hope this will support further housebuilding in your area.

I am pleased to learn of the partnership working between the three authorities and the Shoreham Port Authority, and that you remain committed to this project. Your proposals to establish a formal Joint Committee and a Special Purpose Delivery Vehicle are a clear demonstration of this. My officials and those at the Government Office for the South East will continue to work with your officers and those at SEEDA, the HCA and other delivery partners to progress the conditions on Shoreham's Growth Point status and to take forward these important growth plans.

✓ I am copying this letter to Cllr Mary Mears, Leader at Brighton & Hove City Council and Cllr Henry Smith, Leader at West Sussex County Council.

*Yours sincerely*  
*J Healey*

JOHN HEALEY MP

SIGNED ON BEHALF  
OF THE MINISTER  
AS DUTY MINISTER



|                         |  |                                       |                     |
|-------------------------|--|---------------------------------------|---------------------|
| <b>Subject:</b>         | <b>Preston Barracks Development – Update and future arrangements</b> |                                       |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>   |                                       |                     |
| <b>Report of:</b>       | <b>Director of Culture &amp; Enterprise</b>                          |                                       |                     |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Mark Jago</b>                      | <b>Tel: 29-1106</b> |
|                         | <b>E-mail:</b>   | <b>mark.jago@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>   | <b>Forward Plan No: CAB11236</b>      |                     |
| <b>Wards Affected:</b>  | <b>All</b>   |                                       |                     |

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

- 1.1 This report advises Cabinet of progress made during the past 6 months in examining the development opportunities for a revised scheme at the former Preston Barracks site. In particular, of the joint work alongside the University of Brighton (“the University”) to explore a shared vision for a wider development that would potentially combine the city council owned site with adjacent University land, thus enabling a more comprehensive redevelopment. The report also sets out the planned next steps and seeks agreement to revised project management arrangements, including the establishment of a new Project Board.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes the successful collaborative work to date and the progress that has been made in identifying opportunities for a revised scheme at Preston Barracks.
- 2.2 That Cabinet gives in principle support to ‘a Shared Vision’ of the city council and University of Brighton for a wider development opportunity on the Lewes Road involving city council and University land.
- 2.3 That Cabinet agrees the terms of reference/project objectives for taking forward the Preston Barracks Development as set out in paragraph 3.23.
- 2.4 That Cabinet supports continued partnership working between the city council, SEEDA and the University of Brighton to further explore the development potential.
- 2.5 That Cabinet agrees to the city council and University of Brighton entering into a simple procurement protocol agreement at this stage to cover the continued development of a joint scheme, with a further report to Cabinet prior to any longer term commitments.
- 2.6 That Cabinet agrees to the project management arrangements and decision making structure, including the creation of a new cross-party Project Board (as

detailed in 3.26) and that each of the four main political groups be requested to nominate their representative to join the Project Board.

- 2.7 That Cabinet supports the planned next steps in taking the project forward, particularly the joint commissioning of an Urban Design study to examine development scenarios e.g. height, scale and massing.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 As a large brownfield site, Preston Barracks is of significant importance to the city particularly for local regeneration, employment and business growth opportunities, and housing. With precious few such sites available in the city, it offers a rare opportunity to deliver a genuine mixed-use development capable of generating substantial employment and inward investment opportunities. It was the strength of this case, together with the risks posed by potentially unacceptable development, which led to the city council's decision, supported and funded by SEEDA, to take up its pre-emption to purchase the site from the Ministry of Defence in 2002.
- 3.2 The city council appointed a Preferred Developer in April 2004. Unfortunately, despite the considerable efforts of the Preferred Developer, and the examination of numerous scheme options aimed at assembling an appropriate and financially viable scheme, the city council concluded in March 2009 that it was unable to support the developer's final scheme proposals, the complexity of which was exacerbated by extremely difficult prevailing market conditions. At the Cabinet meeting on 12 March 2009, it was agreed that Preferred Developer status should be withdrawn and that it was now appropriate for the city council to explore alternative delivery arrangements with interested parties.
- 3.3 The University of Brighton has been an important stakeholder throughout the process to date; an involvement that predates site acquisition. The University is an adjacent land owner that has maintained a keen interest in the site and its successful development, but more importantly is a leading education establishment that makes a direct and substantial contribution to the city's growth and prosperity.
- 3.4 Following the March 2009 report to Cabinet, the city council began discussions with the University to explore the potential for a joint approach to development spanning Preston Barracks, the University's Moulsecoomb campus and the Lewes Road. These meetings, chaired by the City Planner, have been attended by members of the University's Senior Management Team, including the Vice-Chancellor and Deputy Vice Chancellor, together with senior officers from the city council and SEEDA.
- 3.5 The city council and University have started to explore the development opportunities presented by Preston Barracks, and how a joint approach also involving University land has the potential to provide an even greater regenerative effect in this part of the city.

## University of Brighton Aspirations

- 3.6 The University of Brighton has three major campuses in Brighton – at Grand Parade, Falmer, and Moulsecoomb. The Moulsecoomb campus houses the university's corporate headquarters. It is also the academic base for the university's academic work in science (including pharmacy and biosciences, and environmental science), engineering, architecture, business and IT.
- 3.7 The campus includes major buildings on both sides of the Lewes Road. The Cockcroft and Watts buildings were purpose built in the 1960s and 1970s, and the Cockcroft building was extended in the 1990s to include the Aldrich Library. A new academic building to house pharmacy and biosciences is nearing completion. The University also owns the Manor House and Tithe Barn, purchased from the council in 1993, and a small number of student residences erected on land behind the Manor House.
- 3.8 The University's current building stock in Brighton is barely sufficient to house its current work and the general ambience of the Moulsecoomb campus is not particularly inviting, particularly at its southern end. The stretch of Lewes Road between the gyratory and the campus is unattractive. The University sees it as a priority to improve the quality of its facilities and the setting in which they are provided in order to maintain its competitive position.
- 3.9 The University's aspiration is to contribute to the regeneration of the Lewes Road area by completing the refreshment of its Moulsecoomb campus in such a way that it sits comfortably within its surrounding community, and is seen to be contributing to it by opening its facilities and resources to all those who can benefit from them. In developing its plans, it has stated its commitment to working with partners from the public and private sector to provide a mixed-use development spanning the Lewes Road. Such a scheme would continue to be a mixed-use type development but with education at its heart.
- 3.10 The specific known requirements of the University at this stage are:
- A '**Business School +**' building of about 8000m<sup>2</sup> gross, which would include space for teaching and research, and also provide the physical base for the university's work in support of economic and social engagement (services to business, applied research and development, innovation and incubation facilities, and social and community projects). The Business School is currently housed on a single floor in Mithras House. Its move to a purpose built facility will free up space in Mithras House, thus enabling satellite services to return to the centre.
  - **Student residences** for a minimum of 500 students, provided on-site so as to reduce the environmental impact of the university (an estimated reduction of at least 50,000 return travel-to-study journeys), ease pressure on the city's housing stock, and generate employment opportunities. In conjunction with the Business School building, the residences would enhance the opportunities for attracting academic conferences to the university, generating further economic activity in the city.

- 3.11 The Strategic Housing Partnership has commissioned the University of Brighton to work on a student housing strategy for the city. The research into changing student demography, student housing needs and the impact of student housing on existing communities will inform the city's Housing Strategy and emerging planning policy. Key objectives include an area based approach to managing student housing to mitigate the negative effects of high density student populations on established communities, and the development of more purpose built student accommodation.
- 3.12 The inclusion of student units in this location will need to be viewed against this area based approach to managing student housing and the potential to free up family housing in the vicinity.

### **A Shared Vision**

- 3.13 The established vision for the Preston Barracks development, agreed by the Project Steering Group in 2002, is:

*"That Preston Barracks forms a strong gateway to Brighton & Hove, with striking architecture and high quality public spaces setting the stage for a vibrant development that successfully focuses on employment whilst balancing community, residential, research, commerce and training uses."*

- 3.14 In support of that vision, the Masterplan and subsequent Development Brief identified a range of key components and guiding principles. These were prepared against the background of the Local Plan requirements and reflected the findings, at that time, of the consultation process with key stakeholders. In summary, it confirmed that the development should:
- Act as an exemplary mixed-use development project (employment-led)
  - Create significant job opportunities and promote new business
  - Focus on sustainable development
  - Create a 'sense of place'
  - Create opportunities for training – particularly for the local community
  - Investigate opportunities for joint working with the University of Brighton
  - Provide housing types that create a more balanced residential mix in the area whilst delivering the required 40% affordable housing requirement
  - Recognise and enhance the quality of the surrounding residential environment.
  - Achieve the highest standards of design excellence
  - Create a 'Gateway' into Brighton & Hove
  - Strengthen the 'Academic Corridor' and provide a catalyst for ongoing regeneration along the Lewes Road corridor.
  - Improve linkages with the surrounding environment, particularly with Saunders Park View and Moulsecoomb railway station.
  - Emphasise a sustainable approach to transport.
  - Well-designed public spaces that respond to the needs of new and existing communities, including children and young people and integrated public art.
- 3.15 The original vision and development aspirations, while established some years ago, remain appropriate today and will therefore be key factors in the development of any subsequent scheme. It will however be necessary to be responsive to the

effects of the current economic conditions on the viability of schemes, and the phasing arrangements will be significant considerations.

- 3.16 Working in partnership with the University and unifying Preston Barracks with the adjacent university property on both sides of the Lewes Road has the potential to secure wider objectives of the emerging LDF; most notably supporting the need to provide appropriate accommodation for students and strengthening the links between the universities, business and local communities through sharing facilities and developing local opportunities for training and learning.
- 3.17 Each of the key planning documents reflects the important relationship between Preston Barracks and the University campus; an importance which stems from not just their geographical proximity, but the potential to build strong academic links, with support to local businesses, and the creation of an innovation centre, encouraging embryonic enterprise.
- 3.18 Following detailed discussions, city council officers and the University have started to identify the potential development area that could form part of future plans.
- 3.19 Incorporating the University's requirements with the primary purposes outlined for Preston Barracks results in the following indicative mix of uses:
- New 8,000sq.m Business School (including innovation and incubation facilities)
  - 10,600sq.m of employment space\*
  - Minimum of 500 student units
  - An appropriate number of housing units, with recognition that the number will be dependent on the total development area, the findings of a proposed Urban Design Study and financial viability
  - Ancillary retail
  - High quality public open spaces
  - Other economic development uses

\* this would represent a net reduction of 8,000sq.m of employment floor space, but the Business School would provide a positive contribution to local economic needs.

### **Urban Design Study**

- 3.20 The combined use mix shown above represents a significant development package, and it is therefore important to carefully consider the scale of development across the wider area. It is therefore proposed that the city council and University explore various scenarios in respect of scale and massing, in order to understand the development capacity of the sites.
- 3.21 With Cabinet's agreement, appropriate consultants would be jointly appointed to examine the implications in respect of height and massing in bringing forward a range of development scenarios on a site that incorporates Preston Barracks, Watts campus and Mithras House.
- 3.22 This study, which is expected to be a short-term piece of work, will in large part refresh and update information contained in the original Masterplan, as well as consider the opportunities presented by the new areas of land which will inform future discussions.

## **Terms of Reference/Project Objectives**

3.23 The following outline terms of reference are recommended for the project:

- The successful and sustainable redevelopment of the Preston Barracks site (and adjacent land as agreed); a development that meets the demands of the city and the partners' vision.
- To deliver a mixed-use employment led regeneration scheme consistent with the established aspirations and which acts as a regenerative catalyst for the surrounding area and communities.
- To ensure a financially viable scheme that is capable of responding to changing market conditions.
- To promote the regeneration of the Lewes Road corridor, with improved permeability and connectivity.

## **Project Management Arrangements**

- 3.24 This report proposes a decision making structure based on that established for other major projects and which enables responsible officers to take the appropriate decisions in consultation with Members, but will also allow for expeditious decision making at critical times.
- 3.25 The Preston Barracks project has, for the past 4 years, been overseen by a Project Board. Having been born out of an earlier Steering Group dating back to 2002, and reflecting the original involvement of SEEDA and the former Brighton & Hove Regeneration Partnership, both have been represented on the Project Board alongside elected Members.
- 3.26 The make-up of the original Project Board was appropriate for the time but, with the project now moving forward in a revised form, it is now considered appropriate to bring Preston Barracks in line with other major projects through the establishment of a new cross-party Project Board. It is therefore recommended that each of the four main political groups be requested to nominate its representative on the Project Board. For information, the most recent membership was as follows: Cllr Ken Norman (Chairman), Cllr Duncan, Cllr Lepper, and Cllr Watkins.
- 3.27 The Project Board will play an important role as the project develops and will provide an effective means of ensuring cross-party engagement and support. It will also be through the Board that future reports are referred to Cabinet or Cabinet Member Meetings. The Board will oversee the creation of any formal legal structure between the partners and the procurement process based upon it in line with the terms of reference/project objectives set out in paragraph 3.23. It will also:
- Supply the Cabinet with appropriate information to facilitate informed decision making
  - Provide overall direction to the project so that it achieves its objectives
  - Receive progress reports and act as required
  - Ensure that in-house resources and consultancy are used as planned
  - Support the Project Manager in gaining access to the requisite resources
  - Ensure that processes are put in place to learn from project experience.

- 3.28 Based on the indicative timetable set out below, it is anticipated that the first meeting of the Project Board will be in October 2009. In addition to the Board, it is also recommended that Project Partners Meetings be established. Again, such meetings are consistent with the approach adopted for other major projects involving significant partners with land interests, i.e. the Community Stadium project. An indicative project management / decision making structure chart is attached at Appendix 1.

### **Next Steps / Indicative Timetable**

- 3.29 With Cabinet's agreement to the recommendations contained in this report, and based on the anticipated timeframe for the joint appointment of consultants, the outline timetable is as follows:

| Event  | Timescale                |
|--|--------------------------|
| Cabinet supports work to date and agrees to continued partnership working  | 17 September 2009        |
| Inaugural meeting of Project Board   | October 2009             |
| City Council & University of Brighton enter procurement protocol agreement | October 2009             |
| Tender Urban Design Study  | October 2009             |
| Consultants appointed  | November / December 2009 |
| Urban Design Study completed   | February 2010            |
| Study findings considered by partners                                      | March 2010               |
| Report to Project Board re next steps                                      | March 2010               |

- 3.30 The future timetable is very much dependent on progress during the next 6 months and may therefore be subject to revision.

## **4. CONSULTATION**

- 4.1 In view of the stage the project has reached, it has not been appropriate to undertake wider consultation at this point. With the principal task being the need to explore with interested parties alternative delivery arrangements, and to consider options for a revised scheme, it would have been inappropriate to commence external consultation.
- 4.2 Should Cabinet agree to move forward as recommended in this report, consultation will form a crucial element of future work.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The progress of the project will be supported by the Major Projects & Regeneration Team whose costs are included within the council's budget. The recommendation at 2.7 to undertake an Urban Design Study is considered to involve limited costs and will be jointly funded between the Council and the University. The councils

share will be funded from the Strategic Investment Fund allocation to support the progress of major projects, approved at Council on 26 February 2009.

*Finance Officer Consulted: James Hengeveld*

*Date: 04/08/09*

Legal Implications:

- 5.2 The revised project proposals are at an early stage. It is appropriate to reconstitute the Board and for there to be a simple agreement with the University ("the Protocol") to cover the continued development of a joint scheme.
- 5.3 In the longer term there will be a requirement to comply with the EU Directives regarding Works and Services. However at this stage any work commissioned under the Protocol will be below the threshold figures of the EU Directives and can be sought in accordance with the council's Contracts Procedure Rules.
- 5.4 Given the respective landholdings it is entirely appropriate for the council and the University to work in partnership on common objectives.

*Lawyer Consulted:*

*Bob Bruce*

*Date: 20/08/09*

Equalities Implications:

- 5.5 The Major Projects & Regeneration division is in the process of developing a bespoke EqIA process that fits within the agreed corporate process but which better reflects the nature and decision making arrangements of major projects managed by the city council. Development of this process has involved the Corporate Equalities Team and their involvement will continue as things progress.
- 5.6 An Equalities Impact Assessment (EIA) for the revised Preston Barracks project will therefore be prepared as part of the next phase of work and a full update will be included in future reports to the Project Board and Cabinet.

Sustainability Implications:

- 5.7 Sustainability implications have been a significant feature at all previous stages and will remain a central focus for future work. Both parties are committed to ensuring the highest standards of sustainability for any resultant scheme. The nature of the recommendations contained in this report mean there are no direct sustainability issues arising at this point.

Crime & Disorder Implications:

- 5.8 The Preston Barracks site has been extensively vacant for a number of years and has on occasion been subject to crime and vandalism. Redevelopment of the site would serve to limit such opportunities through encouraging a high level of natural surveillance, a level of which is currently being achieved through the city council enabling a number of short term uses of the site, particularly the garage units to the rear.



### Risk & Opportunity Management Implications:

- 5.9 A risk register has been in place since 2005 and is reviewed on a regular basis. As with earlier stages of development, the risk register will be reported to future meetings of the Project Board.

### Corporate / Citywide Implications:

- 5.10 The strategic importance of Preston Barracks as both an employment site and as an urban gateway to Brighton from the Academic Corridor has long been recognised. The development opportunity it presents is significant to the city as a whole as well as to the local communities that adjoin it. The shortage of quality sites for development and regenerative purposes places real pressure on the city council and its partners to ensure that this 2.2 hectare brownfield site performs across physical, economic and social levels. These important drivers remain and will be a focus for the next stage of development.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The evaluation of alternative options formed a significant part of the previous report to Cabinet, on which basis it was agreed that in view of the many options considered over time, it was appropriate for the city council to review the development opportunities and to explore alternative delivery arrangements. Activity during the past 6 months has begun the process of establishing a shared vision.
- 6.2 The intention to move forward with the commissioning of an Urban Design Study, to update the original Masterplan of 2003, and to inform further discussions, will in turn lead to the consideration of further options and development scenarios.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The city council and University of Brighton share a real desire to see a high quality development that meets the demands of the city and the University, as well as promoting the regeneration of the Lewes Road corridor; a development that should also better integrate with surrounding communities.
- 7.2 Employment creation remains the primary focus for Preston Barracks. However, working in partnership with the University and incorporating adjacent land offers the potential to deliver against this objective in a more flexible way; as part of a wider scheme also enabling the University to achieve its objective to continue the improvement of its Moulsecoomb campus.
- 7.3 The University's aspirations for the renewal and development of its Moulsecoomb campus, through the improvement of the facilities and the setting in which they are provided, sits well with both the vision for Preston Barracks, as well as the wider strategies for Lewes Road and the Academic Corridor. A joint approach to the development of a wider site offers the prospect of a better integrated development capable of satisfying all parties and the city as a whole.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Proposed Decision-Making Structure

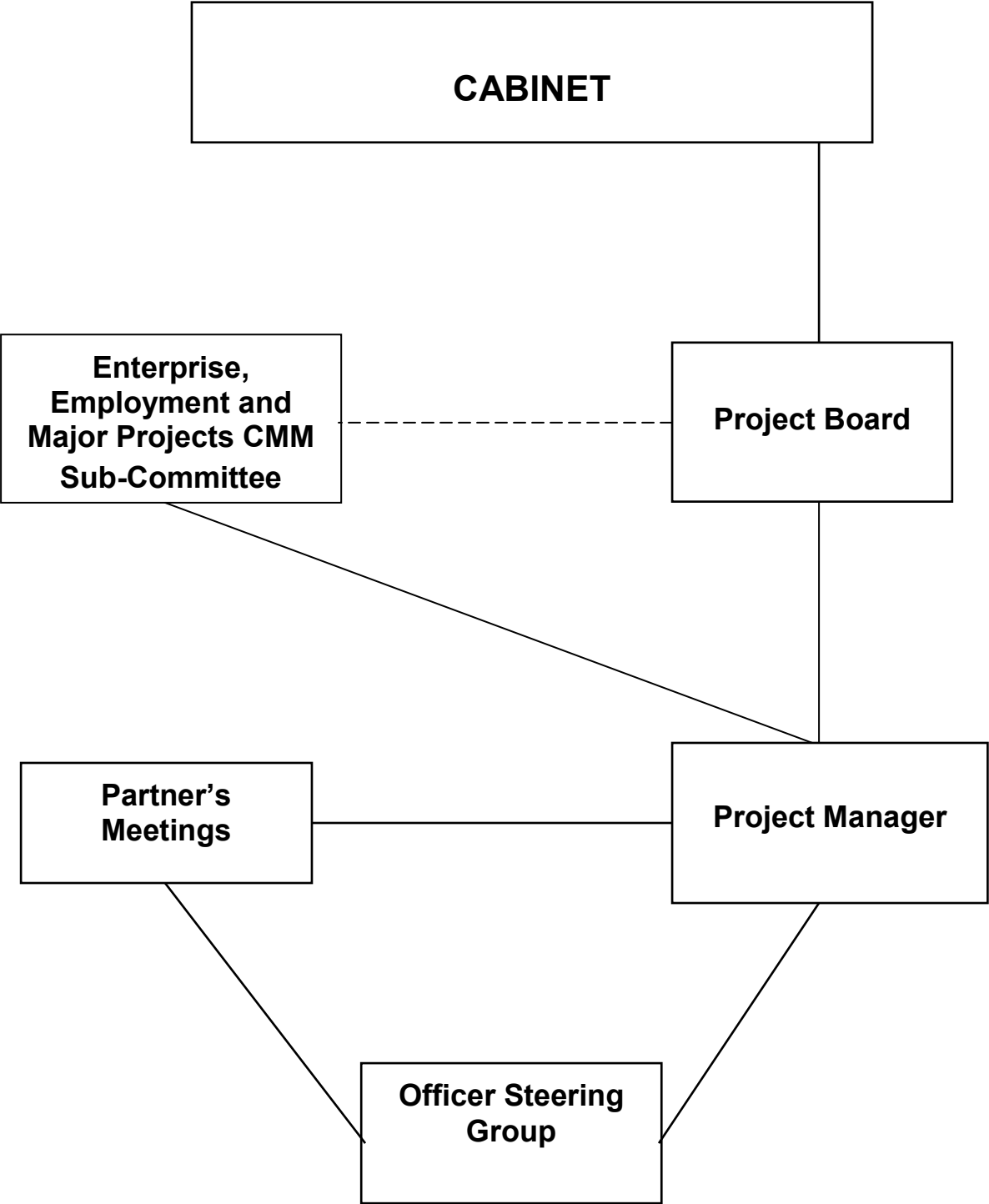
### **Documents In Members' Rooms**

None

### **Background Documents**

1. Preston Barracks Masterplan & Development Brief (2003)
2. Supplementary Planning Guidance – SPG14 (2003)
3. Confidential Report to Cabinet 12 March 2009

PROPOSED DECISION-MAKING STRUCTURE





|                         |   |   |                     |
|-------------------------|---|---|---------------------|
| <b>Subject:</b>         | <b>Use of General Consents to Lease Properties to Brighton &amp; Hove Seaside Community Homes</b> |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>  |   |                     |
| <b>Report of:</b>       | <b>Director of Adult Social Care &amp; Housing</b>  |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>  | <b>Martin Reid</b>                      | <b>Tel:</b> 29-3321 |
|                         | <b>E-mail:</b>  | <b>martin.reid@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>No</b>   |   |                     |
| <b>Wards Affected:</b>  | <b>All</b>  |   |                     |

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

- 1.1 Following unanimous support from Housing Management Consultative Committee after extensive tenant consultation, and with cross party support, Cabinet in September 2008 approved the creation of a Local Delivery Vehicle (LDV) to obtain best value from empty Housing Revenue Account assets requiring reinvestment by leasing up to 499 empty properties over five years to the LDV in order to raise additional investment to improve council housing stock. Meeting the Decent Homes Standard and tenant aspirations for improvements to their homes is a key city-wide priority, reflected in Community Strategy for Brighton & Hove, as a key performance indicator in the Local Area Agreement and subject to audit as part of Comprehensive Area Assessment.
- 1.2 This paper seeks Cabinet approval for consultation with Housing Management Consultative Committee (HMCC) and Brighton & Hove Seaside Community Homes (the LDV) on exploring the potential use of an alternative means of achieving consent to lease up to 499 empty Housing Revenue Account (HRA) properties from Brighton & Hove City Council (BHCC) to Brighton & Hove Seaside Community Homes (BHSCH). The paper also seeks approval to consider the financial implications should use of this alternative general consent option be available to the Council. It is proposed that this option is explored in addition to the existing application for express consent from the Secretary of State to lease properties to BHSCH already submitted to Communities & Local Government. We do not propose to incur any additional costs exploring this potential option prior to consultation with HMCC and BHSCH.
- 1.3 To date Brighton & Hove City Council (BHCC) has proceeded solely upon the legally advised and preferred route of seeking express consent from the Secretary of State for leasing of the properties to Brighton & Hove Seaside Community Homes (BHSCH). Legal advice and financial modelling on Stage 1 and Stage 2 reports, papers to Housing Management Consultative Committee (HMCC), Cabinet and Council and recommendations agreed have reflected this advice.
- 1.4 An application to Communities & Local Government (CLG) for express consent from the Secretary of State to lease up to 499 HRA properties from BHCC to

BHSCH was made on 13 February 2009. In response to this application (letter dated 7 May 2009) CLG advised that:

‘At present, on the basis of what we have been provided so far, we would be minded to recommend to the Secretary of State that she withholds consent, but do not wish to take this next formal step in the process without giving you the opportunity to re-consider your proposal.’

- 1.5 The Director of Adult Social Care & Housing provided a comprehensive response to the points outlined in the CLG letter of 7 May on the 26 June 2009. To date, no reply has been received from CLG to this letter.
- 1.6 Given the current position regarding the Council’s application for express consent from the Secretary of State, the fact we are in active negotiation with potential funders, and the critical nature of this proposal to meeting city-wide, corporate and strategic housing priorities and tenant aspirations for investment in their homes, this paper seeks authorisation to consult on use of general consents to lease as a potential alternative route should either of the following apply:
  - Secretary of State consent for BHCC to lease HRA properties to BHSCH is refused.
  - Secretary of State consent for BHCC to lease HRA properties to BHSCH is delayed to such an extent as to be impractical in terms of project timetable and achieving project priorities.

## **2. RECOMMENDATIONS:**

- 2.1 That Cabinet agrees to consult with Housing Management Consultative Committee and Brighton & Hove Seaside Community Homes on the use of general consent A5.4.1 of the General Housing Consents 2005 to lease to Brighton and Hove Seaside Community Homes the 106 Housing Revenue Account (HRA) dwellings approved for leasing by Full Council on 9 October 2008 and such other Housing Revenue Account dwellings (up to a maximum of 499 in total, including the 106 properties) within a five year period that satisfy the criteria previously agreed by Cabinet and Council.
- 2.2 That Cabinet notes that Cabinet and Council (24 September 2008 & 9 October 2008 respectively) delegated the power to make decisions on the inclusion of individual properties to the Director of Adult Social Care and Housing after consulting with the Cabinet Member for Housing.
- 2.3 That Cabinet confirms the powers already delegated and, for the avoidance of doubt authorises the Director of Adult Social Care and Housing, after consultation with the Cabinet Member for Housing, to take all steps necessary, incidental or conducive to the achievement and implementation of the proposals in 2.1 above.
- 2.4 That Cabinet agrees that the issue regarding funding options and any decision associated with that remain delegated to the Cabinet Committee consisting of the Leader, the Cabinet Member for Housing and the Cabinet member for Finance.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Council intends to lease vacant properties to the Local Delivery Vehicle (LDV), Brighton and Hove Seaside Community Homes, which are presently held for housing purposes under Part II of the Housing Act 1985. Under Section 32 of the Housing Act 1985 the Council has the power to dispose of the land held for housing purposes on a leasehold (or indeed freehold) basis, but for the purposes outlined in the reports to Cabinet and Council, not without the consent of the Secretary of State. Consent may be express (i.e. granted on a specific application to the Secretary of State ) or general (i.e. automatically granted to all authorities with no need for an application.)
- 3.2 Given the nature of the proposals, including the assumed “client base” and following legal advice received, the project has proceeded on the basis of express consent from the Secretary of State being applied for and achieved.
- 3.3 Unless any of the general consents (contained in the Consent for Disposal Part II Dwelling Houses 2005) apply, the specific consent of the Secretary of State will be required for any disposal.
- 3.4 Cabinet Meeting on 24 September 2008 approved the setting up of the proposed LDV to deliver key strategic housing and corporate priorities and generate funding for investment in the HRA to improve council homes and assist the council in meeting the Decent Homes Standard. Reducing the percentage of non-decent council homes is a key element in the Improving Housing & Affordability section of the Community Strategy and one of the key performance indicators in Brighton & Hove’s Local Area Agreement. The project modelled is based upon leasing up to 499 properties from the council to the LDV over a 5 year period. A key parameter is that there should be no freehold transfer. The original model as it stands (with tenants of the LDV not restricted to people with special needs) means consent is required from the Secretary of State to lease properties to any LDV. Full Council needed to resolve to make an application to the Secretary of State for consent to lease the properties to the LDV.
- 3.5 In light of the above considerations and advice received, Cabinet agreed recommendations, including the following:
  - That Cabinet recommend to Full Council that it authorises the making of an application to the Secretary of State for consent to lease to the LDV (with vacant possession for a period of up to 125 years) the 106 Housing Revenue Account dwellings listed in the schedule in Part 2 of this agenda (exempt under paragraphs 1, 2 and 3 of schedule 12A to the Local Government Act 1972 (as amended)) under the requirements of s32 Housing Act 1985 and any additional application necessary or incidental to the granting of such leases or under any other relevant legislation.
  - That Cabinet recommend to Full Council that it authorises the making of an application to the Secretary of State for consent to lease to the LDV (with vacant possession) for a period of up to 125 years such other Housing Revenue Account dwellings, in addition to those listed in the schedule above (up to a maximum of 499 in total, including those covered under 2.7 above, within a five year period) that satisfy the criteria referred to in paragraph 3.4.9

of this report. For the avoidance of doubt Cabinet and Council delegate the power to make decisions on the inclusion of individual properties to the Director of Adult Social Care and Housing after consulting with the Cabinet Member for Housing.

- 3.6 The Director of Adult Social Care & Housing, after consultation with the Cabinet Member for Housing was authorised to implement the proposals with the issue of funding options delegated to a Cabinet Committee consisting of the Leader and the Cabinet Members for Housing and Finance. An application for express consent to lease from the Secretary of State was pursued on basis described in 3.5.
- 3.7 Following detailed discussion and information sharing with CLG and GOSE an application was made (on 13 February 2009) to CLG for consent from the Secretary of State to lease up to 499 vacant HRA properties over 5 years from the Council to BHSCH.
- 3.8 In response to this application (letter dated 7 May 2009) CLG have advised that:
- ‘At present, on the basis of what we have been provided so far, we would be minded to recommend to the Secretary of State that she withholds consent, but do not wish to take this next formal step in the process without giving you the opportunity to re-consider your proposal.’
- 3.9 CLG set out their main areas of concern and advised:
- ‘We will wait for further written evidence answering our concerns before putting your consent requests and our recommendations to the Secretary of State’.
- 3.10 The Director of Adult Social Care & Housing provided a comprehensive response and evidence addressing the concerns outlined in the CLG letter of 7 May on the 26 June 2009. To date no reply has been received from CLG to this letter.
- 3.11 In the meantime the project has continued to progress. BHSCH Board has been meeting regularly since December 2008. BHSCH has been constituted since March 2009, has elected a Chairman and is currently in the process of appointing its fourth and final independent board member to serve alongside existing independent, Council and tenant board members. BHSCH meets regularly and has set up sub groups to provide a detailed focus on legal, financial and property aspects of the project. BHSCH and the Council have been working closely on finalisation of legal agreements and have been in positive negotiations with potential funders and with the VAT Inspectors regarding the setting up of a VAT shelter. The Council have been finalising preparation of properties to lease to the Company in consultation with BHSCH property sub-group members. Tenant Area Panels have received regular feedback on progress from BHSCH tenant board members.
- 3.12 Should the current negotiations with potential funders prove successful and a funding option be agreed at Cabinet Committee, lack of consent to lease properties from the Council to BHSCH would remain a key outstanding project risk with the potential to compromise delivery of the core project objective of raising investment to help improve council tenants homes.



- 3.13 In light of this risk this report seeks authorisation to consult Housing Management Consultative Committee and consider the financial implications of exploring an alternative route of using general, in addition to the current express consent route, should either of the following apply:
- Secretary of State consent for BHCC to lease HRA properties to BHSCH is refused.
  - Secretary of State consent for BHCC to lease HRA properties to BHSCH is delayed to such an extent as to be impractical in terms of project timetable and achieving project priorities.

### **Background Information on Use of General Consents**

- 3.14 Disposal of dwelling houses by local authorities is covered by s32 of the Housing Act 1985 relates. This requires the express consent of the Secretary of State for each disposal unless any of the general consents contained in The Consent for the Disposal of Part II Dwelling Houses 2005 apply. Many of the general consents cannot apply to this project as they relate to RSLs or disposal for owner occupation or to sitting tenants.

- 3.15 However, there may be one possible applicable consent under paragraph A5.4.1 of the general consent. Under this paragraph:

‘A local authority may, subject to the provisions of this consent , dispose of a dwelling house to any person (the ‘acquirer’) for the best consideration that can be reasonably obtained, where:

“A. the acquirer intends to use the dwelling house as housing accommodation or occupation by persons who have a special need arising from disablement, past or present dependence on alcohol or drugs, past or present mental disorder, or fear of domestic violence.”

“B. the dwelling house is vacant or the subject of a lease previously granted by the authority to the acquirer.”

- 3.16 Current advice is that whether or not general consent applies will need to be considered in light of the facts for each proposed disposal.
- 3.17 The basis on which Cabinet is being asked to approve consultation on potential use of this option is that the client group the Council proposes to nominate to BHSCH for housing consists of many households owed a housing duty by the Council by virtue of a special need outlined within paragraph A5.4.1 of the general consent.
- 3.18 In relying upon consent related to occupation of properties leased to BHSCH by persons who have a ‘special need’ we will need to consider the practical demand for accommodation from these special needs groups. In addition, we will need to consult with BHSCH to consider whether BHCC reliance upon any use of this designation for consent to lease properties will limit the range of activity of BHSCH under its constitution and impact upon the business plan and the value of the company in terms of impact upon management costs from groups who may require more care and support.

- 3.19 Consideration will also need to be given to the financial implications should this general consents route be followed. In particular, consideration of: the requirement to achieve a valuation at 'best consideration that can reasonably be obtained'; implications on ability to lend under the prudential borrowing route; and ability to use leaseback leases to maximise cap and threshold rents. As outlined above, it is not proposed to incur additional costs on exploration use of this consent option prior to consultation with HMCC and BHSCH.

#### **4. OTHER MATTERS FOR CONSIDERATION**

##### **Cabinet Approval**

- 4.1 The existing authorisation from Cabinet is not sufficient to follow the general consents route as it is based on a number of legal and financial assumptions which will not apply under the general consent option. Following consultation with Housing Management Consultative Committee and BHSCH and consideration of financial implications, any decision on this would therefore need to go back to full Cabinet. Cabinet Committee as currently set up is only charged with discussion of funding options and its authority does not extend to enabling it to approve a different scheme. However, the consent of full Council will not be needed as Council has already given consent to dispose.
- 4.2 Should a decision go back to Cabinet following consultation and detailed financial consideration, it is proposed that Cabinet agrees the principle of proceeding on the basis of general consent and authorise the Director, after consulting the Cabinet Member for Housing to implement the proposals.

##### **Business Case**

- 4.3 As detailed above consideration will need to be given to whether use of general consents has any impact on business case assumptions around income, expenditure, demand. Further to this, consideration may need to be given as to whether use of the 'special needs' general consent impacts upon the client group housed by the BHSCH.

#### **5. CONSULTATION**

- 5.1 The recommendation of this report seeks permission to consult Housing Management Consultative Committee on the potential use of the general consent route. BHSCH Company Board will also be involved in consultation on and detailed consideration of financial and other potential implications of use of the of the general consent option.

#### **6. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 6.1 The financial implications are covered in the body of the report. Further resources will be required to complete the work on the LDV under either consent scenario and that Cabinet approval for this will be sought at the appropriate time.

*Finance Officer Consulted: Mark Ireland*

*Date: 07/09/09*

#### Legal Implications:

- 6.2 The use of general consent A5.4.1 is subject to a number of restrictions and these need to be carefully considered before any decision to proceed under that consent. The terms of the lease will need to be revised to ensure that they are consistent with the intended use for people with special needs. Council will have access to specialist external advice to ensure that all aspects are legally compliant.

*Lawyer Consulted:*

*Abraham Ghebre-Ghiorghis*

*Date: 07/08/09*

#### Equalities Implications:

- 6.3 The Council proposes to contract with BHSCCH to provide settled accommodation for households with particular needs including physical and learning disability. An equality impact assessment of the project is underway.

#### Sustainability Implications:

- 6.4 The proposal to set up a company to raise investment to improve council homes through leasing properties to BHSCCH enables access to funding to refurbish properties and meet strategic housing needs, would contribute to achieving council priorities to address sustainability as an integral part of all service delivery and contribute to the Sustainable Development Strategy.

#### Crime & Disorder Implications:

- 6.5 There are no implications for crime and disorder .

#### Risk & Opportunity Management Implications:

- 6.6 The Council has set up and maintains a risk register highlighting risks and how they might be allayed for all aspects of the project. Key risks and risk mitigation have been identified in previous reports. In setting out the risks below it should be noted there are risks in not taking forward this project, which include:

- Ability to meet the Decent Homes Standard within an acceptable time frame
- Future cost of lack of investment in the council stock
- Failure to secure a stable supply of housing for those to whom the council has a housing duty.

#### Corporate / Citywide Implications:

- 6.7 The proposal for the Council to lease properties to BHSCCH to raise investment in Council homes and access to funding to refurbish up to 499 properties in need of investment supports the following council corporate priorities:
- Protect the environment whilst growing the economy;
  - Make better use of public money
  - Reduce inequality by improving opportunities.

- 6.8 The contribution of this proposal to the objectives of the Local Area Agreement is outlined in paragraph 3.2.11 of the report to Cabinet on 24 September 2008.
- 6.9 Securing additional funding to meet Decent Homes Standard and carry out improvements to the council's stock in consultation with tenants and leaseholders is a key element to achieve a viable 30 year HRA business plan.

**7. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 7.1 The report seeks permission to consult HMCC & BHSCH on evaluation of using general consent to lease empty HRA properties to BHSCH as a potential alternative option to the pursuit of the existing preferred option of seeking express consent to lease from the Secretary of State.

**8. REASONS FOR REPORT RECOMMENDATIONS**

- 8.1 The report recommends consultation with HMCC & BHSCH and consideration of financial implications of use of general consent for the Council to lease homes to BHSCH as a potential alternative option should permission to lease sought from the Secretary of State not be forthcoming or delayed to such an extent that it is impractical in terms of achieving project timetable and the necessary investment in improving council homes.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Response of the Director of Adult Social Care & Housing to CLG

**Documents in Members' Rooms**

None

**Background Documents**

None

Stephen Biddulph  
Department for Communities &  
Local Government  
Zone 1/A2  
Eland House  
Bressenden Place  
London SW1E 5DU

Date: 25 June 2009  
Our Reference: JH/mhw  
Your Reference:  
Direct Line: (01273) 295035

Dear Mr Biddulph

Thank you for your letter dated 7th May sent in response to our application for consent (submitted 13 February 2009) to lease up to 499 empty HRA homes from Brighton and Hove City Council (BHCC) to Brighton and Hove Seaside Community Homes (BHSCCH) over a period of 5 years.

We were disappointed that you have not been able at this point to place our request in front of the Minister with a positive recommendation but welcome the opportunity to review the concerns that you have raised and to jointly work towards eliminating any fundamental difficulties with this project.

(1) Value for Money

You raise the issue of value for money and that of disposals at an under value. I note your concern, and for this reason would like to shortly provide you with a detailed response having first examined this issue more closely.

(2) Securing Private Funding

In your first point you state that the 'proposal does not appear deliverable from a fundamental perspective'. As you are aware seeking private funding has always been the preferred funding option for this proposal. I am pleased to inform you that we are currently in active talks with three financial institutions on funding for the project. While the availability of private funding may be seen as a market not a project issue, our financial advisors have confirmed that the level of interest currently being shown is consistent with interest shown by banks on other PFI/PPP type proposals and as you will appreciate negotiations with banks that involve lending to a third party (in this case the LDV) take time and require a considerable amount of information exchange. In the current financial climate the process is taking even longer. The council will continue this process of securing private sector funding on competitive terms.

Although private funding is not finalised we would hope that officers would consider giving consent prior to private sector funding being obtained. We would hope that

officers in the department can consider all the other issues which relate to the scheme and working in dialogue with the Council reach a point where the scheme has support in principle with formal consent awaiting finalisation both of private funding and the documentation.

### ( 3) A Prudent Approach

The second key issue raised in your letter is concerned with balance sheet treatment. The prudential capital system the issue of on/off balance sheet is no longer a factor. The prudential system is predicated on the council's view on affordability, sustainability and prudence of any capital investment decisions and these are the considerations the council will take into account throughout the project. The council has already opened discussions with the Audit Commission and their initial view is that the LDV will be "an Entity" (as defined by accounting principles) and will be accounted for as either an "Associate" or "Subsidiary" company in the council's Statement of Accounts. Discussions will continue with the Audit Commission and as the legal agreements between the council and LDV are finalised the accounting treatment will be reviewed. If you consider that whether it is on or off balance sheet has to be a key issue that enables or prevents consent from being given, ( and given the financial freedoms allowed Councils following 2003 Act we are not sure why this should be a defining issue) we might be willing to say that we will ensure that it is formally signed off as off balance sheet.

### (4) Maximum Rent Use of Existing Homes

In your third point you raise the issue of loss of social housing stock and the protection afforded to tenants by registration with the TSA. Brighton & Hove can provide assurance of no net loss of affordable homes. The homes we propose to lease to the BHSCCH are currently uninhabitable and in need of refurbishment. The Council will retain 100%, nomination rights to these homes when they are brought back into use in order to meet housing need. In addition, the Council working with the HCA and our housing association partners have a very successful new build development programme that on average delivers 230 new affordable homes in the City each year. Our partnership out-turn figure 2008/09 is 232 new affordable homes and we are projecting a similar figure next year based on our existing development pipeline. 499 empty homes in need of refurbishment leased to BHSCCH over 5 years equates to 4% of the existing Council housing stock and should be seen in the context of annual turnover of approaching 800 re-lets per year. In light of this we can confirm no project net loss of social housing stock in Brighton & Hove as a result of our proposals. In addition BHSCCH are seeking to extend its activities by developing and regenerating areas to increase and contribute to the existing development pipeline of additional affordable homes in Brighton & Hove.

#### (5) Registering with the TSA

We are not seeking to 'deny tenants in Brighton the protection the TSA offers'. Our proposals have proceeded on the basis that BHSCCH win contract landlord services back to the Council, which will be registered with the TSA. Neither the Council nor BHSCCH have ruled out approaching the TSA for registration at some point in the future. The TSA has yet to settle its registration criteria, and the BHSCCH will be very happy to enter into dialogue with the TSA as appropriate. BHSCCH will offer tenants a high standard of service with supporting policies and performance standards that reflect their aspirations. Any help the TSA can give BHSCCH in achieving their aspirations will be very welcome.

#### (6) Ending Benefit Dependency

Your fourth point reflects concerns about perpetuating a benefit dependency culture. The Council's allocation policy allows for transfer from temporary accommodation to social housing dwellings where tenants in temporary accommodation obtain work. Such tenants obtain priority for allocation of a social housing dwelling at social housing rents to avoid concerns about benefit dependency. The local housing allowance or housing benefit to which tenants would be entitled would be related to the provision of adequate housing for the person entitled to the benefit.

The Council's out-perform our National Indicator Set (156) target for reducing numbers of households living in temporary accommodation with a reduction to 372 households against a target of 385 for 08/09, from a baseline of 498. We have a target to reduce the number of households in temporary accommodation to 333 by 2010 and have developed our approach to ensure that sufficient support is available for households to manage and sustain new tenancies and prevent the cycle of re-entry back into temporary accommodation.

#### (7) Tackling Worklessness

In addition to our success in reducing the number of households living in temporary accommodation, we operate a successful Integrated Support Pathway to give vulnerable people a comprehensive package of support to enable them to move through homelessness and temporary accommodation services into employment and independent living.

Essential to the success of the Pathway was the commissioning of a dedicated Work and Learning Service which working alongside 35 homeless projects covering 150 people to achieve the following results:

- a 85% progression rate into further work or learning activity/meaningful occupation
- a 55% progression rate into mainstream learning/training
- a 47% rate into employment for those people completing the work placement programme.

- an increase from 40% to 85% for completion of Accredited Life Skills Programmes.

For people in temporary accommodation we successfully operate an incentivised pathway into employment and the private rented sector – the Stepping In Project. We have also commissioned the Homeless Psychology Project and Behavioural Support Team to support clients with issues of motivation and to overcome the negative behaviours and attitudes that lead to repeat homelessness.

In addition, we operate additional support services to support the transition into employment, education & training and independent living, including:

- |                               |  |
|-------------------------------|--|
| ▪ Job Coaching                | ▪ Support into College                     |
| ▪ Job Network                 | ▪ Links into external job support networks |
| ▪ Career Counselling          | ▪ Business Link                            |
| ▪ Working Support Service     | ▪ Services/Social Enterprise Network       |
| ▪ BAOH Tracking for 18 Months | ▪ Strong links with Volunteering Agencies  |
| ▪ Peer to Peer Service        |  |
| ▪ Peer Learner Programme      |  |

#### (8) Taking account of benefit changes

We are pleased to have received notification of DWP changes to the homeless 'cap and threshold' system. We were aware of and had identified potential risk of these forthcoming changes and had factored the potential impact into our modelling. We now welcome the certainty of the final arrangements being announced and will be considering the impact upon our modelling. This removes a significant project risk. From our initial consideration we note that while there is a negative impact on one bed properties, there is a positive impact for us on all other property sizes. We also note that the management fee used for authorities outside London is £60 per week, higher than any management fee we have proposed in our initial modelling.

#### (9) Schemes which enable settled homes

We were not intending at any time to suggest that our scheme was the same to that of Newham's Local Space. We were simply using that as an example of one of a number of schemes which are intended to improve the quality of temporary housing and produce settled homes. We wanted to be clear that the properties that we wish to lease to BHSCH are currently nearly all in a unsatisfactory state, some are actually empty and uninhabitable and the project produces enough money for them to be brought up to a proper standard so that the vulnerable client groups which BHSCH would house can be adequately housed. BHSCH is not simply going to house those who are homeless but also people with physical and learning disabilities to whom the Council has long-term duties to secure proper homes



(10) Improving tenant's living standards

As previously stated I would like to continue to work with your department at removing the difficulties that have been outlined in your letter of the 7<sup>th</sup> May which I have been able to begin to address in this response. We are keen to improve the living standards of our tenants and have developed this project in light of the government green paper which gives a commitment to increase government support for schemes which use rental income to repay borrowing and in doing so can utilise the lease premiums in order to invest in our retained housing stock to meet the Decent Homes standard and our tenants aspirations

(11) Tenant Support for BHSCCH

Brighton & Hove rejected a housing stock transfer with a 77% no vote. However they have actively endorsed the LDV project as a sound way of bringing empty homes back into use and generating additional premiums that can be used to improve social housing stock. We wish to work with you to achieve this goal. The proposals have all party political support.

(11) Funding decent Homes Standards

Finally, we need to restate that the proposal is primarily to raise investment to enable the council to bridge some of our investment gap to meet Decent Homes. This is being done in conjunction with a major re-procurement exercise which is seeking very significant savings to the HRA Business Plan through entering into long term partnering arrangements with contractors. We would welcome a discussion with the HCA and your selves to establish how they can help us with our proposals. I am sure we all share the same goals of improving the lives of living conditions of the Brighton & Hove's tenants and future tenants.

Given the importance of this proposal to the council's decent homes programme and its tenants we would appreciate your urgent and considered attention to our proposals. We would like to invite you to Brighton to view some of the properties we have been discussing and to clarify further points of issue so positive progress can be made.

Yours sincerely

**Joy Hollister**  
**Director**  
**Adult Social Care & Housing**



|                         |   |   |                     |
|-------------------------|---|---|---------------------|
| <b>Subject:</b>         | <b>Charter Hotel (12 – 15A Kings Road) – Proposed Future Options</b>                |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>  |   |                     |
| <b>Report of:</b>       | <b>Director of Finance &amp; Resources<br/>Director of Culture &amp; Enterprise</b> |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>  | <b>Angela Dymott</b>  | <b>Tel: 29-1450</b> |
|                         |   | <b>Adam Bates</b>   | <b>29-2600</b>      |
|                         | <b>E-mail:</b>  | <b>angela.dymott@brighton-hove.gov.uk<br/>adam.bates@brighton-hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>  | <b>Forward Plan No: CAB6350</b>   |                     |
| <b>Wards Affected:</b>  | <b>Regency</b>  |   |                     |

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

- 1.1 To advise Cabinet on the present position of the property, the Charter Hotel, 12-15A Kings Road and seek approval for the disposal.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet approves and authorises:
- (a) The disposal of the Charter Hotel on a 150 year lease to a successful bidder for a premium and a peppercorn rent, following a marketing exercise, full evaluation of informal bids and recommendations by the council's appointed agents.
  - (b) That once offers have been evaluated a further report will be prepared to enable Cabinet to consider the proposals, select a preferred developer and authorise the detailed terms to be settled by the Director of Finance & Resources and the Solicitor to the Council.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The property is located near the Thistle and other hotels on Kings Road, as illustrated on the attached plan. The building faces partly onto the seafront and has accommodation on basement, ground and three upper floors. Having been operated for over 20 years as a hotel the lease was assigned but the new operator encountered financial difficulties and the Council repossessed in October 2007.
- 3.2 Following repossession the property was marketed on a new 25 year lease seeking a rent plus premium to reflect the established use of the premises as a night club, restaurant and hotel. Six bids emerged for hotel use and after

evaluation Townhouse Brighton Ltd were selected. Later, Townhouse withdrew in August 2008 following loss of funding. An alternative proposal involving the refurbishment of the hotel as the subject of TV programme was rejected as untried and too risky.

- 3.3 Whilst marketing the property it has remained empty since October 2007 having been left in a very poor state by the previous tenant. There is serious concern about this situation, the property is not safe to provide accommodation and ongoing security is an issue. The property has been taken out of rating thereby saving on empty rates but this illustrates the seriousness of its condition. Cluttons (who manage the property as the council's agents) reported in March 2009 identifying urgent work (£40,000) to make it safe and water tight and work is in hand to address the worst defects.
- 3.4 In addition to making the best use of the property, a pressing objective is to get an injection of capital to address the extensive repair and refurbishment required. The estimated cost of repair in autumn 2007 was £0.3m but developers' estimates in early 2008, ranged from £0.45m -£0.85m depending on building works and standard of fit out. The building has deteriorated further over the past 18 months and it is vital to address its condition as soon as possible.
- 3.5 Despite the economic situation there are clear signs that the hotel market has remained buoyant, partly because overseas visitor numbers have grown and the city's conference programme remains strong. Indications from property consultants are that there is continuing activity in the market and interest in the building from hotel operators remains high.
- 3.6 Brighton & Hove Hotel Futures report identified the potential for growth and demand in the City in the conference and leisure break markets directing new hotel development to the City centre. Recent additions to hotel stock however have largely satisfied the new room requirements under low to medium growth conditions. However the progress of other major developments in the City including the Brighton Centre, Arena and Stadium would all support further growth.
- 3.7 With the true value of hotels appearing to trail the changing patterns of financial return, delays in marketing the property to potential investors may see the capital receipt and rental value fall if market conditions worsen.

#### **Disposal on a long leasehold basis for hotel use**

- 3.8 The previous marketing campaign on a 25 year lease attracted interest but did not offer bidders the scope to fully capitalise upon this refurbishment opportunity. Given the costs of repair and fit out, the deterioration of the building and the uncertain economic situation, a 150 development lease would increase the appeal to investors.
- 3.9 A key concern is that the market may weaken if the signs of recovery from recession abate or if the marketing of this property is delayed and those developers in the market would switch to other projects. In the meantime this property, despite urgent remedial measures, will continue to deteriorate especially if it remains empty into the autumn and winter months.

- 3.10 Property Performance Reviews (PPRs) form an integral element of the Corporate Asset Management Plan and Property Strategy (AMP) allowing the overall performance of a building to be assessed using two key property performance indicators of required maintenance and suitability. The PPR plots the two assessments on to a Decision Matrix to give an indication of a property's relative performance and possible future outcome. The results for the Charter House Hotel indicate that the building in its unimproved state was performing poorly and suggest that disposal should be considered to attract refurbishment funding.
- 3.11 There is a sense of urgency due to the steady deterioration of the property and as the hotel market remains buoyant in these uncertain times it is recommended that following the appointment of agents, the property is marketed and informal bids are sought for a disposal of a long term interest.

#### **4. CONSULTATION**

- 4.1 Consultation has been restricted initially to allow a clear view to emerge from Members regarding preferred approach to the future use of this property. Ward Councillors have been advised and further consultation is taking place in accordance with the consultation protocol.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The vacant property is currently a budget service pressure presenting a rental income loss with ongoing costs associated with security and maintenance. At present the council has no unallocated resources within the current capital programme partly as a result of low levels of capital receipts and additional receipts are required to assist with the funding of future years' capital programmes.
- 5.2 Disposal on a long lease is likely to generate a substantial capital receipt of less any associated disposal costs. The net capital receipt may be used to offset the rent budget with any remaining balance used to support the corporate Strategic Investment Fund for future years' capital investment. Alternatively capital investment would be required to bring this building up to a standard that would make this viable to be let in the open market. Opting for disposal would negate the need for the council to identify capital resources to invest into the repair of this building.

*Finance Officer Consulted: Rob Allen*

*Date: 09/06/09*

##### Legal Implications:

- 5.3 A long lease disposal entails a straight forward property transaction to proceed in the usual way, as set out in recommendation 2.1(a). Provided that the marketing results in competitive bids, there would be a presumption that section 123 of the Local Government Act 1972 which relates to the council achieving best consideration reasonably obtainable would thereby be complied with.

- 5.4 It is not considered that any individual Human Rights Act rights will be adversely affected by the recommendations in this report.

*Lawyer Consulted:*

*Bob Bruce*

*Date: 09/06/09*

Equalities Implications:

- 5.5 Refurbishment as a hotel will offer employment opportunities to an important sector of the local employment market.

Sustainability Implications:

- 5.6 The building will require refurbishment to high sustainable design standards.

Crime & Disorder Implications:

- 5.7 The long leasehold approach would address these issues in a timelier manner, re-providing an active use in this prominent frontage.

Risk & Opportunity Management Implications:

- 5.8 The hotel market is well tested but the training hotel concept is high risk and untried in this country

Corporate / Citywide Implications:

- 5.9 Hotel use will deliver employment opportunities..

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Consideration was given to the possibility of working with joint venture partners to establish a training hotel to improve the training and employment prospects for those who face barriers to employment. This is a new concept which could in the long term help local people find the skills and opportunities for employment in a sector which delivers 10% - 20% of the local workforce. However, it represents a high risk strategy which would take some time (about 2 years) to work up and a suitable partner would need to be found. It is untried in this country and would take a large amount of feasibility and preparation work to see whether the idea is viable and realistic particularly for this building. This timeframe would impact on the deteriorating state of the building fabric thus worsening the situation and could impact on any premium, rental income and marketing opportunities.
- 6.2 The training hotel concept also provides a financially higher risk project. It will require revenue resources to implement and manage the project and to date no financial resources have been identified. Considerable capital investment will be required through the partnership and the council will need to identify capital resources from within the capital programme. A detailed business plan will be required that demonstrates the feasibility of the project both for the initial investment and the ongoing viability of the project as a long-term business. It is unlikely that this option would produce a premium or capital receipt, however, there is the potential for some rental income to be generated. The legal issues would need to be more thoroughly evaluated e.g. in respect of the appropriate

procurement route, governance arrangements and the on-going operation and maintenance of the building.

- 6.3 The long lease disposal is outlined in paragraphs 3.8-3.11. It would be a more straightforward financial transaction for the authority, quicker and easier to deliver than a training hotel. It will produce a capital receipt, will address the urgent issue of the deteriorating building more quickly, will readily appeal to hotel operators and create employment for an established local market.
- 6.4 For these main reasons and the other factors identified in this report the disposal option is considered as the most beneficial and appropriate way forward. Elements of the untested training option could be incorporated into the marketing brief and potential developers signposted to the Tourism Futures service provided by City College. This would enable the council to test the market view and provide information for other projects where a hotel element is contemplated, such as Circus Street and Patcham Court Farm.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The hotel disposal on a long lease has most advantages given the likely favourable market reaction and speed of response which would enable the building's deterioration to be addressed at the earliest opportunity.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Plan

### **Documents in Members' Rooms**

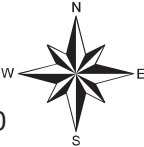
None

### **Background Documents**

None









|                         |  |   |                     |
|-------------------------|--|---|---------------------|
| <b>Subject:</b>         | <b>New Historic Records Office &amp; Resource Centre (The Keep) - Project update, funding arrangements and future delivery</b> |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>   |   |                     |
| <b>Report of:</b>       | <b>Director of Culture &amp; Enterprise</b>  |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Janita Bagshawe</b>                      | <b>Tel: 29-2840</b> |
|                         |  | <b>Mark Jago</b>                            | <b>29-1106</b>      |
|                         | <b>E-mail:</b>   | <b>janita.bagshawe@brighton-hove.gov.uk</b> |                     |
|                         |  | <b>mark.jago@brighton-hove.gov.uk</b>       |                     |
| <b>Key Decision:</b>    | <b>Yes</b>   | <b>Forward Plan No. CAB11238</b>            |                     |
| <b>Wards Affected:</b>  | <b>All</b>   |   |                     |

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

- 1.1 This report advises Cabinet of progress in delivering the New Historic Record Office & Resource Centre project ('The Keep'); a project led by East Sussex County Council (ESCC), and in which the city council has participated as a full partner since April 2008. The report specifically advises Members of significant developments during the past 18 months, particularly the identification of a preferred scheme option, and seeks support for continued partnership working and revised funding arrangements to enable its continued development.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet notes that whilst the bid to the Heritage Lottery Fund was unsuccessful, the partners' subsequent exploration of reduced scheme options suggests a financially viable scheme is still achievable; a scheme considered capable of satisfying the original vision and objectives.
- 2.2 That Cabinet notes the joint Project Board's selection of a preferred scheme option and the work now underway to complete a revised RIBA Stage C report (outline design).
- 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 notes the current funding profile and approves the city council's revised financial contribution of up to £508,000 (a sum within the originally agreed 'in principle' figure) towards the continued development of the scheme up to RIBA Stage D (detailed design).
- 2.5 That Cabinet grants authority for the preparation of appropriate legal documents to enable the project's progression to Stage D (such documents to allow for

proceeding further to Stage H but only subject to the city council's agreement at the conclusion of Stage D.

- 2.6 That Cabinet delegates authority to enter into those legal documents to the Director of Culture & Enterprise in consultation with the Cabinet Member for Culture, Recreation & Tourism.
- 2.7 That Cabinet reconfirms 'in principle' agreement to the council's longer-term funding commitment, to a maximum of £5.345m (inclusive of development funding shown in 2.4 above), to support the capital cost of delivering The Keep, with the final decision returning to Members at the conclusion of Stage D; currently anticipated in April 2010,

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

#### **Problems with existing Record Office**

- 3.1 The East Sussex Record Office was set up in 1949 and is currently based at the Maltings in Lewes, where the public search room, conservation laboratory and staff are located. It holds approximately 5 miles of archives dating from 1101 to the present day relating to the history of East Sussex and Brighton and Hove.
- 3.2 ESCC is responsible for the city council's archives and records. Brighton & Hove has held contracts with ESCC for historic records and archives and modern record management since 1997.
- 3.3 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.
- 3.4 In 2003, The National Archives carried out an inspection of the facilities. TNA agreed to renew the licence to hold Public Records but stated that the only long-term solution was for a new record office on a single site. A subsequent inspection by TNA in 2006 added to the urgency to progress the project. That inspection had a dual purpose: as a follow-up inspection to that carried out in 2003 and in order to advise the Department for Culture, Media and Sport (DCMS) on the allocation of the Battle Abbey estate archives, accepted for the nation in lieu of inheritance tax. The report was extremely critical of the accommodation for records, researchers and staff and the licence to hold public records was granted only for one store (the Newhaven site) and on condition that progress towards a new record office was made within 5 years.

#### **A New Historical Resource Centre**

- 3.5 The Keep project sets out to develop a new resource at Falmer's Woollards Field to re-house the archives in a purpose built facility that will meet the sector standards. 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.

- 3.6 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.

### **Partnership - City Council Engagement**

- 3.7 The city council has been actively engaged in the project for a number of years, with the first report to Members through the then Culture & Tourism Sub-Committee in March 2007, followed by a series of update reports to the Culture, Recreation & Tourism Committee. These close working arrangements culminated in a detailed report to the Policy & Resources Committee in 2008.
- 3.8 In April 2008, the Policy & Resources Committee agreed:
- (a) that the city council became a formal partner in The Keep Project and to fund up to 1/3 of the forecast development costs (up to a maximum sum of £0.167m) to enable development of the scheme up to Heritage Lottery Fund Stage 1 application stage.
  - (b) 'in principle' agreement to the council's longer term funding commitment to support the capital cost of delivering The Keep subject to (a) satisfactory resolution of a number of issues (as set out in the report of 3 April 2008) and (b) this funding position be reviewed following the outcome of the Stage 1 Heritage Lottery application in December 2008.
  - (c) to officers working on a number of identified funding solutions to secure the council's maximum in principle contribution to this project of £5.345m, which includes the development cost in paragraph (b) above.
  - (d) that council officers should continue to work closely with colleagues at ESCC to explore the detailed delivery, project management, governance and finance arrangements for The Keep and that final confirmation of the council's longer term financial commitment to the project would require formal approval at a future meeting of the Culture, Recreation and Tourism and Policy and Resources Committees or their successor equivalents under the new constitutional arrangements.
- 3.9 Following Policy & Resources approval, and in line with paragraph 3.8 (d) above, the project management arrangements were revised to better reflect the city council's status in the project. In addition to greater representation on the joint Project Board, a new Project Team was established. The Project Team operates as an officer steering group, with membership drawn from the three capital partners, with the city council represented by appropriate officers from the Royal Pavilion & Museum Service, Major Projects & Regeneration, Strategic Finance, Legal Services, and Property & Design. The Project Team plays an important role in advising the Board on key issues and in making recommendations on strategic decisions. A number of task orientated sub-groups have also been set up (e.g. Governance Sub-Group and Revenue Sub-Group), which again involve officers from the partner organisations.

- 3.10 A great deal of work has been undertaken in the intervening period and there have been some significant developments. Immediate activity after April 2008 concentrated on the Stage 1 application to the Heritage Lottery Fund (HLF), and the preparation of detailed information necessary to inform and support that bid. To that end, the three partners entered a simple 'Partnership Agreement' relating to the project's preconstruction phase through to RIBA Stage D; at that time coinciding with the planned submission of a Stage 2 bid to the HLF.
- 3.11 In August 2008, the Project Board agreed that rather than delay development while waiting for the HLF decision, that work should continue through to RIBA Stage C (outline design). In this way, momentum would be retained, the project would be well placed in the event of a positive decision at Stage 1, a greater level of detail would be helpful in informing future decisions, and much of the information would relate to any subsequent scheme on this site.

### **Joint Project Board**

- 3.12 The project has been overseen by a Project Board since June 2006. The Board is chaired by Cllr Tidy and includes ESCC senior officers from their Property, Resources, Archives and Records divisions. The city council first joined the Board in March 2007 following a report to the Culture & Tourism Sub-Committee, with its presence increasing, in line with full partner status, following the report to Policy & Resources in April 2008. The city council is represented by Cllr David Smith, Cabinet Member for Culture, Recreation & Tourism, Scott Marshall, Director of Culture & Enterprise, Angela Dymott, Assistant Director Property & Design, and Janita Bagshawe, Head of Museums & Royal Pavilion, as an observer.

### **Heritage Lottery Fund**

- 3.13 In September 2008, the stage one submission was made to the Heritage Lottery Fund for £4.9m as part of a total project cost of £23.6m in line with that report to Policy & Resources. Revised application arrangements introduced in April 2008 require HLF capital projects to follow a two-stage process, with stage one needing to be developed to RIBA Stage B (feasibility study).
- 3.14 In December 2008, the HLF advised ESCC that the project was not among those selected to move forward to a Stage 2 application. The HLF advised that the application was well received but that it was unable to support the project due to lack of funding nationally and with a range of strong competing proposals.
- 3.15 ESCC was subsequently advised that the HLF had put The Keep forward to ministers at the DCMS as a project that they would like to support if they were to be given more funding. The partners therefore wrote to the Secretary of State for Culture, Media and Sport, the Minister for Culture, Creative Industries and Tourism, and to local MPs in East Sussex and Brighton & Hove, asking for their support in finding additional funding for The Keep. As a result, the Programme Manager was asked to address the All Party Parliamentary Group on Archives at Westminster on 11 May 2009. Unfortunately, whilst receiving some very positive feedback and undoubtedly serving to raise the project's profile, these additional efforts have not led to the prospect of securing any additional funding.

- 3.16 The outcome of the HLF application meant the project partners needed to identify cost savings of £4.9m in order to bring the scheme within the reduced budget of approximately £19m i.e. agreed / agreed 'in-principle' by the partners.
- 3.17 At the time of the HLF decision the project was mid-way through RIBA Stage C with work well underway on the outline design. As a result of partner meetings in December 2008, it was decided to complete the current outline design work and cost plan so that this information could be used to carry out an options appraisal for the project and to inform future decisions.

### **Scheme Development**

- 3.18 Since January 2009, the partners have investigated a range of options to address the funding shortfall. Kier-Atkins (the appointed contractor / architect) was initially asked to look at a number of options for reducing the capital cost of the scheme, while continuing to achieve the original vision. Their work considered a range of options, from reducing the overall size of the building, both repository space and public areas, reducing the specification of materials and external works, changing construction methods, alternative energy strategy, phased building of the repositories, a reduction in the BREEAM rating, and accelerating the construction programme to take advantage of lower inflation and the downturn in the construction industry.
- 3.19 The findings of the initial analysis were reported to the Project Board in February 2009. Whilst helpful, the Board agreed that more detailed information was required before a firm decision could be taken. Additional details were presented to the Project Board at its meeting on 9 March 2009. Having considered a number of options and sub-options for a revised scheme the Board agreed that provision of 100% repository space (i.e. allowing for 20 years of accruals) remained a priority, and to consider departing from this would have undermined the project from the outset and was completely at odds with the project's primary objective.
- 3.20 The Board therefore agreed to a fundamental review of the specification for both the public building and the repositories to ensure that the most cost effective solution is achieved, that significant space savings needed to be made to staff and public areas, while continuing to achieve functional requirements, and that the building design should be further examined.

### **Preferred Option**

- 3.21 Having completed further analysis alongside the partners and their appointed consultants, Kier-Atkins put forward, in June 2009, two main options for affordable alternative schemes. These options were presented alongside the completed Stage C Outline Design Report on the comprehensive scheme; a report that recommended the positioning and form of the new record office, and which established the desirability of building connected storage and people (staff and public) blocks.
- 3.22 **Option 1** – A scheme that is basically a reduced version of the building design outlined in the original Stage C scheme i.e. the optimum scheme based on securing HLF funding. This scheme option therefore maintains the two connected blocks – repository and people blocks, but with various design

changes, service modifications, space reductions, together with a range of other changes.

- 3.23 **Option 2** – The design for this building is radically different from the original Stage C design. The building is much taller with a smaller overall footprint. The public areas would remain on the ground floor but the repositories would take up the first and second floors of the building. The staff areas would be accommodated on the third floor.
- 3.24 Both options broadly conform to the partners' reduced area requirements and are shown to be deliverable within the reduced funding constraints. These options were considered by the Project Board at its meeting on 6 July. As before, the Project Board requested additional information and clarification, the results of which returned to the Board on 5 August 2009.
- 3.25 Having considered the options, the pros and cons of each, operational constraints, planning and design challenges, the Board agreed that **Option 1** should be taken forward for further design development and is progressed to RIBA Stage C. Kier-Atkins has now been instructed to complete this work, with the results expected during October 2009.
- 3.26 As with previous stages, the revised Stage C report will then be assessed by the partners, followed by further reports to both the Project Team and Project Board. As shown in the timetable at 3.27, this stage is expected to be completed by the end of October 2009. Subject to the outcome of this stage, the project would then progress to detailed design stage (Stage D).

### Timetable

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

| Event  | Timescale           |
|--|---------------------|
| Report to Cabinet to secure agreement to continued partnership working and revised funding arrangements. | 17 September 2009   |
| Complete RIBA Stage C (outline design)   | Early November 2009 |
| Stage C report considered by joint Project Board   | December 2009       |
| Commencement of RIBA Stage D (detailed design)   | December 2009       |
| Complete RIBA Stage D  | March 2010          |
| Stage D report considered by joint Project Board   | April 2010          |
| Report to Cabinet advising of Stage D findings and seeking confirmation of capital funding               | 22 April 2010       |
| Planning application submitted   | May 2010            |
| Start on Site  | April 2011          |
| Completion   | September 2012      |

- 3.28 As shown above, based on its continued development, and final confirmation of it being a financially viable scheme that the partners ultimately commit to funding, it is anticipated that a planning application will be submitted in May 2010. This is entirely reliant on progress during the next 5 to 6 months, with the timing of the



next report to Members being dependent on the delivery and outcome of Stages C & D. If more rapid progress is made it may be possible to report to Members in March 2010. Equally, delay may mean reporting to a later meeting. Whilst there is a clear desire to make progress, as with major projects led by the city council, it is considered appropriate for Members to agree the scheme prior to the submission of a planning application. It is therefore vitally important that full and comprehensive details are presented as part of the next phase of work and that all outstanding issues (e.g. revenue costs, governance and legal arrangements) are resolved.

#### **4. CONSULTATION**

- 4.1 An Audience Development Plan (ADP) was drawn up following extensive consultations with potential partners, stakeholders and users in 2007. The recommendations of the ADP have therefore informed the vision and shape of the project and this work will be further refined as part of the next phase. Consultation during the past 18 months has necessarily been confined to internal consultation between the partners as part of the process of examining financial viability. Consultation has therefore been via the Project Board on which there is elected Member representation.
- 4.2 As work progresses the partners will be carrying out a series of consultations with residents, organisations and community groups in Brighton & Hove and East Sussex to seek their views on The Keep and to look at ways in which they will be able to use and benefit from the new centre. Consultation with ward Members will form part of this process.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The report to Policy & Resources in April 2008 projected the council's contribution to the project at £0.345m for development costs for the period to March 2010, and £5.0m towards the capital build from April 2010 to March 2013 giving a total contribution of £5.345m. The capital expenditure would be funded from unsupported borrowing with Culture & Enterprise funding the financing costs for the £0.345m (estimated at £0.031per annum) and the financing costs for the £5.0m (£0.45m per annum) included as a commitment within the Medium Term Financial Strategy.
- 5.2 The council's contribution of £0.345m towards the development costs to complete stage D represented 1/3 of the total development costs and were estimated to be £0.167m during 2008/09 and £0.178m during 2009/10.
- 5.3 Subsequent events, including the agreement to progress Stage C earlier and to undertake additional work on alternative options, meant that the city council's contribution to the development costs would mainly fall in 2008/09 and the Targeted Budget Management report approved at Cabinet on 12 February 2009 included the re-profiling of costs to a total of £0.3m in 2008/09, with the balance of £0.045m in 2009/10.
- 5.4 Agreement to the recommendations set out in this report requires the city council to commit to an increased contribution to development costs for additional Stage

C design work and to complete Stage D. The total cost to Stage D is estimated at £1.524m including all costs to date; based on the city council contributing a 1/3 share, the city council's revised contribution is £0.508m, an additional £0.163m. However the overall contribution to the scheme will remain at £5.345m. The additional financing costs in 2009/10 of bringing this funding forward is £0.004m and can be met within existing budgets.

|                              | 2008/09 | 2009/10 | 2010-13 | Total |
|------------------------------|---------|---------|---------|-------|
|                              | £'000   | £'000   | £'000   | £'000 |
| Original expenditure profile | 167     | 178     | 5,000   | 5,345 |
|                              |         |         |         |       |
| Revised expenditure profile  | 300     | 208     | 4,837   | 5,345 |

- 5.5 During the progress of the design to stage D, work will be undertaken to establish the estimated running costs of the new facility. The Council currently contribute £0.17m per annum towards the running costs of the existing archive service however the new facility will be much larger and have the plant and equipment to store archive material under the correct conditions which could increase the council's contribution significantly. The report to Cabinet following the completion of Stage D will include the estimated increase in ongoing revenue costs. If the scheme is approved these increased costs will be built into the medium term financial strategy as a commitment.

*Finance Officer Consulted: James Hengeveld*

*Date: 13/08/09*

Legal Implications:

- 5.6 The Keep project will benefit from the SEEDA funded highway improvements that are due to commence later this year. Those improvements include a widening of the road from the A270 to the tunnel approach to Falmer School, which will result in improved access to Woollards Field and The Keep in the longer term, and also to the contractors' compound in the short term. The operational arrangements of this have been agreed and the works timetable should not adversely impact on the Project timetable.
- 5.7 As discussed above, Kier-Atkins, originally appointed in February 2008 following a tendering process, were subsequently commissioned to prepare alternative proposals (resulting in Options 1 & 2) the preferred option of which to be progressed to RIBA Stage C.
- 5.8 As shown in the timetable at 3.27, the revised Stage C report is due to be considered by the Project Board during December 2009. Subject to the Board's agreement, it will then be necessary to agree appropriate legal arrangements covering the future stages of design development and delivery. A follow up agreement to the existing Pre-Construction Agreement with Kier-Atkins will be required to advance to RIBA Stage D and subsequently on through to Stage H. As this important stage occurs after this report to Cabinet but before the next report at the conclusion of Stage D, delegated authority to enter the next stage legal agreement is required, without which the project would be delayed.
- 5.9 The form of such agreement will be a Design & Build Contract based on the appropriate industry standard (JCT agreement DB(R1)). Agreement also needs

to be reached with the County Council and where appropriate the University of Sussex on issues identified in the Partnership Agreement exchanged on 09.09.08 including the legal framework for The Keep's operation, ownership of the building and its contents, governance and strategic management and the provision of facilities management.

- 5.10 It should be noted that the Project Board has no delegated authority to act on behalf of the council i.e. it can only make recommendations to be duly considered as appropriate by officers and members in accordance with the council's constitution.

*Lawyer Consulted:*

*Bob Bruce*

*Date: 20/08/09*

Equalities Implications:

- 5.11 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 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 will ensure inclusive design is addressed, as appropriate to the site and project, through RIBA Stage C and D. An assessment of the proposed designs at these stages will consider the usability and inclusive experience for people visiting the building or using associated services and facilities. This will reflect a visitor's journey through information, arrival and entry, orientation and circulation, interpretation, access to the archives and learning resources etc.
- 5.12 In addition, an Activity Plan is to be commissioned. The plan will focus on all of the activities associated with The Keep including audience development and participation. It will therefore take into account the needs of differing audiences.

Sustainability Implications:

- 5.13 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.
- 5.14 The development aims to achieve a BREEAM 'excellent' rating and a bespoke assessment has been progressed with draft assessment criteria issued by the BRE. There have also been helpful initial meetings with the council's Sustainability Team and these will continue through the next phase of work.

Crime & Disorder Implications:

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

### Risk & Opportunity Management Implications:

- 5.16 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:

- 5.17 The Keep project at Woollards Field is one of 4 significant projects to be delivered in the Falmer area i.e. Community Stadium, Falmer Academy, and 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 evaluation of alternative options has been a fundamental consideration since the project's inception, and has continued at each stage of its development. The original Feasibility Study from 2004 looked at six possible scenarios, from which the preferred option for a new record office and resource centre was first identified. Subsequent work has considered the possible inclusion of modern records and museums collections, partnership and delivery arrangements, and a detailed appraisal of potential sites, with Woollards Field identified as the preferred location in 2007.
- 6.2 In addition to which, the 2008 report to Policy & Resources set out alternative options that were open to the city council. Assessment of those options confirmed that the most appropriate way to improve public access and the future management of the city council's historic records and archives was through partnering with ESCC. It was on that basis that the city council agreed to become a full partner, with agreement to meet a one-third share of the development costs to support its progression.
- 6.3 Failure to attract HLF funding at the end of last year necessitated a further review of options; work that is summarised in this report and which suggests a financially viable scheme is achievable. The review also included the 'do nothing' option, which effectively means remaining in the existing premises, but this was again confirmed as unacceptable.
- 6.4 As set out in the report to Policy & Resources, the only real alternative option open to the city council would be to withdraw from the partnership and seek to provide a stand alone records office for the city. As the earlier report confirmed, this is likely to 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 it would have a negative effect on service users.

## **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 new Government Archive Policy, 'Archives for the 21<sup>st</sup> Century', which is currently out to consultation and makes specific reference to the need for "fewer, bigger, better" archive facilities.
- 7.2 Despite the obvious set-back of not attracting HLF grant funding, the partners' subsequent exploration of reduced scheme options suggests that a financially viable scheme is still achievable; a scheme considered capable of satisfying the original vision and objectives. While it has been a challenging period, the project has continued to develop during the past 18 months.
- 7.3 The city council has already made a considerable financial investment in supporting the project to this point, and has previously indicated its commitment to the longer-term, subject to it being financially viable. Continuing to work in partnership with ESCC and the University of Sussex, with agreement to financial support to enable the project's progression through RIBA Stages C and D requires relatively limited further funding, and remains within the originally agreed in principle total of £5.345m.
- 7.4 Completion of the next phases of design work will advance the scheme to a point where there will be far greater certainty about both the capital build costs and longer-term revenue implications of operating the new facility. Both of these areas are vitally important to the project's future and are central to informing decisions at the next stage, when a further report will come to Members prior to final confirmation of capital funding.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. None

### **Documents In Members' Rooms**

1. None

### **Background Documents**

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



|                         |  |   |                     |
|-------------------------|--|---|---------------------|
| <b>Subject:</b>         | <b>Corporate Procurement of Energy - Sub 100Kw Energy Contract</b> |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>   |   |                     |
| <b>Report of:</b>       | <b>Director of Finance &amp; Resources</b>                         |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Angela Dymott</b>                      | <b>Tel: 29-1450</b> |
|                         |  | <b>Jason Clarke</b>                       | <b>29-1431</b>      |
|                         | <b>E-mail:</b>   | <b>angela.dymott@brighton-hove.gov.uk</b> |                     |
|                         |  | <b>jason.clarke@brighton-hove.gov.uk</b>  |                     |
| <b>Key Decision:</b>    | <b>Yes</b>   | <b>Forward Plan No: CAB11828</b>          |                     |
| <b>Wards Affected:</b>  | <b>All</b>   |   |                     |

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

- 1.1 To seek approval from Cabinet for the re-tender, in compliance with the European Union Public Procurement Directive, of the Brighton and Hove City Council sub 100kw Electricity contract which expires on 31 March 2010 and authority for the Director of Finance & Resources, under delegated powers, to act immediately on any suitable quotation obtained. As in previous tenders the sub100kW contract will be awarded to the most competitive offer supplied from 100% renewable sources in line with council's sustainability and use of natural resources commitments. The energy market remains volatile and as utility prices are beginning to rise again the council should test the market now to try and secure an advantageous price.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet gives approval for a tender exercise following the official journal of the European Union (OJEU) process to be undertaken and a contract awarded to the most competitive offer supplied from 100% renewable sources, following appraisal and recommendations from the council's energy adviser and Energy & Water Manager.
- 2.2 That Cabinet grants delegated power to the Director of Finance & Resources to award the contract following consultation with the Cabinet Member for Central Services and take all other steps necessary for the implementation of the proposals.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The council has three main utility contracts: one for Gas supplies across the council portfolio and two electricity contracts covering the council portfolio. The electricity provision is split into two contract groups - the 100kW contract that relates to large sites for which, due to their high consumption, organisations are

statutorily obliged to provide half hourly data via automatic metering and the Sub 100kW contract that relates to smaller sites for which it is not mandatory to have automatic metering data. The table below shows the utility and identifies the contract duration and value.

| Utility               | Contract Period                    | Value           | Supplier | Example sites  |
|-----------------------|------------------------------------|-----------------|----------|--|
| Gas                   | 1 October 2008 – 30 September 2010 | £2.7m per annum | Eon      | All sites requiring Gas including schools and housing  |
| Electricity 100kw     | 1 October 2009 - 30 September 2010 | £1.1m per annum | Eon      | 22 Large sites- Kings House, Hove and Brighton Town Halls ,Brighton Centre King Alfred, and 7 secondary schools,         |
| Electricity Sub 100kW | 1 April 2008 - 31 March 2010       | £2m per annum   | Eon      | 1330 sites - The smaller sites, majority of schools, admin buildings, libraries, sports pavilions and some housing sites |

- 3.2 This report relates to the sub100kw electricity supply contract is for 1330 sites within the City Council's portfolio that ends on the 31 March 2010. The portfolio comprises of the smaller sites within the City that includes the majority of schools, a range of administrative buildings, libraries, sports pavilions and some housing sites. In total the current contract value is approximately £2m per annum.
- 3.3 This contract is corporately procured in order to ensure that all these sites and services can benefit from the Council's overall purchasing power and to ensure consistent implementation of the corporate energy procurement policy.
- 3.4 The electricity contract for housing covers lighting of common ways internally and externally to some blocks of flats, communal heating for two blocks of flats (Broadfields and Elwyn Jones Court) and housing offices. The increased cost will be considered as part of the 2010/11 HRA budget report.

### **Tender process**

- 3.5 The council's energy advisor Team Q has been commissioned to re-tender the contract in accordance with the council's Contract Standing Orders, European Regulations and OJEU standards. A European advert has been placed and tender documents will be issued on return from interested parties. The provisional OJEU timetable is as follows:



| <b>Event</b>   | <b>Time Scale</b> | <b>Date</b>            |
|--|-------------------|------------------------|
| Issue Tender notice for publication – Inviting expressions of interest from licensed suppliers.          |                   | 24th August            |
| Tender Period.   | 52 days           | 24 August – 16 October |
| Tender Closes.   |                   | 16 October             |
| Tender Evaluation – review tender returns and present findings to Council Officer with delegated powers. | 3 days            | 19 -21 October         |
| Seek Tender Revisions – Seek revised prices based on preferred Council terms and conditions.             | 5 days            | 21st-27 October        |
| ALCATEL stand still period ends  | 10 days           | 6 November             |
| Contract Acceptance – Place a letter of intent (Subject to Contract) with preferred bidder.              |                   | 9 November             |
| Review contract terms and conditions   | 10 days           | 23 November            |
| Contract Starts  |                   | 1 April 2010           |

- 3.6 As in previous exercises prices have been invited for a 12, 24 and 36 month period, with an option to extend for a further period, subject to negotiation. Tender documents will request suppliers to provide tariff structures that will ensure that electricity is provided from 100% renewable sources i.e. wind, water, sun. Emphasis will also be placed on provision of a suitable customer service structure to support the council's needs and suppliers will be asked for separate proposals for an Automatic Meter Reading (AMR) rollout programme.
- 3.7 The number of suppliers operating in the sub 100kW market has significantly reduced over the course of the contract as evidenced by the pending withdrawal of the incumbent supplier E-On from the market place. Further reductions have also been seen due to corporate mergers.

### **Market Volatility**

- 3.8 The market volatility is due to a number of economic reasons, the most influential being the price of oil in the international supply market. The close link between UK electric prices and this globally traded commodity has meant that as significant world events occur, such as high oil demand in emerging economies, the "credit crunch" and various geopolitical events, the UK energy prices are also affected. Suppliers are now placing an element of risk within the unit prices in their pricing structure on all contracts. Recent tender exercises carried out by the council's energy advisor, Team Q, suggest that despite the current low energy price, an increase in the region of **15%** could be expected based solely on this

applied risk element. Based on the current contract value, this would see an increase of approximately £300K per annum.

- 3.9 During the period since the placement of the current contract, we have seen huge fluctuations in the price of wholesale electricity, driven by the global price of oil which rose to \$148/ barrel in October 2008 before falling back in the subsequent months. Oil prices which currently sit at around \$68/ barrel, are now beginning to rise, taking wholesale electricity prices with them, (see Appendix A). Current predictions estimate that the price of oil will reach \$100/ barrel by the end of the year. With this in mind the council would be well placed to fix a price as quickly as possible.

### **Carbon Reduction Commitment**

- 3.10 The Carbon Reduction Commitment (CRC) is a mandatory emissions trading scheme which will commence in April 2010. Within the scheme, each organisation's emissions are capped and a value placed on these carbon emissions. It should be noted that under the CRC the procurement of green energy will not be viewed as a mitigation factor.
- 3.11 One of the early action metrics of the scheme, which form 100% of the league table assessment in the first year and are the sole means to secure the available year end bonus payment, is the introduction of automatic meter reading (AMR). In to meet these criteria, the successful tender will include a roll out programme for the provision of AMR across the council portfolio by March 2011.

### **Commitment to Green Energy and proposed OJEU Procurement Route**

- 3.12 Since 2004 the council has procured its electricity from 100% renewable sources, this policy is in line with the council's sustainability, use of natural resources strategy and climate change policy.
- 3.13 Recent tender exercises such as the +100kW electricity contract have indicated that the procurement of Electricity from 100% renewable sources currently attracts a premium of approximately 5%. Based on the current value of the contract this would equate to an additional **£100K per annum**.
- 3.14 The Utilities Act 2000 has placed an obligation on all suppliers to provide 3.6% each supplier's electricity from renewable sources. Approximately 2.5% of electricity is purchased from renewable sources and the government aim is to achieve 20% production of electricity from renewable sources by 2020, in line with the European Union commitment which was ratified by the UK government in June 2007.
- 3.15 Climate Change Levy (CCL) is a government tax aimed at reducing CO<sub>2</sub> emissions through taxation and tax incentives on the installation of energy conservation technology. The tax applies an additional charge for electricity consumed in commercial and industrial applications. Only sites that are used for domestic, residential purposes and those using very small amounts of electricity are exempt from Climate Change Levy. Sources of power that can be shown to be renewable, such as solar or wind power are exempt from this tax.

## **Other Procurement Options**

- 3.16 Whilst the council remains totally committed to continuing its policy of procuring energy from 100% renewable sources, all other alternatives are being explored to ensure an accurate market appraisal and to illustrate the financial implications of this policy decision.
- 3.17 The option to purchase electricity via a Framework supplier as offered by Buying Solutions (formerly OGC) was also investigated. Purchasing via a consortium does allow some flexibility in purchasing volumes and has consistently been seen to provide discounts. However this route will not allow us to secure a price at this time as Buying solutions operate in specific windows of time ie. we could not benefit from a good price now. This route will also only allow energy to be sourced from one supplier, EDF, who as demonstrated by the recent +100kW soft tender exercise and reinforced through discussions with the Buying Solutions framework supplier, are unable to supply electricity from 100% renewable sources.
- 3.18 Aligned purchasing with East Sussex County Council was also investigated. The ESCC contract will expire at the end of September 2009 and as such does not offer the opportunity the align contracts. ESCC are not seeking electricity from renewable sources and as such, are likely to utilise Buying Solutions for their next contract.

## **Recommendations**

- 3.19 A contract is to be awarded to the best electricity bid from 100% renewable sources, following appraisal and recommendations from the council's energy adviser and Energy & Water manager.
- 3.20 The prices returned are only valid for the day they were quoted and will have to be re-quoted when a firm decision is made by the Council. The energy consultant will require the authority of the Council to approach the selected supplier, subject to contract and council final approval, as soon as possible. As such it is requested that powers be delegated to the Director Finance and Resources in consultation with the Central Services Cabinet Member to ensure this is carried out with the minimum delay. Once the council has agreed to the price it will remain fixed for the contract start in April 2010.

## **4. CONSULTATION**

- 4.1 Market evaluation has been carried out by the council's energy consultant and assessed by the council's Energy & Water Manager. Further benchmarking has been carried out in association with East Sussex County Council Energy Management team and the national framework with Buying Solutions. Further advice on procurement routes was obtained from the council's senior procurement advisor.
- 4.2 The Right To Buy Team in Housing Management have a statutory obligation to consult with leaseholders of any changes which would increase their annual

service delivery above £100. Following advice from our energy consultant that the financial increase to the contract may be 15% it is expected this may affect approximately 90 leaseholders by an additional £40 per year (average). Housing Management are currently considering the options of leaseholder consultation with regard to potential price increases arising from the new contract.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Electricity prices are highly volatile and as such it is difficult to estimate with any certainty what price the council will be able to secure. Any cost increases relating to school premises will be funded from delegated school budgets. Any increases will take effect from April 2010 and so will need to be factored into the 2010/11 budget submissions for both the general fund and HRA. It is estimated that procurement from 100% renewable sources will cost approximately 5 % more. This contract will have significant impact on budgets for the foreseeable future as utility costs continue to rise year on year. Going to the market at this time will enable the council to obtain an advantageous price to try and mitigate against the potential budget pressures.

*Finance Officer Consulted: Patrick Rice*

*Date: 24/08/09*

### Legal Implications:

- 5.2 The Cabinet has authority to agree the recommendations set out in section 2. Relevant legislation is referred to in paragraphs 3.10-3.11 and 3.12-3.15.
- 5.3 A contract providing this type of service at the anticipated value requires compliance with the EU Procurement Directive and accompanying UK Regulations. As a result, the contract is subject to the full application of both the Directive and Regulations. The report refers to the contract notice being advertised in the OJEU, which complies with the relevant legislation, as does the remainder of the anticipated procurement process. Contracts over £75,000 must be prepared in a form approved by the head of Law. 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: 24/08/09*

### Equalities Implications:

- 5.4 An Equalities impact assessment has not been carried out as it is unlikely that the renewal of the contract will have any equalities implications

### Sustainability Implications:

- 5.5 *Sustainable Consumption and Production* - The renewal of the contract will not directly impact the consumption on production however we will aim to minimise consumption.

- 5.6 *Climate Change and Energy* – The ability to secure the sub100kW electricity contract from renewable sources will greatly reduce the council's carbon emissions and footprint and supports the council's Sustainability policy and Climate Change action plan. However, it should be noted that incoming legislation around the Carbon Reduction Commitment (CRC), does not confer any benefit for the use of green energy.
- 5.7 *Natural Resource Protection and Environmental Enhancement* – The council has consistently stated its commitment to the use of electricity from 100% renewable sources. A commitment that has been again stated in the ongoing CAA natural resources audit.
- 5.8 *Sustainable Communities* – Consultations have been conducted with relevant parties and will need to be undertaken with schools.

Crime & Disorder Implications:

- 5.9 There are no crime and disorder implications

Risk & Opportunity Management Implications:

- 5.10 There are no additional risk or opportunity management implications

Corporate / Citywide Implications:

- 5.11 Key corporate implications are the possible increase in unit price. The council will seek the best possible price and will ensure that the successful tender represents value for money.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The options researched and analysed by the council's energy consultant and Energy & Water Manager include OJEU, Buying Solutions and alignment with ESCC.
- 6.2 Brighton & Hove City Council is committed to procuring from 100% renewable sources. As such the alternative purchasing routes identified and evaluated have been discounted as they would not allow the council to continue this commitment.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The council's sub 100Kw electricity contract supplied from 100% renewable sources is on a fixed offer that expires at the end of March 2010. The main grounds for the recommendations that are sought are to allow the council to benefit from the best price available and obtain value for money within a volatile market where prices are held for a maximum of 24hrs.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

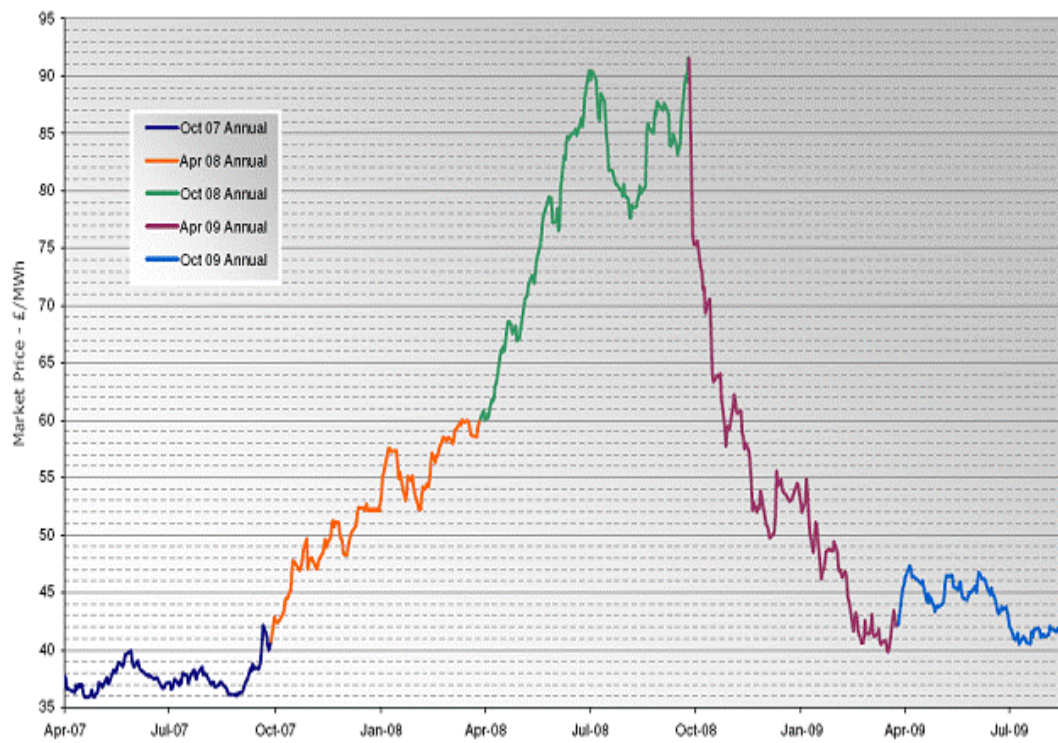
1. Appendix A - Graph of electricity prices over time

### **Documents in Members' Rooms**

None

### **Background Documents**

None







|                         |  |   |                     |
|-------------------------|--|---|---------------------|
| <b>Subject:</b>         | <b>Corporate Procurement for Legionella Monitoring - Control, Prevention &amp; Risk Management Services Contract for 2010-2015 (5 years)</b> |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>   |   |                     |
| <b>Report of:</b>       | <b>Director of Finance &amp; Resources</b>   |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>   | <b>Angela Dymott</b>                      | <b>Tel: 29-1450</b> |
|                         |  | <b>Ian Sharpe</b>                         | <b>29-4590</b>      |
|                         |  | <b>Nigel Lee</b>                          | <b>29-6203</b>      |
|                         | <b>E-mail:</b>   | <b>angela.dymott@brighton-hove.gov.uk</b> |                     |
|                         |  | <b>ian.sharpe@brighton-hove.gov.uk</b>    |                     |
|                         |  | <b>nigel.lee@brighton-hove.gov.uk</b>     |                     |
| <b>Key Decision:</b>    | <b>Yes</b>   | <b>Forward Plan No: CAB11597</b>          |                     |
| <b>Wards Affected:</b>  | <b>All</b>   |   |                     |

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

- 1.1 To seek authority to undertake a competitive tendering exercise for a 5 year service contract from April 2010 – March 2015 for the provision of Legionella Control, Prevention and Risk Management Service to ensure full compliance with Code of Practice & Guidance for Legionnaires Disease for public and civic, education and adult social care buildings.
- 1.2 The report sets out the proposed procurement rationale and procedure under the EU regulations for the legionella control, monitoring, routine inspection, maintenance, and remedial works to meet the legal requirements and duties of 'The Control of Legionella Bacteria in Water Systems – Approved Code of Practice and Guidance (L8)' to comply with the current legislation.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet gives approval for the tendering of water treatment services contract for a five year contract, with the option to extend by a further 2 years at the council's discretion, in accordance with the tendering timetable included at paragraph 3.9 to enable these services to commence on 1 April 2010.
- 2.2 That Cabinet delegates authority to the Director of Finance and Resources, in consultation with the Cabinet Member for Central Services, to award the contract to the successful bidder following evaluation and recommendations of the evaluation team.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Legionella bacteria are common and can be found naturally on environmental water sources such as rivers, lakes and reservoirs, usually in low numbers. Legionella bacteria can survive under a wide variety of environmental conditions and have been found in water at temperatures between 6°C and 60°C. Water temperature in the range 20°C to 45°C seems to favour growth. The organisms do not appear to multiply below 20°C and will not survive above 60°C. They may, however remain dormant in cool water and multiply only when water temperatures reach a suitable level.
- 3.2 Legionnaires disease is a potentially fatal form of pneumonia caused by a member of the legionella family of bacteria. It can affect any body and principally affects those who are susceptible because of age, illness, smoking etc. It is therefore essential that water hygiene is carefully managed in premises in accordance with the HSE Approved Code of Practice (L8) to avoid Legionella colonies becoming established.
- 3.3 The largest outbreak of legionnaires disease in the UK occurred in Barrow during 2002, seven members of the public died and 180 people suffered ill health at a council-owned arts and leisure facility in the town centre of Barrow-in-Furness, Cumbria. The outbreak was traced to an air conditioning system contained within the Council's Art Centre resulting in seven counts of manslaughter charges.
- 3.4 The Approved Code of Practice and Guidance relating to the risk from Legionella bacteria, 'The Control of Legionella Bacteria in water systems (L8)' is published by the Health and Safety Commission (HSE). This gives practical advice on the requirements of the Health and Safety at Work Act 1974 (HSWA) and the Control of Substances Hazardous to Health Regulations 1999 (COSHH) concerning the risk from exposure to legionella bacteria. The Code of Practice came into effect in January 2000.
- 3.5 A standard for the Control and Management of legionella bacteria in water systems was compiled by the council's Health and Safety team and made available in December 2004. The Council has the responsibility to determine the Council's risk of persons contracting the legionella bacteria from water and cooling systems contained within its buildings together with water features located within its parks and gardens. Following an Internal Audit Review in 2005 one of the main recommendations stated that Property & Design submit an Annual Assurance Statement of Compliance from information obtained from each directorate. The annual assurance statement is subsequently submitted to the Corporate Health & Safety Committee annually.
- 3.6 Currently Property & Design manage two water services contracts. One covers a broad range of properties including our civic offices, libraries, museums, sports pavilions and public conveniences comprising approximately 200 sites. The second includes education and adult social care sites numbering approximately 160.

## Proposed Contract and Procurement Route

- 3.7 It is proposed that the tendered contract will consist of three lots thereby allowing the council greater flexibility when awarding the contracts dependant on quality and value for money criteria. The further significance of sub dividing this contract into three lots is to provide local companies the opportunity to tender for part or all of this work. Details of the three lots that represent a total contract sum of £360,000 per annum are as follows:
- Lot (1) - Adult Social Care at £45,000 per annum
  - Lot (2) - Education at 75,000 per annum
  - Lot (3) - Public Buildings at £240,000 per annum
- This represents approximately £1.8m over the proposed 5 years.
- 3.8 The proposed contract will service a wide variety of building types, including schools, libraries, parks, civic buildings, leisure centres and water features. There will be provision in the new contract/s for other sites to join at a later date if they so wish. It is proposed that the contract/s will be for a five year period with an option to extend for a further 2 years based on the successful contractor's performance over the contract period.
- 3.9 The tender process follows the EU Restricted Route for Supplies & Services. There will first be a Pre-Qualification Questionnaire (PQQ) that will be used to make a shortlist of bidders that will then be invited to tender. The proposed procurement timetable is shown below:

| Task                                      | Date              |
|---|-------------------|
| Cabinet Meeting                           | 17 September 2009 |
| PQQ ready for Consultation                | 22 September 2009 |
| OJEU Placed                               | 25 September 2009 |
| PQQ Placed on Website and Trade Magazines | 25 September 2009 |
| Closing date for PQQ's                    | 2 November 2009   |
| Evaluate PQQs                             | 23 November 2009  |
| ITT sent out                              | 5 December 2009   |
| Closing date for tenders                  | 16 January 2010   |
| Evaluation of Tenders                     | 31 January 2009   |
| Clarification Meetings                    | 27 February 2009  |
| Select Preferred Bidder                   | 28 February 2009  |
| (Standstill Period - 10 days)             | 10 March 2009     |
| OJEU Award Notice                         | 14 March 2009     |
| Contract Start                            | 1 April 2010      |

- 3.10 Bidders will be invited to submit a formal tender and supply sufficient supporting documentation to demonstrate their ability to deliver the service and make improvements to include staff resources, experience, specific requirements, relevant contracts, service overview, subcontractor arrangements, sustainability, equality, financial and health and safety information.
- 3.11 The tenders will be evaluated on a 60% technical / quality and 40% price split. It has been decided to make the technical part of the split higher because it is important that the quality of the work carried out is to a high standard for the safety of all. High standards of Legionella monitoring and management will

minimise associated risks. A cross - functional evaluation panel consisting of representatives from procurement, property & design, finance, legal, human resources, service clients and health & safety will evaluate the tenders according to a methodology set out in the invitation to tender and evaluation guidelines.

- 3.12 This contract will also feature site specific specifications where each site will have a 'core' specification and logbook plus additional requirements that are needed to ensure that the legionella is properly monitored and managed for all the sites to comply with the requirements set out in 'The Approved Code of Practice and Guidance- *The Control of Legionella Bacteria in water systems*' (L8):
- 3.13 The property portfolio falling under Housing Management is excluded from this contract for a number of significant factors. Discussions took place with Housing Management and Property & Design to determine if partnering would be beneficial to our respective water treatment contracts. It was agreed that partnering of this particular contract was not suitable at this time due to misalignment of contract termination dates and the need for Housing to implement a robust water treatment contract as quickly as possible following an inspection undertaken by the HSE on Housing procedures.
- 3.14 Housing are currently procuring a new specialist water hygiene contract and Contractor and have interim L8 measures in place via competent water management contractors to provide levels of legionella protection whilst the procurement and implementation of their new specialist water hygiene contract takes place.
- 3.15 To ensure that consistency is achieved across the council when delivering similar contracts Property & Design have assisted and advised Housing on their water treatment policy, procedures, training and service contract and will continue to provide technical assistance to Housing Management in the quest to ensure the Council have robust and efficient L8 quality management control and total compliance.

#### **4. CONSULTATION**

- 4.1 Consultations are taking place with all client and technical officers of the relevant departments and the evaluation team.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 The tender will be prepared on a basis to maximise efficiencies and value for money achieved through site specific specifications.
- 5.2 It is difficult to anticipate tender prices compared to current costs until proposed tender amounts have been submitted by contractors. Should significant financial implications arise from the tender process it may be necessary to report these to members at a later date. The total current budgetary provision for the corporate, Education and Adult Social Care buildings is £360,000 per annum.

*Finance Officer Consulted:*

*Patrick Rice*

*Date: 13/08/09*

#### Legal Implications:

- 5.3 Contracts for the Legionella Monitoring - Control, Prevention & Risk Management Services services fall under 'Part A Services' of the EU Procurement Directive and accompanying UK Regulations. As a result, any such contract is subject to the full application of both the Directive and Regulations. The tender process will need to be undertaken in compliance with the relevant legislation. Contracts over £75,000 must be prepared in a form approved by the Head of Law. 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:*

*Sonia Likhari*

*Date: 12/08/09*

#### Equalities Implications:

- 5.4 These issues will be addressed in the tender documentation

#### Sustainability Implications:

- 5.5 Sustainability issues will be addressed in the pre-qualification and specification documents. The new contract will contain the following sustainable efficiencies:
- The successful contractor will be sourcing products to compliance with the Water Regulations Advisory Scheme (WRAS).
  - It will be a requirement of the contract to train all staff how to use chemicals correctly.
  - All of the contractor's suppliers must be accredited with British and European standards.

#### Crime & Disorder Implications:

- 5.6 There are no direct implications in respect of the prevention of crime and disorder within this report although certain items of identified work will try to minimise vandalism through design and the use of relevant materials.

#### Risk & Opportunity Management Implications:

- 5.7 Full risk assessments will be undertaken by the successful Contractor in conjunction with the Contract Manager. Key risks identified will need to be dealt with and regularly reviewed and updated by the respective parties. It will also be a requirement at tender stage that the tenderers provide example risk assessments for evaluation purposes.

#### Corporate / Citywide Implications:

- 5.9 The tendering of this contract will achieve value for money and help to protect the public, employee and contractors from Legionella bacteria.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 It is the legal duty imposed by the Health and Safety at work act 1974 that under the approved code of practice L8, Brighton and Hove City Council shall identify

and assess sources of water management risk, prepare a scheme for preventing or controlling the risk, implement, manage and monitor precautions, appoint a person(s) to be managerially responsible.

- 6.2 The existing corporate civic and education and social care legionella water management contracts both end in March 2010 and it is considered that the tendering exercise could offer the opportunity to merge all or some of these water treatment contracts which may provide significant benefits in terms of consistency regarding the standardisation of service provision, the monitoring of contractor performance, assurances of compliance and contract management through a designated team providing a central comprehensive and accurate record of information and auditing of the contract/s.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 A new contract is needed with the current contracts expiring in March 2010 to ensure that we continue to manage the risk of legionella bacteria and the safety to the public, contractors and council's employees.
- 7.2 The new contracts will be managed by the legionella officer, Property & Design to provide consistency and provide opportunities for small local companies to tender for this work as well as national companies.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents in Members' Rooms**

None

### **Background Documents**

None

|                         |  |   |                     |
|-------------------------|--|---|---------------------|
| <b>Subject:</b>         | <b>18 Wellington Road</b>                          |   |                     |
| <b>Date of Meeting:</b> | <b>17 September 2009</b>                           |   |                     |
| <b>Report of:</b>       | <b>Director of Adult Social Care &amp; Housing</b> |   |                     |
| <b>Contact Officer:</b> | <b>Name:</b>                                       | <b>Diana Bernhardt</b>                      | <b>Tel:</b> 29-2363 |
|                         | <b>E-mail:</b>                                     | <b>diana.bernhardt@Brighton-Hove.gov.uk</b> |                     |
| <b>Key Decision:</b>    | <b>Yes</b>   | <b>Forward Plan No: CAB11470</b>            |                     |
| <b>Wards Affected:</b>  | <b>Hanover and Elm Grove</b>                       |   |                     |

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

- 1.1 The aim of this report is to seek agreement to commission a support service at 18 Wellington Road, Brighton, to provide extra care and supported living accommodation for people with learning disabilities and other adult social care client groups, for example people with mobility problems.
- 1.2 Valuing People Now, the new 3 year government strategy for people with learning disabilities, aims to increase the range of housing options for people with learning disabilities and their families and to ensure the Personalisation agenda is embedded within all local authority services and developments.
- 1.3 The strategy sits within a wider strategic context contained within 'Independence, Well Being and Choice', 'Our Health, Our Care, Our Say', 'The Mansell Report', 'Putting People First' and 'Improving the life chances of disabled people', that aim to allow people to be supported locally and to have choice, control, equal access and independence.
- 1.4 These aims underpin the priorities in the Brighton & Hove Learning Disability Commissioning Strategy 2009-2012 that identifies the need for increased choices and more flexible support options as alternatives to residential care and small group homes.
- 1.5 The proposed support service would increase the range of options available locally through providing individually tailored packages of care and support with 24 hour support on site as an alternative to residential care. The service would be commissioned through a competitive tendering process to improve value for money and the estimated annual cost is set out in Appendix One.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet approves to the tendering of a support service at 18 Wellington Road to provide extra care and supported living accommodation for people with learning disabilities and those with physical disabilities.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Due to a lack of suitable accommodation and support being available locally, this authority has a higher than average proportion of people with learning disabilities in residential care and a high proportion of people placed out of the city. The vast majority of these placements are purchased on a spot contract basis that has not been subject to competitive tendering.
- 3.2 There is also a need to provide alternatives for people whose needs are increasing as they become older and for those who need a service for the first time.
- 3.3 With this in mind Baron Homes approached the Council to negotiate a leasing arrangement for the site to develop extra care housing. The site already has planning permission and development works are underway.
- 3.4 The site is located at the bottom of Elm Grove, Brighton; close to the Level, Lewes Road and London Road.
- 3.5 Approval to enter into a 10 year lease with the freehold owner, Baron Homes, was agreed in principle at the January 2009 Cabinet Member meeting for Housing.
- 3.6 The build will take between 12 to 18 months to complete and current plans are to provide 26 self-contained flats, suitable for single people as well as couples with learning disabilities and physical disabilities. 2 of the flats will be used to accommodate staff who will be working overnight shifts and the cost of this accommodation is included within the accommodation costs in Appendix One.
- 3.7 It is proposed to tender for a support service within 24 of the flats to provide 3 distinct services ; 8 of these would be for people with learning disabilities in the existing building, with another 5 for people with autism and complex needs in an attached extension. These 13 units would be tendered for together. Also, a separate service would be tendered for in a newly built separate block which would accommodate up to 11 people, with 8 of those flats being fully wheelchair accessible with lift access. In the proposed scheme, these would be for older people with learning disabilities and people with physical / sensory disabilities.
- 3.8 Within the proposed services, the council will have 100% nomination rights and the support provider will be responsible for the day to day management of the service and carrying out repairs on behalf of the council. The services will be set up through a competitive tendering process providing a core, 24 hour service, with tenants using Individual Budgets to buy additional services to maximise choice and control, such as day and recreational services. The separation of the core and additional service will also reduce the impact of voids.
- 3.9 The aim of the service is to increase the range of housing and support options available locally to provide alternatives for people currently placed in residential care both within and outside of the city and for those whose needs would be better met in alternative accommodation. This is a key priority within the Learning Disabilities Financial Recovery Plan, and the Community Learning Disability



Team and the Commissioning Team are working together to identify suitable individuals as part of the review of learning disabilities accommodation services.

- 3.10 The service is expected to improve outcomes for people who wish to move back to the city and for those who will benefit from a more personalised service within accommodation designed for their needs.
- 3.11 The service would provide 24 hour support on site and individualised packages of care and support based on the need of the individual tenants with the aim of maximising their independence. Needs will be identified by using the Care Funding Calculator, a tool which identifies the needs and costs of a support package. The approximate costs that have been identified in Appendix One are based on Care Funding Calculator assessments for a number of individuals identified as suitable, and are compared to the current residential care costs.
- 3.12 The proposed service will be funded from the existing Community Care budget commitment through the reprovion of existing residential placements and new referrals already identified.
- 3.13 It is expected that the new service will improve value for money through a competitive tendering process and through efficiencies provided by improved design, assistive technology and economies of scale. Government subsidy will also be available through Housing Benefit which is not currently available in residential care placements and although this will not fully cover the rental costs and will therefore be subsidised by the support costs, the costs still represent significant savings.
- 3.14 For the first year, residents will move in to the accommodation in stages over a 3 month period and will receive an increase in support for the first 6 months to assist in the transition. The savings will therefore be realised six months into the project.
- 3.15 The support providers must be registered as providers of domiciliary care in accordance with the requirements of the Care Quality Commission.
- 3.16 People with learning disabilities and their families will be involved in the development of the final service specification and the tendering process.

#### **4. CONSULTATION**

- 4.1 There have been a number of consultation exercises that have taken place regarding this project and key stakeholders consulted include:
  - Speak Out advocacy group
  - The Learning Disability Partnership Board
  - Care Providers
  - Carers and carers support group
  - The A Place to Live sub-group of the Partnership Board
  - Care Managers
  - Occupational Therapy
  - Federation of Disabled People
- 4.2 Stakeholders were positive about the scheme in that it provides:

- An alternative for people with learning disabilities who are housed in environments that do not meet their needs
- A safe environment for people to develop those skills necessary to move on to more independent living
- Much needed accessible accommodation
- Good facilities, for example communal areas, assistive technology, personalised services

4.3 Stakeholders also identified the following issues;

- The proposed scheme of 24 units is larger than that normally found for people with learning disabilities. As a result there is concern that it would have an 'institutional' feel, although this is mitigated through the layout of the accommodation and the granting of tenancy rights.
- This is a privately financed housing development. This has resulted in higher housing costs for the service, although this will be off set through the efficiencies in providing the support service.

4.4 The Learning Disability Partnership Board has considered the scheme in detail and voted to support the proposal, 10 members voting for and 7 against the proposal.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The provision of extra care type accommodation will contribute to the reduction in the unit cost of supported accommodation for people with learning disabilities of up to 30%. Extra care accommodation is a key element of the learning disabilities financial recovery and accommodation plans. Other client groups with complex needs may be nominated for this scheme.
- 5.2 The estimated costs of the service are set out in Appendix One (to be considered under Part 2 of the agenda) The accommodation costs are high and as they will not be fully funded by housing benefit will need to be cross subsidised by the community care budget. Savings should be achieved provided that current and future higher cost placements are attracted to this scheme. The potential financial risks to this scheme are set out in paragraph 5.6 of the report.
- 5.3 The proposed tendering of the support service will enable the market to be tested and ensure that the costs are competitive and contribute towards achieving value for money.

*Finance Officer Consulted: Anne Silley*

*Date: 12/08/09*

### Legal Implications:

- 5.4 There are no Human rights implications.
- 5.5 The service outlined in this report is a 'Part B' service for the purpose of EU procurement law and UK implementing Regulations, and is therefore not subject to the full application of either. The Council is nevertheless required to comply

with EU Treaty objectives of non-discrimination and openness in procurement, as well as comply with its statutory obligation to seek Value for Money. The proposal for this service to be competitively tendered should be carried out with a view to fulfilling these obligations. 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.

- 5.6 There are questions as to how the funding of the shortfall between Housing benefit and the rent payable needed to service the lease agreement will be met. This has in other properties been achieved by an informal arrangement between partner departments. While this arrangement might continue it would be within the context of ever changing Housing benefit rules and regulations. There is for instance expected changes to the regulation in April 2010, which if put in place would be likely to reduce the funding gap. Historically there has been a problem for local authorities basing long term decisions on current funding arrangements. Given the term of the lease is 10 years, current and short term proposed housing benefit regulations do not provide a sufficiently certain guide to the future.

*Lawyer Consulted:*

*Simon Court*

*Date: 13/08/09*

Equalities Implications:

- 5.7 The proposed service will provide accessible accommodation and therefore reduce inequality for people with disabilities in the city and support the commissioning of local personalised and flexible services. The project will ensure the final service delivery meets the Valuing People objectives of promoting choice, rights, inclusion, and independence for people with learning disabilities.
- 5.8 A full Equalities Impact Assessment is being completed. The project team will meet to work through the EIA with an aim to complete in December 2009.

Sustainability Implications:

- 5.9 The project will support the commissioning of local services and so reduce the number of people placed out of area and thereby reduce the need for staff and families to travel long distances to visit placements. The planning application for the property has considered sustainability considerations and sustainability issues will be included in the tender documents to ensure that prospective bidders take account of environmental issues such as transport, energy usage, recycling and waste disposal.

Crime & Disorder Implications:

- 5.10 This proposal will promote social inclusion for people with disabilities through supporting increased access to mainstream services and participation as equal citizens in the community.

### Risk & Opportunity Management Implications:

5.11 The key risks identified are:

- (a) **The service does not operate at full capacity** To mitigate against this information will be distributed regarding the scheme to promote it as a service of choice. A designated care manager with a good knowledge of the other residents and the local community will identify suitable referrals for initial and future lettings so that voids are planned for in advance as much as possible.
- (b) **The service has higher than average rental costs that could act as a disincentive for people accessing work.** While the rental costs are higher the total cost of the service is lower than in residential care alternatives. If there are any residents who are worse off through finding work, they will be supported to access alternative model of supported accommodation.
- (c) **There is a risk that if the support service is not commissioned by the council the service will still be established.** As a result, the service may not provide value for money and could expose the council to 'Ordinary Residence' claims from other authorities who place within the service. This will increase financial pressures on the authority as the responsibility for meeting the cost of the placement passes to the council as the 'host' authority after the first 12 weeks.

### Corporate / Citywide Implications:

5.12 This proposal will increase the choice of services available locally for people with learning disabilities and so enable them to participate as equal citizens in the city of Brighton & Hove.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

### **6.1 Option One – Not to commission a support service.**

#### **6.1.1 Risks:**

- Baron Homes could go ahead and develop the scheme without further involvement of the council
- The council would have no control over the development or the quality or cost of the support being provided
- The council would not have nomination rights and so not be able to influence achieving a balanced and appropriate lettings within the service
- Other councils could place people in the scheme and apply for 'Ordinary Residence' that transfers financial responsibility to the council as the 'host' authority, thus increasing financial pressures
- The council would not maximise opportunities for local people to access to this as a housing and support option
- The council would not be able to meet key strategic priorities to move people back out of area and to reduce numbers of people in residential care.

- 6.1.2 Opportunities:
- There would be opportunities to commission an alternative support service, should a suitable property become available

## **6.2 Option Two – To commission 12 of the flats**

- 6.2.1 Risks:
- This would significantly increase the unit cost of a service and so reduce value for money and affordability
  - There would not be nomination rights on the remaining units and therefore there may be ordinary residence referrals from other authorities thus increasing financial pressures in the authority
- 6.2.2 Opportunities:
- To provide fewer units would reduce the size of the support service and financial commitment

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 This report is required to seek approval to commission a support service.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Financial Costings – Exempt Category 3 (copy circulated to Members only)
2. Consultation Summary

#### **Documents in Members' Rooms**

None

#### **Background Documents**

None



**18 Wellington Road (St Gabriel's) – Notes on consultation  
and discussion March 2009**



Consultation through the Learning Disability Partnership Board included talking to:

- Speak Out Link group
- The Learning Disability Partnership Board
- Providers
- Carers
- The A Place to Live sub-group
- Care Management
- Occupational Therapy
- Federation of Disabled People

Issues raised have been considered individually and discussed. Where appropriate, ways of limiting the effect of those concerns have been suggested.

**1. Size:** A number of people said that the scheme is too large for people with learning disabilities and this would result in an 'institution' that is at odds with aims to support people with disabilities to mix with local communities.

- 1.1 Each flat would be fully self-contained, with final details being tailored to the needs of tenants.
- 1.2 Everyone will have their own tenancy, giving them much greater rights than people had in old institutions
- 1.3 There would be no institutional practices (e.g. set meal times), as people would have a package of care that is personal to their needs and wishes.
- 1.4 It is proposed that the scheme is divided into three distinct blocks with their own entrances, identity and staff support.

1.5 Rather than a single, central communal area it is proposed smaller ones are included in the three blocks.

**2. Accessibility for wheelchairs:** Some people said that there might not be enough space for wheelchairs to move around easily.

2.1 The OT (Occupational Therapist) advises that all parts of the property are wheelchair accessible, though the older part of the development would not allow people to pass wheelchairs easily in corridors.

2.2 If the scheme is separated into three blocks, people could be supported to live in those blocks that are most accessible to them.

2.3 Separating the scheme would mean that not everyone would need to use the more narrow corridors and so they are less likely to be 'busy' with people, meaning less access problems.

**3. Access to the local area:** Some people were concerned that the local area was not accessible for people in wheelchairs, with it being a short but sharp hill from the Lewes Road. There is also a double traffic light to cross and questions were asked about the accessibility of buses.

3.1 Although Elm Grove is a steep hill, Wellington Road is at the bottom and is itself quite level.

3.2 Some people said that the property was in a more level location than many areas of Brighton and the benefits of the central location outweigh the downsides.

3.3 Information has been gathered about accessible bus routes. Most routes and the several local bus stops are accessible.

**4. Lease cost:** As the housing development is privately financed, the housing costs of the scheme will be higher than normal and it would mean that people would not be encouraged to get to work.

4.1 Housing Benefit will be available to the residents to meet most of the lease costs

4.2 Care and support costs would be provided at much improved value for money which would offset the higher housing costs

4.3 Benefit advice will be available to ensure people are not financially worse off when they find employment and if any residents are worse off they will be supported to move if necessary.



**5. Developer experience:** This is a private developer and some people said we should work with organisations such as Housing Associations, who have experience in working with vulnerable people

- 5.1 There are a lack of other accommodation options available and the developer has planning permission and the ability to build this scheme.
- 5.2 If we commission the support service, we will be able to influence the design the scheme.
- 5.3 If we do not commission the support service, the developer could go ahead anyway and may not make all the choices we would recommend.

## **6. Laundry**

- 6.1 Plans show a laundry in the basement, but each flat will have plumbing for its own washing machine.

## **7. Communal facilities:**

- 7.1 Some people felt the communal facilities were too small, others felt they were too large. Some people thought a single large communal facility would add to the 'institutional' feel.
- 7.2 It was discussed that it may be best to have 3 smaller communal rooms based around the three 'blocks'. This would give everyone access to an area close by and would stop the scheme feeling institutional.

## **8. Soundproofing**

- 8.1 The entire building will meet part E of the building regulations, which are the latest standards in soundproofing.

## **9. Sensory needs**

- 9.1 The building will be completely adaptable for people with sensory needs, with space for hand rails and the possibility to use colour codes to help visual access.

**10. Storage space:** Some people were concerned about a lack of space for charging electric scooters.

- 10.1 It was discussed that there may be some space in wider corridors, but it would be hard to say at this stage.

10.2 It was discussed that people might keep/store wheelchairs in their flats and in fact for practical reasons might have to keep them by their beds.

**11. Guest Accommodation:** Some people thought there should be guest accommodation and some 2 bedroom flats

11.1 It was discussed that guest accommodation is an unusual thing for a block of flats, and could itself be seen as institutional

11.2 There are two bedroom accommodation options available locally and these have been more difficult to let.

## **12. Shower Room facilities**

12.1 All rooms would have wet rooms with showers as these were most flexible. Baths could be added based on individual need.

12.2 The OT said that there is room in the shower rooms for a support worker to help the person.

12.3 If the person needs two people to help them, there would need to be an assessment of that person to see if there was enough room.

**13. Community Links:** Some people said there should be a community service that the local community could use, to help the tenants mix with the neighbours, but there are concerns that there is not enough space for this.

13.1 It is agreed that the architect and developer may be open to building in a community service, but it may not be practical.

13.2 The local Wellington Road Day Centre could be used as a site for a community service that tenants and neighbours could use.

13.3 Not everyone thought that a community service was needed, or even a good idea.

13.4 If we tender for a support service, we can work with the developer and community groups to find ways to make links with the community, in consultation with the residents and their families

Mark Hendriks, Project Officer

Document is Restricted



Document is Restricted

