

**BRIGHTON & HOVE CITY COUNCIL**  
**POLICY, RESOURCES & GROWTH COMMITTEE**

**4.00pm 25 JANUARY 2018**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Morgan (Chair), Hamilton (Deputy Chair), Janio (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bell, Gibson, Mitchell, Peltzer Dunn, Wealls and Yates

**PART ONE**

**76 PROCEDURAL BUSINESS**

**(a) Declarations of Substitutes**

76.1 Councillor Gibson was present as substitute for Councillor Sykes.

**(b) Declarations of Interest**

76.2 Councillor Mac Cafferty declared a pecuniary interest in Item 86: Royal Pavilion and Museums Trust Arrangements as a current member of the Royal Pavilion and Museums Trust Shadow Board. Councillor Mac Cafferty explained that the Monitoring Officer had provided dispensation to speak but not to vote on the matter.

**(c) Exclusion of Press and Public**

76.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

76.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

**77 MINUTES**

77.1 **RESOLVED-** That the minutes of the previous meeting held on 30 November be approved and signed as the correct record.

**78 CHAIR'S COMMUNICATIONS**

78.1 The Chair provided the following communications:

*“Due to the significant interest in the reports on the Royal Pavilion Trust and Night Shelter, I’d like to propose that these are brought forward on the agenda to be the first items on business.*

*Furthermore, due to the relevance of the two reports and that we have received a motion that covers both reports, I’d like to propose that Item 90: Animal Welfare Facility be moved up the agenda and taken following the Stanmer Park restoration and CityParks relocation report, should it be reserved for discussion”.*

## **79 CALL OVER**

79.1 The following items were reserved for discussion:

- Item 83: Council Tax Base 2018/19
- Item 84: Life Events Fees & Charges 2018/19
- Item 85: Community Asset Transfer Policy
- Item 86: Royal Pavilion And Museums Trust Arrangements
- Item 87: Stanmer Park Restoration Project- Procurement of Works
- Item 89: Disposal of 54 London Road
- Item 90: Animal Welfare Facility
- Item 91A: Night Shelter Proposal
- Item 93: Disposal of London Road- Exempt Category 3

79.2 The Democratic Services Officer confirmed that the items listed above had been reserved for discussion, and that the following reports of the agenda, with the recommendations therein had been agreed and adopted:

- Item 82: Business Rates Retention Forecast
- Item 88: Land at West Blatchington Primary School: Development Agreement with the Secretary of State for Communities & Local Government and 125 Year Lease for the Purpose of Providing a Permanent Site for King’s School
- Item 91: Workplace Wellbeing in the Council

## **80 PUBLIC INVOLVEMENT**

### **(D) DEPUTATIONS**

#### **(i) Housing Estate Development Budget**

80.1 The Committee considered a deputation that requested clarification on various financial aspects of the Housing Estate Development for 2018/19 and subsequent years.

80.2 The Deputy Chair provided the following response:

*“On 17th January 2018, Housing and New Homes Committee agreed to recommend the HRA capital programme and financing budget of £36.344m to Policy Resources & Growth (PR&G) Committee of 8th February 2018. The HRA Budget and Capital Investment Programme 2018/19 and Medium Term Financial Strategy report proposes a 2018/19 budget for the Estates Development Budget (EDB) of £348,000 and provisional budgets for 2019/20 and 2010/21 as £354,000 and £183,000 respectively as shown in Appendix 4 of that report.*

*For clarity, the budgets for 2018/19 and 2019/20 are being supplemented by EDB earmarked reserves, estimated at £170,000 in 2018/19 and £169,000 in 2019/20. This is shown in the funding summary of the same Appendix 4.*

*The earmarked reserves table for EDB is shown in Appendix 2 of the report (as included in the deputation.) The balance at the beginning of this financial year was £599,000 and the projected balance at 31/3/2018 is £339,000, so this assumes that £260,000 of the reserves will be used for expenditure in 2017/18. The reason for this assumption is that the forecast spend on EDB for the year is £408,000 plus a further £33,000 in overheads – a total of £441,000 (forecast as at month 7). So, this uses the budget of £181,000 plus £260,000 from reserves which is equal to £441,000 for the year.*

*You mention a sum of £402,000 available for bidding, but this will often be different to the total spend for the financial year. There may be some spend during this financial year that relates to bids made in 2016/17. This is the difference and hopefully explains the confusion.*

*So, to conclude, the budgets included in the budget report are as described in the report - £348,000 for 2018/19 and provisional budgets for 2019/20 and 2010/21 of £354,000 and £183,000 respectively. These budget figures include overheads of £28,000, 35,000 and 33,000 in 2018/19 to 2020.21 accordingly. Also, you are correct that levels have been kept above the £300,000 threshold because reserves have not depleted as quickly as originally forecast.*

*The balance of reserves will change depending on actual spend for the year. If less is spent on EDB in 2017/18 than forecast, reserves will be higher than expected and this can be used to supplement further EDB spend. The level of this earmarked reserve will continue to be reported in the budget report annually and through area panels and other tenant groups as necessary.”*

80.3 **RESOLVED-** That the committee note the Deputation.

## 81 MEMBER INVOLVEMENT

### (D) NOTICES OF MOTION

#### (i) Better Support for Care Leavers

#### (ii) Able & Willing

81.1 The Chair provided the following response:

*“I have been advised that the Children, Young People & Skills Committee will receive the reports requested to its meeting in March and they will be referred to the meeting of this committee later that month”.*

81.2 **RESOLVED-** That the Notices of Motion be noted.

## 82 ROYAL PAVILION AND MUSEUMS TRUST ARRANGEMENTS

82.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought approval for the steps necessary to transfer the Royal Pavilion and Museums from the City Council to a charitable entity (“the Trust”) that would have the responsibility of managing the Royal Pavilion and Museums, the Brighton Dome &

Brighton Festival and the Music & Arts Service. The report also provided a minute extract detailing the consideration of the report and associated recommendations by the Tourism, Development & Culture (TD&C) Committee.

- 82.2 The Chair stated that there was no more important building in the city than the Royal Pavilion and it was an iconic symbol of the city's culture and heritage. The Chair stressed the importance of securing the Pavilion for future generations and in the context of decreasing public service funding, difficult decisions would have to be made. The Chair highlighted that the proposed transfer to non-profit, charitable Trust status did not represent privatisation and the council would still own the buildings and would be an equal partner on the Trust Board. The Chair added that there must be every realistic guarantee on staff roles, pensions, pay and terms and conditions and that it was his personal guarantee that he would ask of council officers and Brighton Dome & Festival Trust that viable terms were in place well before the new Trust was launched.
- 82.3 Councillor Wealls asked for clarification on when Members were first informed that there may be opposition by employees to the transfer as he was only made aware of such issues recently. Councillor Wealls welcomed the comments made by the Chair asked if there would be an opportunity to include such commitments in the Heads of Terms (HoT) in the interest of the workforce.
- 82.4 The Executive Director, Economy, Environment & Culture answered that the process of a joint status with Brighton Dome & Festival had emerged in October 2017. Discussions were then held with lead Members and then union and staff representatives in November with staff anxiety becoming apparent in December. A meeting of the Joint Staff Consultation Forum (JSCF) was held on 8 January 2018 to discuss those concerns amongst Members and union representatives with a further meeting held on 22 January 2018. The Executive Director, Economy, Environment & Culture supplemented that a staff reference group had been in existence throughout the process and staff had become increasingly engaged with that group. The Executive Director, Economy, Environment & Culture added that the staff protections would be given through the TUPE process but officers would also do as much as possible to enshrine commitments in the HoT's on the basis of legal advice.
- 82.5 The Chair stated that Councillor Robins as the Executive Member had kept the administration regularly updated throughout the process and he and other Members had been well-briefed on the staff viewpoint via the discussions at JSCF.
- 82.6 Referring to the financial table on page 96, Councillor Janio asked if the figures had changed over the past few months as it appeared the taper rate had become better for the Trust. Councillor Janio asked for confirmation that engagement on the single stage transfer had begun in September and what would happen to Pavilion and Museum support staff not transferred to Brighton Dome & Festival.
- 82.7 The Executive Director, Economy, Environment & Culture clarified that the financial commitments and projections had remained the same. Furthermore, the budget papers considered by the committee at its meeting in November 2017 had deferred the identified savings to enable the Trust to have the best start under its new status as possible. The Executive Director, Economy, Environment & Culture confirmed that there has been engagement throughout the project with a staff reference group. The proposal

to move to a single trust started to be considered in September and we talked to staff in November with engagement increasing as the project had progressed. The Arts & Culture Programme Director added that support staff would be not be transferred to the new Trust.

- 82.8 Councillor Bell stated that the staff at the Royal Pavilion and Museums had been not been properly engaged with and this had led to disenfranchisement. Councillor Bell added that the process had been poorly managed by the administration and instead of staff looking forward to the new opportunity, there was the risk of strike action. Councillor Bell asked why meaningful engagement had not been undertaken until this point leading to a postponement of three months and why staff had not been treated in a fair and reasonable manner.
- 82.9 The Chair stated that he did not agree with the assessment made by Councillor Bell. There was a clear process to undertake and that had changed with the decision to move to a single stage transfer. The Chair noted that TD&C Committee had unanimously agreed to extend the consultation with staff and discussions would also continue through the JSCF.
- 82.10 Councillor Peltzer Dunn stated that he shared the misgivings expressed regarding the breakdown in staff relations. Councillor Peltzer Dunn noted that the motion moved by Councillor Robins at the TD&C Committee meeting on 11 January had expressed the need to account for 'meaningful engagement' yet paragraph 3.12 of the report before this committee detailed the need for 'further meaningful engagement'. Councillor Peltzer Dunn noted that in view of the meetings scheduled on pages 198 and 199 of the agenda, the latter appeared correct. Councillor Peltzer Dunn asked for clarification on the likely consequence to the proposed timeline should the further consultation result in an inconclusive outcome. Furthermore, Councillor Peltzer Dunn noted that in the minutes of the TD&C Committee meeting held on 11 January, Councillor Robins had stated that if necessary, the transfer process could change to a two stage process that appeared to contradict the recommendation made to this committee.
- 82.11 The Chair clarified that the recommendation this committee were considering was a single stage transfer with the aim of creating a viable Trust, a better place for staff and to secure the future of the Royal Pavilion.
- 82.12 The Executive Director, Economy, Environment & Culture replied that there had been a process of staff engagement and the meetings detailed on page 198 of the agenda had been taking place. Of the staff attending, some had expressed anxiety but not all were against the proposals. The Executive Director, Economy, Environment & Culture added that the schedule of meetings was just the beginning and officers would continue to engage with the staff affected. The Executive Director, Economy, Environment & Culture explained that the report set out clear reasons why a single stage process was recommended over a two stage process and the financial implications of the report set out the potential for increased disruption inherent in the two stage process. The Executive Director, Economy, Environment & Culture added that the broad approach of the Trust recommended better reflected the approach taken by funders such as the Arts Council and the ability to secure funding was essential to the future of the Royal Pavilion.

- 82.13 Councillor Peltzer Dunn noted that Councillor Robins had suggested that a two stage process was still possible and asked the Chair whether he agreed or disagreed with that viewpoint.
- 82.14 The Chair stated that the decision for this committee was to consider the recommendation for a single stage transfer and that option was viewed to have lower risk.
- 82.15 Councillor Mac Cafferty stated that he welcomed the comments made about the Royal Pavilion and Museum staff who were very passionate and undertook important work. Councillor Mac Cafferty noted the repeated requests made by his Group since 2015 about fair contractual terms for all staff likely to transfer, assurances on Living Wage schemes and commitment to recognise staff in a trade union and any other employer schemes. Councillor Mac Cafferty expressed his disappointment that none of that was detailed in the report or in the business case. In 2017, when agreement was made to transfer the Royal Pavilion and Museums to charitable trust status, his Group had requested cast-iron guarantees on the ethics of the Trust, assurances of the Living Wage to staff and meaningful consultation with staff and trade unions. Councillor Mac Cafferty contended that the issues raised by staff had been pointedly raised since 2015 and the administration had not handled the process in a responsible manner. Councillor Mac Cafferty stated that far better assurances and transparency was urgently required.
- 82.16 Councillor Gibson stated that he had wide-ranging concerns about the process and staff were clearly worried and unhappy. Councillor Gibson believed the process should be called to a pause in the interests of staff and to properly address the concerns raised.
- 82.17 The Chair noted that the committee had received recommendation to proceed from the TD&C Committee that had been unanimously approved at their meeting on 11 January. The Chair stated that if any Member of political group felt that there should be an alternative course of action, that should have been expressed either at that meeting or to this meeting by the required deadline.
- 82.18 Councillor Yates stated that the council had committed to the best levels of engagement with staff and trade unions and enacting a three month delay was the right thing to do to ensure the final agreement was right for all parties concerned. Councillor Yates observed that the financial position of the council was such that it could not guarantee the Royal Pavilion and Museums the future it deserved and entering an equal partnership agreement with an organisation that had a proven track record of delivering improvement was the best option. Councillor Yates stated that as long as the council received assurances that the arrangement would protect pay and conditions for existing staff and that the partnership would help drive investment and improvement in a crucial cultural landmark, the proposals would be of benefit to the city.
- 82.19 Councillor Gibson stated that it was clear there was a problem with industrial relations and understandable concerns about a one stage rather than a two stage process and the TUPE arrangements and Living Wage guarantees. These issues clearly needed to be resolved and rushing through the proposals would not be helpful and would likely lead to industrial action. Councillor Gibson stated that he believed the process should be paused and he would be voting against the report recommendations as he favoured more meaningful discussions.

- 82.20 The Chair replied that TD&C Committee had unanimously agreed the current proposal and that included recommending a one stage rather than two stage process. The Chair stated that no political group had made alternative proposals at that meeting, nor had any motion to amend the recommendations been made to this committee.
- 82.21 Councillor Janio stated that he believed the breakdown in trust that had occurred could be repaired and there was sufficient time to make a recovery. Councillor Janio added that it was important that the benefits and opportunities of moving to a Trust were clearly and succinctly made to staff. Councillor Janio noted that on the wider point of industrial relations, his Group and he would like to hear assurances from the administration that they would make every effort to follow the LGA Peer Review recommendations to resolve what he deemed to be a dysfunctional relationship between the administration and trade unions.
- 82.22 In response to the points raised by Councillor Gibson, Councillor Mitchell stated that she would contend that the reason why his colleagues had supported the recommendations at the TD&C Committee was because an extension for further consultation was exactly what had been agreed. Councillor Mitchell stated that she too believed the process had sufficient opportunity and time for resolution and the Trust had a bright future.
- 82.23 The Chair then put the recommendations to the vote that were carried.
- 82.24 **RESOLVED-** That the Policy Resources and Growth Committee:
- 1) Notes the report and associated information.
  - 2) Agrees the proposal to move the management of the service to a single trust in one stage rather than two stages, but subject to a delay in the proposed timetable of a further 3 months to 1<sup>st</sup> July 2018 to take into account concerns raised by staff and allow for further engagement with staff and unions, including engagement with Brighton Dome & Festival staff and management, and for a clear programme of this further staff engagement to be communicated in writing
  - 3) Agrees the proposal to proceed by way of a contract for services with BDFL, rather than a grant;
  - 4) Approves the principal terms of the transaction as set out in Appendix 1 and Appendix 3 and notes the indicative (draft) heads of terms in Appendices 1a and 1b;
  - 5) Approves the policies set out in Appendix 2 which establish the basis on which the charity will manage the museum collection, and notes that the remaining policies currently in the process of being updated will be considered for adoption by the Tourism, Development & Culture Committee on 8 March 2018, and that the BDFL Board will be required to adopt them under the terms of the service contract;
  - 6) Agrees a service fee to be paid to BDFL in accordance with the terms of the service contract. In 2018/19, this will be a proportion of the planned resources of £1.181m (subject to negotiation to take account of the phasing of the budget over the year). In 2019/20 the fee will be £1.119m and in 2020/21, the fee will be £1.065m;

- 7) Notes the intention to award a conditional grant from Modernisation Funding to support BDFL with start-up costs following approval of a business case by the Corporate Modernisation Delivery Board.
- 8) Delegates authority to the Monitoring Officer, in liaison with the Executive Director for Economy, Environment & Culture, to consult with the Charity Commission and amend the governing documents of Preston Manor, as set out in 3.11 below;
- 9) Authorises the Executive Director for Economy, Environment & Culture, after consultation with the Monitoring Officer and the Section 151 Officer to finalise negotiations with the Trust, and take all steps necessary or incidental to the implementation of the proposals, including determining the final contract fee and maintenance contribution for 2018/19, authorising any grant required as described at 2.1.7 above, and seeking the consent of the Secretary of State (if necessary) in relation to the leases; and
- 10) Authorises the Monitoring Officer to prepare and execute any documents or agreements necessary to give effect to the proposals.

## **82A NIGHT SHELTER PROPOSAL**

- 82a.1 The Committee considered a report of the Executive Director, Health & Adult Social Care that requested approval for an extension to the dates of operation of the Brighton Centre as a night shelter to increase the city's capacity to reduce rough sleeping
- 82a.2 Councillor Gibson asked if the evaluation report would include feedback from the voluntary sector.
- 82a.3 The Head of Commissioning confirmed that would be the case.
- 82a.4 Councillor Mac Cafferty welcomed that not only that the night shelter had been a success but also the Brighton Centre had confirmed that there had been no detrimental impact upon its commercial operations during the period concerned. Councillor Mac Cafferty asked if there was sufficient time for those using the night shelter to be found alternative options once the Brighton Centre would no longer be used and if there would be a consultation with homeless organisations from across the city about the impact on demand in relation to the operation of the Brighton Centre.
- 82a.5 The Head of Commissioning stated that there would be a meeting of the cross-party working group the following week that would discuss the detail of the planned exit from the Brighton Centre and discussion of linking those using the shelter to the various organisations commissioned by the Council would be held. The evaluation report would detail the various positives and negatives of opening the night shelter, including the impact upon other services.
- 82a.6 Councillor Yates asked if the evaluation report would also identify options for future provision of a night shelter including a financial case.



82a.7 The Executive Director, Finance & Resources confirmed that there would be provision set aside in the 2018/19 budget proposal.

82a.8 **RESOLVED-** That the committee:

- 1) Notes that the 30 November meeting of this committee agreed to the use of the syndicate wing of the Brighton Centre to provide a night shelter and considered the associated service model and risk assessments
- 2) Agrees to the Syndicate Wing of the Brighton Centre continuing to be used as a night shelter for a further period until the morning of Monday 26th of February and then from Saturday 3rd March until the morning of Sunday 11th March 2018, as recommended by the cross-party working group
- 3) Authorises the Executive Directors for Adult Social Care & Health, Neighbourhoods, Communities and Housing and Economy, Environment & Cultures to take all steps necessary of incidental to the further use of the Brighton Centre as a night shelter for the extended period outlined in 2.1 (3) above.
- 4) Notes that an evaluation report will be submitted to this committee in summer 2018 on the utilisation of the night shelter and impact of its availability.

### **83 BUSINESS RATES RETENTION FORECAST 2018/19**

83.1 **RESOLVED-**

That Policy, Resources & Growth Committee:

- 1) Notes that the amount forecast to be received by the council in 2018/19 from its share of local business rates and section 31 Local Government Act 2003 compensation grants is £61.361m, based on the latest data. This is £0.238m above the forecast used in the November draft budget proposals report.
- 2) Delegates the agreement of the final business rates forecast and the NNDR1 2018/19 form to the Executive Director of Finance & Resources following consultation with the Chair of this Committee for the reasons given in paragraph 1.2.

### **84 COUNCIL TAX BASE 2018/19**

84.1 The Committee considered a report of the Executive Director, Finance & Resources that requested approval of the council tax base for 2018/19.

84.2 Councillor Mac Cafferty stated that he had profound concerns about the impact of universal credit on council tax payments and the council tax reduction scheme that were compounded by the decision not to undertake consultation with those affected for several years. Councillor Mac Cafferty noted that the provision set aside was not being taken up and he had concerns about whether there was sufficient communication with those affected about the assistance available. Councillor Mac Cafferty asked if there would be detailed analysis of the impact of universal credit.

- 84.3 The Executive Director, Finance & Resources clarified that officers were gathering intelligence of the impact of universal credit that was accumulating as the roll out continued across the city. The council had maintained its corporate project on the impact of welfare reform and provisional updates would be provided as intelligence increased. The Executive Director, Finance & Resources added that there had been extensions of existing policies this year and there would be proposals to continue those in the 2018/19 budget. Furthermore, the Housing team had recently appointed dedicated officers to support residents adversely affected by welfare reform.
- 84.4 Councillor Mac Cafferty asked if the committee would receive a detailed report once the roll-out of universal credit was complete.
- 84.5 The Executive Director, Finance & Resources stated that there would be regular updates to this committee and Neighbourhoods, Inclusion, Communities & Equalities Committee adding that it would be difficult to give a specific end date to the impact of universal credit as individuals circumstances would change regularly.
- 84.6 **RESOLVED-** That Policy, Resources & Growth Committee:
- 1) Approves this report for the calculation of the council's tax base for the year 2018/19.
  - 2) Notes the collection rate is 99.00%.
  - 3) Agrees that in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amounts calculated by Brighton & Hove City Council as its council tax base for the year 2018/19 shall be as follows:-
    - (i) Brighton and Hove in whole – 88,976.4 (as detailed in appendix 1)
    - (ii) Royal Crescent Enclosure Committee – 31.0 (as detailed in appendix 2)
    - (iii) Hanover Crescent Enclosure Committee – 40.7 (as detailed in appendix 2)
    - (iv) Marine Square Enclosure Committee – 72.6 (as detailed in appendix 2)
    - (v) Parish of Rottingdean – 1,562.1 (as detailed in appendix 2)
  - 4) Agrees that for the purposes of Section 35(1) of the Local Government Finance Act 1992, the expenses of meeting the special levies issued to the council by the Enclosure Committees shall be its special expenses.
  - 5) Agrees that the Enclosure Committees and Rottingdean Parish are paid the required council tax reduction grant of c£4,000 in total, to ensure they are no better or no worse off as a result of the introduction of the council tax reduction scheme for the reasons set out in paragraph 3.8.

## 85 LIFE EVENTS FEES & CHARGES 2018/19

- 85.1 The Committee considered a report of the Executive Lead Officer, Strategy, Governance & Law that set out the proposed fees and charges for 2018/19 for Bereavement Services, Registration Services and Local Land Charges.
- 85.2 Councillor Mac Cafferty enquired as to the rationale behind the 41% decrease in webcasting charge for Registration Services and noted the 12% rise in Pauper's

funerals that was noted accounted for in the budget lines and asked how a potential continued increase would be accounted for.

- 85.3 The Head of Life Events & Electoral Services answered that the purpose of the reduction in webcasting fee was to encourage increased use of the service adding that any potential increase in Welfare funerals would be closely monitored and careful consideration given to budgeting in future years.
- 85.4 In relation to Local Land Charges, Councillor Gibson asked if he could be provided actual income figures for the first nine months of this year against the same period for the previous year and the projected income for this year against the actual for the previous year. On the same matter, Councillor Gibson asked for precise detail of the changes in business levels and why it had been concluded that this was a causal link.
- 85.5 The Head of Life Events & Electoral Services explained that the number of searches had decreased compared to previous years that was a reflection of a number of issues and was a difficult area to predict as it related to the fluctuations of the property market. The Head of Life Events & Electoral Services stated the precise income figures requested by Councillor Gibson could be provided in a written response after the meeting.
- 85.6 **RESOLVED-** That Policy, Resources & Growth Committee
- 1) Approves a general inflationary increase of 2% on all Life Events fees and Charges for the financial year 2018/19 save for the exceptions set out at 2.2 and 2.3 below.
  - 2) Approves a proposal to maintain Bereavement Services adult cremation fees at their current levels.
  - 3) Approves a re-alignment of Registration Services fees as set out in Appendix 2 which, overall, are anticipated to protect and possibly increase current business levels.

## **86 COMMUNITY ASSET TRANSFER POLICY**

- 86.1 The Committee considered a joint report of the Executive Director, Economy, Environment & Culture and the Executive Director, Neighbourhoods, Communities & Housing that requested adoption of the Community Asset Transfer (CAT) Policy. The report also provided a minute extract detailing the consideration of the report and associated recommendations by the Neighbourhoods, Inclusion, Communities & Equalities (NICE) Committee.
- 86.2 Councillor Wealls welcomed the Policy that he believed would provide a clear, open and transparent process. Councillor Wealls asked what opportunities would be available to challenge the cross-council officer group decisions on whether a transfer was appropriate. Councillor Wealls noted that feedback from ward members would be received and suggested that all Members be consulted where an application has a broad social benefit to the city.
- 86.3 The Assistant Director- Property & Design stated that the application was a very rigorous process and measured to a set criteria and more information would be sought

from the applicant if deemed necessary. Any complaints about a decision made could be handled through the established corporate complaints process. The Head of Communities & Equality added that there would be extensive discussions with the applicant by both the Property & Design and Communities teams prior to submission.

- 86.4 The Chief Executive explained that in instances where the application was turned down, Members would have the opportunity to lobby senior officers on the matter and an appropriate response and action could be taken on the basis of the information available.
- 86.5 Councillor Wealls stated that it would be useful to add a brief explanation of the challenge process for both applicants and ward members in the document.
- 86.6 Officers confirmed that sections on both the process for challenge and consultation with Members on broader issues would be included.
- 86.7 Councillor Janio requested that the language used in section 6.4 of the Policy could be made clearer as it was currently very complex.
- 86.8 The Assistant Director- Property & Design confirmed this amendment would be made.
- 86.9 Councillor Yates welcomed the Policy however; he believed that the Policy should be explicit that the wider community would be consulted on any transfer to ensure there was widespread support.
- 86.10 The Head of Communities & Equality explained that it was intended that such an issue would be highlighted by ward members as community representatives but also demonstration of widespread support would be a mandatory requirement of the expression of interest. The Head of Communities & Equality stated that the Policy could be amended to make that point stronger and specific.
- 86.11 Councillor Peltzer Dunn welcomed the Policy however; he felt the additional details checklist should be positioned at the start of the document so applicants were clear on what was required before beginning the process.
- 86.12 The Assistant Director- Property & Design confirmed that this could be amended in the document.
- 86.13 **RESOLVED-** That Policy, Resources & Growth Committee:
- 1) Approves adoption of the Community Asset Transfer (CAT) Policy as set out in Appendix 1 to this report.
  - 2) That the Member-led Asset Management Board receives updates annually on Community Asset Transfers undertaken by the council and that this update is published on the council's website.

## **87 STANMER PARK RESTORATION PROJECT - PROCUREMENT OF WORKS**

- 87.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that summarised the progress made to date and sought agreement to proceed with the tendering and appointment of the main contractor for the Stanmer Park restoration HLF project and sought permission to progress the relocation of the CityParks depot to Hangleton Bottom with the necessary competitive tendering and appointment of contractors. The report also provided a minute extract detailing the consideration of the report and associated recommendations by the Environment, Transport & Sustainability (ET&S) Committee.
- 87.2 Councillor Mitchell moved a joint motion to add recommendation 2.6 as shown in bold italics as follows:
- 2.6 The committee agrees that officers should explore ways to achieve efficiencies through joining up the CityParks depot relocation and Animal Welfare Facility projects where possible and through the city parks and animal welfare services working together. This should include exploration of costs which can be shared through an integrated approach such as costs of installing utility services, security costs, repairs and maintenance. Opportunities to achieve a more integrated design should also be explored, such as providing shared toilet and washroom facilities where this can be done within any regulatory and health and safety requirements and the outcome of this work to be reported to Leaders Group.***
- 87.3 Introducing the motion, Councillor Mitchell explained that it followed on from the discussion of the report at the ET&S Committee at its meeting the previous Tuesday. That discussion had focussed on the synergies, savings and economy of scale that may be possible in joining up the relocation of the CityParks depot and construction of the proposed Animal Welfare Facility at the identified site in Hangleton Bottom.
- 87.4 Councillor Janio formally seconded the joint motion. Councillor Janio explained that he and his colleague Councillor Wares, opposition spokesperson on the ET&S Committee, had discussed this and the separate Animal Welfare Facility report and realised the absence of a joined up approach between the two projects. Councillor Janio believed the motion to be a sensible compromise. Councillor Janio noted that the size of the development meant that the site was unlikely to be able to be used a waste and mineral transfer site and proposed that the administration approach the signatories to discuss removal of its identified status as such.
- 87.5 Councillor Peltzer Dunn commended Councillor Mitchell as Chair of the ET&S Committee and officers for the very quick and positive response. Councillor Peltzer Dunn stated that there were lessons to be learned in cross-departmental discussions and planning.
- 87.6 Councillor Mac Cafferty noted that similar to the Valley Gardens project, funding was vulnerable if it was not used efficiently and that in turn jeopardised the future funding relationship with such bodies. Councillor Mac Cafferty enquired as to the full cost of the move and clarification that funding was awarded in July 2017.
- 87.7 The Executive Director, Economy, Environment & Culture confirmed that funding had been awarded in July 2017 which was the point at which a project manager could be

recruited and design and planning could begin rather than the point at which construction began. The Executive Director, Economy, Environment & Culture clarified that officers met regularly with funding partners, including the HLF, to discuss all elements of current and future projects. The Executive Director, Economy, Environment & Culture confirmed that the current full cost of the move was currently estimated at £850,000 although a solution regarding the temporary move was currently being discussed that could reduce the cost by £100,000.

87.8 Councillor Mitchell clarified that the Valley Gardens scheme had not been awarded HLF funding and implementation of the scheme had never been in doubt. Councillor Mitchell stated that work would begin this year as preliminary work on phase 3 was underway.

87.9 The Chair put the joint motion to the vote that was carried.

87.10 The Chair put the recommendations, as amended, to the vote that were carried.

87.11 **RESOLVED-**

- 1) Approves the relocation of the CityParks depot to Hangleton Bottom.
- 2) Recommends to February Budget Council the allocation of up to £400,000 capital resources to address the shortfall of funding identified in relocating the CityParks depot, subject to confirmation of costings as outlined in Table 2.
- 3) Grants delegated authority to the Executive Director for Economy, Environment & Culture to:
  - (i) Procure and award a contract for the Stanmer Park HLF Restoration Project, to undertake the works listed in paragraph 3.6 below.
  - (ii) Apply for planning consent for the building of new depot facilities at Hangleton Bottom.
  - (iii) Procure and award a contract(s) for the building of new depot facilities at Hangleton Bottom.
- 4) The committee agrees that officers should explore ways to achieve efficiencies through joining up the CityParks depot relocation and Animal Welfare Facility projects where possible and through the city parks and animal welfare services working together. This should include exploration of costs which can be shared through an integrated approach such as costs of installing utility services, security costs, repairs and maintenance. Opportunities to achieve a more integrated design should also be explored, such as providing shared toilet and washroom facilities where this can be done within any regulatory and health and safety requirements and the outcome of this work to be reported to Leaders Group.

**88 ANIMAL WELFARE FACILITY**

88.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing that requested approval to build and run a new in-house Animal Welfare Facility at Hangleton Bottom.

88.2 Councillor Bell stated that there had been a number of schemes submitted to committee for approval where there was a lack of foresight, planning, understanding and joined up thinking and he had been vocally stating as such as a member of the Housing & New Homes (H&NH) Committee. Councillor Bell felt this posed risk to the effective use of public funds and needed urgent solution and assurances it would not be repeated.

88.3 Councillor Yates stated that the motion proposed for the Stanmer Park restoration and CityParks relocation was a good solution. Councillor Yates stated that the proposals would lead to job creation in city which was something to be proud of in the current economic climate.

88.4 **RESOLVED-**

- 1) That the Committee approves a proposal to build and run a new in-house animal welfare facility at Hangleton Bottom to enable the Council to discharge its responsibilities in relation to stray dogs more effectively while also providing the opportunity to generate income on a costs neutral basis for discretionary kennelling and cattery services, this in the way outlined in paras 4.2 and 4.3 below.
- 2) That the Executive Director, Neighbourhoods, Communities and Housing be authorised to take all steps necessary to implement the proposals.

**89 LAND AT WEST BLATCHINGTON PRIMARY SCHOOL: DEVELOPMENT AGREEMENT WITH THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AND 125 YEAR LEASE FOR THE PURPOSE OF PROVIDING A PERMANENT SITE FOR KING'S SCHOOL**

89.1 **RESOLVED-**

- 1) That the committee delegates authority to the Executive Director Economy, Environment and Culture and Assistant Director Property & Design and Executive Lead for Strategy, Governance and Law to approve the form of lease and the enter into a 125 year lease for land at a peppercorn rent to provide a permanent site for Kings School at the current West Blatchington Primary School site.

**90 DISPOSAL OF 54 LONDON ROAD**

90.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought authority for the disposal of 54 London Road.

90.2 Councillor Gibson stated that he had concerns as the council currently received a good income from the property and asked what interest rate the council would receive from the capital receipt on the sale.

90.3 The Executive Director, Finance & Resources replied that this would be subject to the base rates of the time and the size of the receipt received and would be subject to advice of the council's investment advisors.

90.4 Councillor Gibson requested further clarification on the precise interest rate.

- 90.5 The Executive Director, Finance & Resource answered that base rates were currently very low so the return would likely be the same.
- 90.6 Councillor Gibson questioned that in terms of sequencing, and the current return, whether it would be better to borrow at low rates to purchase the new assets and sell the other assets subsequent to that.
- 90.7 The Assistant Director, Property & Design stated that the offer received was higher than market rate; the site was isolated and not of strategic importance and it was the view of officers to accept the offer.
- 90.8 Councillor Gibson stated that in general terms, he believed a more beneficial approach would be to buy an asset first and then dispose of assets when the opportunity arose so as not to suffer from the dip in income arising from a capital receipt receiving little interest.
- 90.9 Councillor Janio stated that he believed a better approach would be to accept suitable offers where they arose rather than wait to chance.

90.10 **RESOLVED-**

- 1) That the committee authorises the disposal of the freehold of 54 London Road and that delegated powers be given to the Executive Director of Economy, Environment and Culture, Assistant Director Property & Design and Executive Lead for Strategy, Governance and Law to agree terms.
- 2) That the committee authorises the retention of the net capital receipt to support the created investment fund, that includes the net capital receipts from 3 other completed property disposals, previously approved by this committee (11 Little East Street, 18 Market Street and 28 York Place).
- 3) That the committee notes that the investment fund created will be used to acquire commercial investment property or properties, in accordance with the council's Asset Management Plan, details of which will be presented to this committee with a recommendation when an acquisition opportunity has been identified.

**91 WORKPLACE WELLBEING IN THE COUNCIL**

91.1 **RESOLVED-** That committee:

- 1) Notes the wellbeing support available to staff and work underway to improve the arrangements in place with additional support and resources.
- 2) Notes Health & Wellbeing forms a strand of work under the council's People Plan. (Committee will receive an update on this on 3 May 2018).
- 3) Considers member involvement to demonstrate the importance of this work to the council in its role as the employer.



- 4) Notes that it will receive a future update from the Wellbeing Steering Group on future priorities with an action plan for wellbeing including resourcing impacts and expected benefits.
- 5) Notes the indicators that will enable the council to chart progress.

**92 ITEMS REFERRED FOR COUNCIL**

- 92.1 No items were referred to Full Council for information.

**93 DISPOSAL OF 54 LONDON ROAD (EXEMPT CATEGORY 3)**

- 93.1 **RESOLVED-** That the Committee note the information contained in the Part Two appendix.

**94 PART TWO PROCEEDINGS**

- 94.1 **RESOLVED-** That the information contained in Part Two remain exempt from disclosure to the press and public.

The meeting concluded at 6.20pm

Signed

Chair

Dated this

day of