

16 October 2014

This record relates to Agenda Item 56

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: CITY PLAN PART ONE - CHANGES
ARISING FROM EXAMINATION
PROCESS

AUTHOR: HELEN GREGORY

THE DECISION

That the Committee:

1. Approves the proposed main modifications to the City Plan Part One set out in Appendix 2 that represent a major shift in policy in the City Plan.
2. Notes the remaining proposed modifications set out in the Full Schedule (Appendix 3) and authorise that the Head of Planning and Public Protection may make any necessary minor amendments to the Full Schedule prior to public consultation;
3. Approves a six week period of public consultation on the Full Schedule of Proposed Modifications to the Submission City Plan Part One (along with the new / updated supporting documents) commencing 4 November;
4. Authorises the Head of Planning and Public Protection to agree any further draft "main modifications" to the City Plan Part One necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach of the City Plan Part One the draft modification shall be referred by the Head of Planning and Public Protection to the Policy & Resources Committee for approval.
5. Approves the following studies as supporting evidence for the City Plan and further Development Plan Documents (summarised in Appendix 4):
 - Sustainability Appraisal
 - Appropriate Assessment Update
 - Health and Equalities Impact Assessment Update
 - Transport Assessment Update
 - Exceptions and Sequential Test Update (flood risk)
 - Strategic Housing Land Availability Assessment 2014 update
 - Urban Fringe Assessment Study
 - Assessment of Housing Development Needs Study: Sussex Coast Housing Market Area, May 2014
 - Housing Implementation Strategy
 - Addendum to the Infrastructure Delivery Plan
 - Combined Policy Viability Study Update
 - Duty to Cooperate Statement Update

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

It is important to have an up to date adopted development plan in place otherwise the National Planning Policy Framework and an undeliverable housing requirement (18,000-24,000) will provide the basis for planning decisions. In order to progress the City Plan Part One to adoption the Inspector has indicated to the council a number of changes or main modifications to the plan that she considers are required to be made in order for her to be able to find the plan sound. These modifications represent a significant policy shift and therefore require agreement by the Policy & Resources Committee. Public Consultation is required before the Inspector can consider the proposed modifications and conclude the examination.

CONCLUSION

The proposed approach is to modify the Plan to address the concerns raised by the Inspector in her Initial Conclusions Letter and to publish these for public consultation. This will ensure that the Inspector is able to conclude her consideration of the City Plan Part One. This is the only practicable option if the City Plan Part One is to progress towards adoption and ensure the council has an up to date development plan.

Without these modifications the Inspector has indicated that the City Plan Part One could not be found sound and could not therefore be adopted.

An adopted City Plan gives certainty and confidence to the development industry and will help to deliver investment in the city. With a clear and up to date policy framework in place, local decision-making can ensure timely development and secures the most appropriate uses on key regeneration sites such as Preston Barracks, Circus Street and Black Rock site. At a time when the development industry is recovering from the recession, the City Plan will be critical for guiding and encouraging the investment that developers and the construction industry are seeking to bring to the city and secure the infrastructure needed (e.g. schools and health facilities).

An up to date adopted City Plan will ensure that decisions on new developments are based on local priorities and that full weight can be given to locally adopted strategies and development policies. Conversely should the City Plan be withdrawn no weight could be given to its policies in decision making. An adopted Plan gives greater certainty for the Council and all stakeholders to see development schemes progressed in a properly planned and coordinated manner. An agreed housing target for the city to 2030 will allow the council to resist development pressures to release existing employment sites, business space, community uses and open space for new housing. The new Article 4 Directions (Student Housing and Central Office space) can be assessed effectively and sites allocated in the City Plan for purpose-built student housing and other uses will have a clear policy framework.

The consequences of not having an adopted City Plan

Without an adopted City Plan the National Planning Policy Framework's 'presumption in favour of sustainable development' would apply (i.e. development should be allowed unless there is significant and demonstrable harm). The consequence of 'planning by appeal' would be inappropriate development within the city's urban fringe and across the city as a whole. This would undermine the positive and balanced approach to future growth and development in the city as set out in the

City Plan and jeopardise investment in key sites/strategic allocations of city-wide importance. There would be significant cost and resource implications associated with defending an increased number of planning appeals and an increased risk of costs being awarded against the council (which is already being experienced). Without a robust plan in place the council's planning decisions may be more susceptible to being overturned at appeal. Should the percentage of overturned appeals mean that the council falls into the government's "special measures" category developers will be able to by-pass the council and take their proposals straight to the Planning Inspectorate for determination.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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- (ii) the decision being called in for review by 5 Members from two or more Groups represented on the Council.

16 October 2014

This record relates to Agenda Item 57

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: OFF PLAN PROCUREMENT -
RESIDENTIAL ACQUISITIONS

AUTHOR: MARTIN REID

THE DECISION

1. That the Executive Director Environment, Development & Housing, in consultation with Executive Director of Finance & Resources, pursue negotiations with potential funding and development partners in order to work up fundable off plan residential acquisitions propositions and that these be brought back to Policy & Resources Committee for consideration;
2. That officers continue discussion with Department of Communities & Local Government in making recommendations to HM Treasury for the Autumn Statement arising from discussions on housing supply & homelessness work;
3. That officers consider funding options including General Fund prudential borrowing, Housing Revenue Account capital financing and 'off public sector balance sheet' institutional and private investment financing along with appropriate delivery, management and governance frameworks, subject to further reporting back to Housing Committee and Policy & Resources Committee.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Approval is sought for the above recommendations in order to:

Support achievement of City Plan and Housing Strategy priorities, in particular delivery of new affordable homes;

Enable meaningful pre-application discussion and negotiation with developers on forthcoming planning applications, in particular where the developer may incur costs working up detailed proposals;

Support discussion with DCLG to take forward any further discussion on freedoms and flexibilities.

Approval is not being sought for Policy and Resources Committee to enter into any financial risk at this stage. We would return to Committee with proposals for any specific schemes which must be aligned to the Council's legal framework and financial capacity. We propose to provide interim progress reports to Housing Committee & the New Homes for Neighbourhood Project Board.

CONCLUSION

Options for improving housing supply are outlined in the report and will be kept under review as part of current scoping, development and review of the revised City-wide Housing Strategy and Housing Investment Plan and in support of City Plan priorities.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:

A handwritten signature in black ink, appearing to read 'Mark Wall', written over a horizontal line.

CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 58

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: FOOD POVERTY REPORT

AUTHOR: NICKY CAMBRIDGE

THE DECISION

1. That the Committee supports the council's approach to food poverty which focuses on addressing the underlying causes of food poverty through the financial inclusion strategy and the work of the Brighton and Hove Food Partnership.
2. That the Committee notes the various forms of research underway that will help us understand more about the causes and impacts of food poverty in the city.
3. That the Committee requests appropriate Officers to attend a 'round table' meeting facilitated by the Food Partnership to consider food poverty in the city, and the actions from this meeting to feed into the Joint Strategic Needs Assessments undertaken by the Health & Wellbeing Board.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

This report describes how the city's council approach to food poverty focusses on the underlying causes driving the need for food bank use. The financial inclusion strategy and related Moneyworks commission means that we are providing vulnerable people with money advice, banking, access to affordable credit and financial education at the same time as using our grants and commissioning programmes to underpin food projects including food banks for those facing crisis.

The city's Food Partnership is at the forefront of leading the city's wider food poverty work recognising that food poverty is a long term and systemic issue that is much more than just food banks. Their work includes projects that tackle cooking, growing, and securing access to affordable healthy food in the long term.

Through the council's tripartite approach of working in partnership, directly delivering services and commissioning others we are focussed on a holistic and sustainable approach.

CONCLUSION

In developing the financial inclusion strategy (which includes a focus on food poverty) the council explored a number of alternative options in its report to P&R in March 2013:

Option One: Do nothing. This would leave residents vulnerable to financial exclusion, such as falling into debt, increased risk of homelessness and health problems

associated with food poverty. In addition, there are corporate risks around the failure to collect Council tenant's rents and with Council Tax payments across the City.

Option Two: Provide temporary resources to 'plug gaps'. This may help in short term and offer some residents useful support but is not sustainable. Additional funding for Financial Inclusion will be difficult to obtain in future years, so it is necessary to promote and develop a sustainable model which the Strategy articulates.

Option Three: Supporting financial inclusion as set out in the strategy and implementation plans is the preferred option because it tackles the root causes of financial difficulty and food poverty.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 59

RECORD OF POLICY & RESOURCES COMMITTEE

COUNCIL DECISION

SUBJECT: REVIEW OF MEMBERS' ALLOWANCES
- 2014

AUTHOR: MARK WALL

THE DECISION

1. That the Panel's report as detailed in appendix A be received and endorsed and the recommendations therein be recommended to the Council for approval;
2. That the Council be recommended to adopt the new Members Allowances Scheme for the payment of allowances in 2015/16 with effect from the Annual Council Meeting in May 2015; subject to the implementation of the Basic Allowance from the 11th May 2015 as detailed in the IRP's report and the Scheme in appendix B
3. That the Chief Executive be authorised to issue the Brighton & Hove Members' Allowances Scheme in accordance with the regulations following council approval
4. That where there are any changes to any role listed as attracting a Special Responsibility Allowance under the scheme, and the revised role is substantially the same as the previous role in terms of the nature or level of responsibility; the Special Responsibility Allowance shall continue to apply to the new role. This is subject to the Independent Remuneration Panel being consulted and agreeing that it is substantially the same role;
5. That the allowance payable to each of the members of the Independent Remuneration Panel be increased by 1% inline with the Public Sector pay award with effect from 21st May 2015, in recognition of the time commitment and the role of the Panel.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The Panel have recommended a new Members Allowances Scheme to be effective from the 2015 municipal year, which includes an increase to the Basic Allowance; a revised level of SRA's and changes to the child /dependent care allowances.

The Panel believe that there is a justification for equity in recommending the new scheme, and mindful that it should form the basis of a scheme to run for the duration of the new authority from 2015 - 2019.

The Basic Allowance is paid in recognition of the decision to become a councillor and to help support a councillor to fulfil their role. Having heard from Members of the changes to their roles, the Panel were of the opinion that an increase in the Basic Allowance was justified as this would be attributed across all newly appointed

councillors.

CONCLUSION

In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.

The Panel took the view that in line with the Local Authorities (Members' Allowances) (England) Regulations 2003/05 and the introduction of the committee system in May 2014 it would undertake a comprehensive review of the Members' Allowances Scheme and make recommendations to the Council on :

- (a) The level of Basic Allowance to be paid to all councillors;
- (b) The responsibilities for which Special Responsibility Allowances (SRA's) should be payable (only one Special Responsibility Allowance is payable per councillor);
- (c) The levels of SRA payable;
- (d) The payment of Travel & Subsistence Allowances and appropriate mileage and subsistence rates payable to councillors undertaking approved council duties;
- (e) The payment of a Co-optee's Allowance;
- (f) The payment of Childcare & Dependant Carer's Allowances, the level of such payments, any upper limits and capping that should apply.

The Panel took account of the latest regional and national earnings information in relation to any increase in allowances and made comparisons with the council's own salary inflation rate, public sector pay awards and comparable authorities.

The Panel also took on board the views of the Leaders Group and best practice across other authorities in seeking to propose a scheme that could be approved for the income of that authority and be the basis for the life of that authority. Such a scheme to then be updated by an annual review. This would avoid some of the uncertainty and enable any candidates standing for elections for the first time, as well as continuing Councillors, to know in terms of what to expect so far as allowances are concerned.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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- (viii) the decision being called in for review by 5 Members from two or more Groups represented on the Council.

16 October 2014

This record relates to Agenda Item 60

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: AMENDMENTS TO SCHEME OF DELEGATIONS FOR OFFICERS

AUTHOR: ABRAHAM GHEBRE-GHIORGHIS

THE DECISION

1. That Members agree the changes to the scheme of delegations to Officers as set out in paragraphs 3.3 to 3.9.2 inclusive below;
2. That Members authorise the Chief Executive to take any steps necessary or incidental to the implementation of the proposals, including, where necessary, making transitional arrangements.
3. That the Head of Law and Monitoring Officer be authorised to make any necessary or consequential changes to the constitution to reflect the above.
4. That, subject to any transitional arrangements that the Chief executive considers appropriate, the proposed arrangements come into force with immediate effect except those relating to sport development, which shall come into force on 1st April 2015 subject to the Chief Executive being satisfied having regard to the outcome of the consultation with staff.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The proposals in this report will contribute to an improvement in the arrangements for the discharge of Council functions by locating services where they are better placed to deliver improved outcomes, by minimising legal risks and generally increase efficiency.

CONCLUSION

The Council has the option of leaving the constitution unamended. However, this carries the risk that some of the provisions are out of date. The arrangements regarding hostels and housing related support also leave the Council exposed to potential risk arising from the vulnerability of the client group as well as failing to maximise the potential benefit from a joined up commissioning approach between what has so far been dealt with in separate directorates.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services
Signed:



CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 61

RECORD OF POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: TARGETED BUDGET MANAGEMENT
(TBM) 2014/15 MONTH 5

AUTHOR: JEFF COATES

THE DECISION

1. That the Committee note the forecast outturn position for the General Fund, which is an overspend of £5.219m. This consists of £5.019m on council controlled budgets and £0.200m on the council's share of the NHS managed Section 75 services.
2. That the Committee note that there is a further £1.890m of as yet unallocated risk provision that could be used to mitigate against this overspend.
3. That the Committee note the forecast outturn for the Housing Revenue Account (HRA), which is an underspend of £0.247m.
4. That the Committee note the forecast outturn position for the Dedicated Schools Grant which is an underspend of £0.548m.
5. That the Committee note the forecast outturn position on the capital programme.
6. That the Committee approve the capital programme variations and reprofiles in Appendix 3 and new capital schemes in Appendix 4 (excluding the Dorothy Stringer all weather pitch).
7. That the Committee delegate authority to the Executive Director of Finance & Resources to approve the Dorothy Stringer all weather pitch capital scheme, subject to seeking further assurance on the detail of the business case.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The Month 5 position does show a significant level of forecast financial risk that must be urgently attended to, particularly in relation to Adult Social Care and Children's Services. The trends on the corporate critical budgets for Community Care and for Looked After Children continue to give cause for concern. While there are some mitigating actions and recovery plans in place it is not clear that these will make sufficient impact on the forecast risk to ensure a breakeven position at year end.

The Executive Leadership Team (ELT) will keep the position under close scrutiny and will take appropriate action to reduce spending, manage vacancies and develop financial recovery plans where necessary.

CONCLUSION

The provisional outturn position on council controlled budgets is an overspend of £5.019m. In addition, the council's share of the forecast overspend on NHS managed Section 75 services is £0.200m. Any overspend at the year end will need to be funded from general reserves which would then need to be replenished to ensure that the working balance did not remain below £9.000m. Any underspend would release one off resources that can be used to aid budget planning for 2014/15.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



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16 October 2014

This record relates to Agenda Item 62

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: LIFE EVENTS MID YEAR FEES AND CHARGES REVIEW

AUTHOR: PAUL HOLLOWAY

THE DECISION

That the Committee approve the fees and charges for Life Events in Appendix 1 (Bereavement Services) and Appendix 3 (Registration).

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Comments and feedback are welcome as part of Brighton & Hove's budget consultation process. Consultation with the Institute of Cemeteries and Crematorium Management (ICCM) for Bereavement and the General Register Office (GRO) for Registration, has previously established there is not a legal obligation to consult with members of the public about non-statutory fees.

CONCLUSION

The benchmarking exercise has identified real potential for increasing our fees and charges across both the Bereavement and Registration services. Both have excellent reputations for providing high quality customer focussed services, and there is a need to maximise income generation. The exercise can be achieved whilst remaining low in cost when compared to our LA neighbours and other service providers nearby.

The proposed increase in fees and charges will allow Life Events services to realise additional income. Whilst developing new income streams, particularly in Registration, there will be a consolidation of existing high quality services. Ongoing 6 monthly reviews will provide information on the impact of proposed fees and charges increases.

Comprehensive analysis of service provisions has established that these increases will achieve full cost recovery, as well as allow opportunities for business development and improvement.

Where possible, fees and charges still allow for customer choice and lower cost services remain available.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



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16 October 2014

This record relates to Agenda Item 63

RECORD OF HEALTH & WELLBEING BOARD

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: DRUG AND ALCOHOL RECOVERY
SYSTEM PROCUREMENT OUTCOME

AUTHOR: KERRY CLARKE

THE DECISION

That the Policy & Resources Committee agrees that the Adult Drug and Alcohol Recovery Service contract is awarded to Cranstoun as the lead provider in the Pavilions Partnership at a value not exceeding £15.6m over a three year period, subject to the Director of Public Health being satisfied about the detailed delivery arrangements; and authorises the Director of Public Health to award this contract upon being satisfied as to the delivery arrangements, and to take all necessary steps in connection with the letting of the contract.

That the Policy & Resources Committee agrees to grant delegated powers to the Director of Public Health to extend the contract at the end of the three year term, with the potential to extend the contract for a further two years if he deems it appropriate.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The evaluation panel would like to recommend that the contract is awarded to the Pavilions Partnership with specified conditions attached during the mobilisation period of October to March 2015.

CONCLUSION

Where services are delivered externally (as is the case here), the options are to continue this arrangement, or bring the service in house. Given the nature of this service, it is not considered realistic for it to be delivered in house. Continuing with the current arrangement to have the service delivered externally brings with it a requirement to ensure that best value is achieved. The process followed (as described above) enables the council to satisfy this best value requirement.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 65

RECORD OF HOUSING COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: PROCUREMENT OF A CONTRACT FOR GAS SERVICING, MAINTENANCE AND INSTALLATIONS

AUTHOR: SHARON DAVIES

THE DECISION

That the Committee agrees to:

1. The procurement of a contract for the annual gas servicing and maintenance including full break-down cover, servicing, maintenance, emergency out of hours maintenance and planned system replacements and/or installations for a five year period, with an option for extension up to a period of two years.
2. Grant delegated authority to the Executive Director of Environment and Housing in consultation with Executive Director of Finance and Resources to a) award the contract following the recommendations of the evaluation panel and the results of the tendering process and b) approve an extension to the contract if considered appropriate, having due regard to contractor performance during the initial five year term.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The current Gas Servicing contracts across the city will be drawing to a close in October 2015. It is essential that the council procure a provision to continue the high standard of service provide to tenants.

It is recommended that this be delivered through one Service Provider for the city. And that this contract is let for five years with the option of an extension up to a period of two years.

CONCLUSION

Other options include using more than one Service Provider and splitting the city geographically into lots.

The rationale for using one Service Provider across the city is supported by the learning from the current contract. As the service is regulated by strict legislation – minimum quality expectations will be met by all Service Providers. Working with one provider across the city will provide consistency, economies of scale, reduce pressure on resources within the council and provide us with the opportunity to focus our mechanical and electrical resources on improving service delivery to our tenants.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:

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CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 66

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: INSURANCE TENDER

AUTHOR: STEVE FROST

THE DECISION

That Committee grant delegated authority to the Executive Director of Finance & Resources following consultation with the Chair, to award the insurance contract following evaluation of bids and consideration of the council's retained insurance broker's recommendations and the Insurance Manager's assessment and take all other steps necessary for the implementation of the contract.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The council needs to ensure that it is able to meet the costs of liability insurance claims made against it. The usual way to do this is by maintaining liability insurances as one way of managing the costs of risk exposure. A decision on the awarding of the contract must be made by 20 October 2014 to avoid any gap in cover. As the cost of the insurance cover will be unknown until 13 October it is requested that delegation of power as set out in Recommendation 2.1.

CONCLUSION

As part of the evaluation of the bids consideration is being given to the option of increasing the amount of self insurance currently held by the council. At present this stands at £100,000 for each and every claim for the majority of liability claims. To enable best consideration of risk funding arrangements and to demonstrate value for money, alternative levels of £250,000 and £500,000 have been requested within the tender submissions. The initial review of the tender submissions suggests that the proposal to increase the self insurance level will expose the council to too much financial risk and therefore will be ruled out.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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Groups represented on the Council.

16 October 2014

This record relates to Agenda Item 68

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: STANMER PARK HERITAGE LOTTERY
FUND PROCUREMENT APPROVAL

AUTHOR: JAN JONKER

THE DECISION

1. That the Committee approve the procurement of services as set out in paragraph 3 of this report to develop the Stanmer HLF applications to Second Round, subject to a successful outcome to the First Round applications. The match funding required from BHCC will be funded from City Parks Projects over two financial years, 2014/15 and 2015/16.
2. That the Committee delegates authority to the Executive Director of Environment, Development & Housing to enter in to the necessary contracts to develop the HLF applications up to the Second and final Round, with the flexibility for these contracts to be extended to the delivery phase subject to further committee approval.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

This report seeks approval for the procurement of services to develop the Stage 2 application subject to one or both of the Stage 1 applications being successful. The proposal is that these contracts will have the flexibility to be extended in to the delivery phase, subject to further committee approval at the time.

CONCLUSION

Procurement work is being progressed in advance of HLF decisions on the Stage 1 applications to minimise project delays if one or both applications are successful.

Different procurement and contract management options are being evaluated and will be presented to the Executive Director of Environment Development and Housing to inform their decisions.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 69

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: SHOREHAM AIRPORT

AUTHOR: OLIVER ASHA

THE DECISION

1. That the Council notes that the scheme approved by P&R on 1 May 2014 is no longer proceeding.
2. That the Council, by way of a Deed of Variation to the lease, formally postpones the £1m deferred consideration until the first new unit of any development at the airport is capable of occupation. Interest is to be charged on the deferred consideration from the original due date of 16 September 2013 at a commercial rate compounded annually with a long-stop date for payment of 2020.
3. That the Council, subject to payment of a suitable premium (such value to be assessed and agreed by the Council's Estates Surveyor) enters into an agreement to relax the user covenant to enable the use of any completed development as a City Deal Growth Hub upon (a) completion of the development and (b) payment of the £1m deferred consideration plus interest due.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Listed confidentially.

CONCLUSION

Listed confidentially.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:



CALL-IN FOR SCRUTINY

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16 October 2014

This record relates to Agenda Item 70

RECORD OF POLICY & RESOURCES COMMITTEE

POLICY & RESOURCES COMMITTEE DECISION

SUBJECT: 92 CROMWELL ROAD - SURRENDER
AND RENEWAL

AUTHOR: ANNE RICHARDSON-LOCKE

THE DECISION

1. That the Committee authorise the termination of the existing lease for the upper parts of 92 Cromwell Road by accepting a surrender.
2. That the Committee authorise the disposal of the whole of 92 Cromwell Road (to include the lower ground floor) by way of a 77 year lease to the same tenant.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Southern do not consider this property to part of the core business and wish to dispose of the leasehold interest that they hold of the upper parts (of which there are 77 years remaining).

The council is in the process of granting a lease to Grace Eyre on the lower ground floor which was recently refurbished to create 2 residential units.

The three parties have negotiated terms for Southern to assign their lease to Grace Eyre. The council will then take a surrender of the lease and simultaneously grant a lease for the whole to Grace Eyre. Grace will pay a premium to the council for the value of a 77 year lease of the lower ground floor as valued by an independent valuer.

CONCLUSION

Sell the freehold to Southern. This was rejected as it would not afford any protection to the existing occupiers or its current use.

Allow Southern to assign their interest to another party and grant a lease on the lower ground floor to Grace Eyre. This would result in there being two leaseholders within the building with the leaseholder of the upper parts responsible for the repairs and maintenance of the whole building and the council responsible for paying 25% of the cost. Whilst this cost could be passed onto the lessee of the lower ground floor they would not have a direct relationship with the other lessee and it would be difficult to manage with potential for dispute.

Allow Southern to assign their interest to Grace Eyre and grant a second lease to Grace Eyre for the lower ground floor. If Grace Eyre is to be leaseholder of the whole building it is prudent for this to be under one lease.

Proper Officer:

Date: 17.10.14

Mark Wall, Head of Democratic Services

Signed:

A handwritten signature in black ink, appearing to read 'Mark Wall', with a horizontal line drawn underneath it.

CALL-IN FOR SCRUTINY

Note: This decision will come into force at the expiry of 5 working days from the date of the meeting at which the decision was taken subject to:

- (xxv) any requirement for earlier implementation of the decision or,
- (xxvi) the decision being called in for review by 5 Members from two or more Groups represented on the Council.