

Decision No: CS6 – 12 October 2009

Forward Plan No: N/A

This record relates to Agenda Item 26 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER DECISION**

**DECISION-MAKER:** COUNCILLOR AYAS FALLON-KHAN

**PORTFOLIO AREA:** CENTRAL SERVICES

**SUBJECT:** LEGAL SERVICES FRAMEWORK

**AUTHOR:** ALISON LEITCH

### **THE DECISION**

1. That the Head of Law be authorised to enter into a Consortium Agreement to achieve a joint procurement framework agreement for external legal services with all or any of the Unitary, County, District, Borough and Fire and Rescue Authorities in West and East Sussex (the Consortium Authorities) to be led by Arun District Council, and take any steps necessary or incidental to implementing the framework agreement.

### **REASON FOR THE DECISION**

1. Approval of entering into the relevant consortium agreement is sought in order to deliver efficiency savings and value for money for the council when instructing external legal providers.
2. The method proposed allows the council to market test the cost of external legal services, to seek efficiency savings based on the economy of scale and to establish a more efficient method of procuring external legal services.

#### **DETAILS OF ANY ALTERNATIVE OPTIONS**

1. That the Council enters into the Consortium Agreement with the other authorities within West and East Sussex to form a Joint Procurement Framework Agreement as detailed in this report. Arun District Council is to take the lead on this project (preferred option).
2. That the Council does not enter in the Consortium Agreement with the other authorities within West and East Sussex to form a Joint Procurement Framework Agreement as detailed in this report. Given that there are no cost implications for doing so, this option is not recommended.
3. That the council enters into a Framework Agreement solely for work needed by the council. This option remains open to the council whether or not the Sussex-wide framework is entered into. However, it is likely that the Sussex-wide framework will offer greater value for money due to the potential size and scope of the work on offer to the legal providers.

#### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

#### **CONFLICTS OF INTEREST**

The decision-maker did not declare a personal or prejudicial interest in the matters set out in the report.

#### **CONFIRMED AS A TRUE RECORD:**

**We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision**

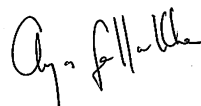
**Date:**

12 October 2009

**Decision Maker:**

Councillor Ayas Fallon-Khan  
Cabinet Member for Central Services

**Signed:**



**Proper Officer:**

12 October 2009

Mark Wall, Head of Democratic Services

**Signed:**



**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 any requirement for earlier implementation of the decision.

**Call-In Period**

**13 – 19 October 2009**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CS7 – 12 October 2009

Forward Plan No: CS12854

This record relates to Agenda Item 27 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER KEY DECISION**

**DECISION-MAKER:** COUNCILLOR AYAS FALLON-KHAN

**PORTFOLIO AREA:** CENTRAL SERVICES

**SUBJECT:** OCCUPATIONAL HEALTH  
PROCUREMENT

**AUTHOR:** HILARY ELLIS

### **THE DECISION**

1. That the award of the Occupational Health contract be delegated to officers.

### **REASON FOR THE DECISION**

To seek agreement from the Cabinet Member for the delegation of the award of the Occupational Health contract, to officers.

### **DETAILS OF ANY ALTERNATIVE OPTIONS**

To be achieved through the procurement process.

### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

### **CONFLICTS OF INTEREST**

The decision-maker did not declare a personal or prejudicial interest in the matters set out in the report.

**CONFIRMED AS A TRUE RECORD:**

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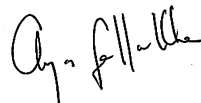
**Date:**

12 October 2009

**Decision Maker:**

Councillor Ayas Fallon-Khan  
Cabinet Member for Central Services

**Signed:**



**Proper Officer:**

12 October 2009

Mark Wall, Head of Democratic Services

**Signed:**



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**Call-In Period**

**13 – 19 October 2009**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CS8 – 12 October 2009

Forward Plan No: N/A

This record relates to Agenda Item 28 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER DECISION**

**DECISION-MAKER:** COUNCILLOR AYAS FALLON-KHAN

**PORTFOLIO AREA:** CENTRAL SERVICES

**SUBJECT:** ICT FUND 2009-2010

**AUTHOR:** PAUL FEATHERSTONE

### **THE DECISION**

1. That the allocation of the ICT Fund as set out in the report be agreed.

### **REASON FOR THE DECISION**

The report supports the high level objectives contained in the ICT Strategy 2008 – 2012 considered by The Overview and Scrutiny Commission at its meeting on 21 October 2008 and by Cabinet at its meeting on 20 November 2008.

### **DETAILS OF ANY ALTERNATIVE OPTIONS**

None identified.

### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

### **CONFLICTS OF INTEREST**

The decision-maker did not declare a personal or prejudicial interest in the matters set out in the report.

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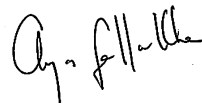
**Date:**

12 October 2009

**Decision Maker:**

Councillor Ayas Fallon-Khan  
Cabinet Member for Central Services

**Signed:**



**Proper Officer:**

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Mark Wall, Head of Democratic Services

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**13 – 19 October 2009**

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CS9 – 12 October 2009

Forward Plan No: CS12784

This record relates to Agenda Item 29 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER KEY DECISION**

**DECISION-MAKER:** COUNCILLOR AYAS FALLON-KHAN

**PORTFOLIO AREA:** CENTRAL SERVICES

**SUBJECT:** COMMERCIAL PORTFOLIO ESTATE MANAGEMENT CONSULTANCY (1 APRIL 2005 - 31 MARCH 2012)

**AUTHOR:** ANGELA DYMOTT, RICHARD BUTLER

### **THE DECISION**

1. That delegated authority be granted to the Director of Finance & Resources to extend the council's existing contracts for commercial portfolio estate management consultancy by two years.

### **REASONS FOR THE DECISION**

1. Both companies provide value for money in managing their respective portfolios, a fact demonstrated by the results of the bidding process in 2004. At that time a detailed weighted scoring matrix was used to evaluate the bids; Cluttons had an overall score of 85% compared with the second place company at 35% and on the agricultural portfolio Smiths Gore scored 66% compared with the second company at 59%. In addition, the basic management fee and the different fees charged for types of work under the portfolio remain competitive with fees currently being charged by other companies. This has been well demonstrated by instances outside the contract where Cluttons have bid successfully for instructions such as the Amex sale and rent review. Cluttons is one of the leading property management companies in the country and Smiths Gore is the biggest agricultural specialist with an excellent track record. It is therefore advised that both contracts represent value for money and should be extended.



2. The original report to the Policy & Resources Committee dated 8 December 2004 omitted to include a provision for delegating to the Authorised Officer (Director of Finance & Resources) authority to extend these contracts on behalf of the council. This report seeks to rectify that omission and enable the Director of Finance & Resources to extend these contracts for the two year extensions allowed under each contract. Having implemented Policy & Resources Committee's contract decision in 2005, and having worked with closely with the contract holders (Cluttons and Smiths Gore) since then, the Assistant Director of Property & Design is best qualified to make a decision about whether to extend the contracts.
3. It is therefore recommended that the Central Services Cabinet Member grants delegated authority to the Director of Finance & Resources to make that decision.

#### **DETAILS OF ANY ALTERNATIVE OPTIONS**

1. One possible option would have been to re-tender the contract but this is a long, expensive and resource intensive process which takes in excess of 12 months. This was not considered realistic in the time available.
2. The only other alternative could have been to terminate the contract with effect from 31<sup>st</sup> March 2010 and bring the services in house. This was discounted for the agricultural portfolio because appropriate staff (2 FTE) would not transfer and we do not have the expertise in house the agricultural portfolio having been managed externally for at least the last 75 years. To bring the urban management back in house would have incurred greater costs than the running of the contract, not all of the staff currently managing the portfolio contract ( at least 8-10 full time equivalent staff work on the contract) would have transferred, we would be faced with appointing extra staff and finding additional accommodation and we would lose the ready access to the range of services and expertise (much of it freely available because of the existing contact) available from Cluttons.

#### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

#### **CONFLICTS OF INTEREST**

The decision-maker did not declare a personal or prejudicial interest in the matters set out in the report.

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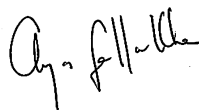
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**Decision Maker:**

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**Proper Officer:**

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Mark Wall, Head of Democratic Services

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**13 – 19 October 2009**

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Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*

Decision No: CS10 – 12 October 2009

Forward Plan No: N/A

This record relates to Agenda Item 30 on the agenda for the Decision-Making

## **RECORD OF CABINET MEMBER DECISION**

**DECISION-MAKER:** COUNCILLOR AYAS FALLON-KHAN  
**PORTFOLIO AREA:** CENTRAL SERVICES  
**SUBJECT:** PROPERTY DISPOSALS - UPDATE  
**AUTHOR:** ANGELA DYMOTT, RICHARD BUTLER

### **THE DECISION**

1. That the contents of the report, the implications the implications of the current property climate and the progress achieved on disposals over 2008 – 09, together with impending transactions, be noted.

### **REASON FOR THE DECISION**

1. The council has managed some successful disposals despite the economic situation and the restricted property market. Transactions that have been ready to complete on the basis of deals agreed earlier have been concluded where possible. During the current financial year terms have been agreed for an option allowing American Express to buy the council's freehold interest in the site occupied by their European HQ building. This transaction occurred at a time when large commercial sales were scarce and given the need by Amex to expand its operation in the city and redevelop the existing building it took place at a level reflecting a better market and will result in a significant capital receipt for the council. In addition there have been various indications that the hotel sector has remained buoyant as evidenced by the level of interest in the former Ice Rink site when it was marketed and by continuing interest in the former Charter Hotel. Our strategy has been to take advantage of these pockets of interest in the uncertain property market.

2. Otherwise the prudent view is that it is not appropriate to bring significant properties to the market at the bottom of the property cycle when the eventual economic and market recovery would allow a better return on transactions in due course. Location is often identified as the most crucial factor in regard to value but timing is significant in getting the best out of the market. Other options and delivery vehicles are being explored with various partners as now is the time to prepare for potential disposals so that the council is best placed and in a good position to accelerate any disposal and take advantage of changes in market conditions.

#### **DETAILS OF ANY ALTERNATIVE OPTIONS**

1. Potential property proposals are evaluated through the Asset Management disposal process to identify opportunities for disposal from the investment portfolio. This includes a review of the properties and internal consultation to identify other possible council uses. The property is considered in conjunction with council policies which might direct its use. The process identifies site restrictions and any development potential in preparing for marketing. Once the method of disposal is agreed consultation ensues with ward councillors and other directly interested parties which could dictate whether we market openly or on a restricted basis e.g. community transfer. The disposal will go through several stages including marketing, assessments of bids, approval of terms and finalising the transaction with the preferred bidder.
2. The operational portfolio is reviewed for disposal options and fitness for purpose through the same asset management processes and specific property performance reviews that plot the condition and suitability of a property on a decision matrix where “considered disposal “ may be one of the options. At the start of any disposal process the options are informed by the establishment of the planning criteria and initiation of the consultation protocol. We assess the most appropriate method of disposal for each property. The actions and proposals outlined in this report identify disposals that have concluded in the financial year, others that are on-going plus the steps taken to keep projects alive and bring other properties to the market.

#### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

#### **CONFLICTS OF INTEREST**

The decision-maker did not declare a personal or prejudicial interest in the matters set out in the report.

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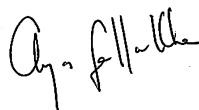
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