

BRIGHTON & HOVE CITY COUNCIL

POLICY & RESOURCES COMMITTEE

4.00pm 8 OCTOBER 2020

VIRTUAL MEETING - TEAMS

MINUTES

Present: Councillor Mac Cafferty (Chair) Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Platts (Opposition Spokesperson), Bell (Group Spokesperson), Clare, Miller, Moonan, Williams and Yates.

Also present: Dr Anusree Biswas Sasidharan – Standing Invitee

PART ONE

58 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

58.1 Councillor Williams declared that she was attending the meeting as a substitute for Councillor Allcock.

(b) Declarations of Interest

58.2 Councillor Miller declared a personal and prejudicial interest in Items 76 and 80, Gingerbread Nursery – Landlord’s Review as he had declared his opposition to the renewal of the lease. He would therefore not take part in the discussion or voting on the matter.

58.3 Councillor Platts declared a personal but non-prejudicial interest in Item 74, Land at New England Street as a colleague at her place of employment was working with the developer. She intended to withdraw from the meeting during the consideration of the item.

58.4 There were no other declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

58.5 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.

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

59 MINUTES

- 59.1 The minutes of the last meeting held on the 9th July 2020 and the special meetings held on the 30th July and 14th August 2020 were approved as a correct record of the proceedings and signed by the Chair.
- 59.2 The minutes of the P&R (Recovery) Sub-Committee meeting held on the 9th September were noted.

60 CHAIR'S COMMUNICATIONS

- 60.1 The Chair welcomed Anusree Biswas Sasidharan as a standing co-optee to the committee and stated that he hoped she would find it to be an interesting time and that he looked forward to her contributions to the work of the committee.
- 60.2 The Chair stated that he had a number of communications but also wanted to confirm that he intended to take the reports listed at Items 76 and 80, concerning the Gingerbread Nursery immediately after the deputation from Cathy Gallagher which also related to the Gingerbread Nursery.
- 60.3 He had also been informed by Councillor Fishleigh that she wished to withdraw her letter listed as Item 63(a) on the agenda. However, he had agreed that she could address the Committee on the matter and would invite her to do so after the deputation from Saltdean Residents' Association.
- 60.4 He had also agreed to hear from Mr. Childs as the Director of the Nursery who had asked to address the committee and he would have the opportunity to do so after the officers had introduced the part 1 report and again when the committee considered the part 2 report.

This meant that the meeting would need to move into closed session at the appropriate time to enable consideration of the part two report, Item 80 and those watching the web cast would need to wait until the meeting returned to open session to determine the item. He apologised for any inconvenience this may cause.

- 60.5 In regard to his other communications, the Chair stated that this week, our city's Covid-19 alert level was raised to 'amber.' This tells us there's a rise in cases in Brighton and Hove. Our rising number of infections now puts us only a step away from Government restrictions, so we all need to make extra efforts now to prevent the spread of the virus and avert local lockdown.

I know many of you are tired of this awful pandemic, I know many of you have already made enormous sacrifices, others tragically have lost loved ones but I am now appealing to everyone to play their part for our city to fight the pandemic. Step up our vigilance and follow the rules that will help us avoid restrictions:

1. HANDS - Wash your hands regularly and for 20 seconds, especially when you've been outside,
2. FACE - Wear a face mask over your nose and mouth, especially indoors where social distancing is difficult, and where you come into contact with people,
3. SPACE – keep your distance from people you do not live with, and take extra precautions- indoors that means wear a mask and increase ventilation,
4. Rule of six: When seeing friends and family you do not live with you must meet in groups of 6 or less. Indoors or outdoors do not meet in a group of more than six.

We cannot be complacent about Covid and we must be clear: our increasing number of cases is a cause for serious concern. But if there is one place, I know will rise to the challenge it's the city we all love. Brighton and Hove's communities have already shown steely commitment and we will once again pull together. We will work to prevent this deadly disease reaching the most vulnerable in our society. I know this has been incredibly tough 7 months on from the start, it's arguably tougher. But let's pull together and stick together.

61 CALL OVER

61.1 The following items were reserved for discussion:

61.2 The Head of Democratic Services confirmed that Items 64, 65, 66, 67, 68, 69, 72, 73, 74, 75, 76 and 80 had been reserved for discussion, and the items listed below had been approved:

Item 70 Corporate Cleaning Contract

Item 71 Bus Shelter Concession Contract

Item 77 Use of Urgency Powers – Convening a non-virtual meeting of the Personnel Appeal Panel

Item 78 Appointments

Item 81 Marina Lease – Exempt Category 3

Item 82 Acquisition and Leaseback of Land and Buildings at Moulsecoomb Way – Exempt Category 3

Item 83 Grant of Development Option at Land at Corner of New England Street and New England Road – Exempt Category 3

Item 84 Part Two Minutes

62 PUBLIC INVOLVEMENT

62.1 The Chair welcomed Cathy Gallagher to the meeting and invited her to present her deputation relating to the Gingerbread Nursery, in Saltdean.

62.2 Cathy Gallagher thanked the Chair and outlined the reasons for the deputation and the residents' views that the lease for the nursery should not be renewed.

62.3 The Chair thanked Ms. Gallagher for presenting the deputation and proposed that it should be noted and taken into consideration as part of the committee's deliberations when it considered the officers' reports on the matter.

62.4 **RESOLVED:** That the deputation be noted.

63 MEMBER INVOLVEMENT

63.1 The Chair noted that the letter from Councillor Fishleigh had been withdrawn but invited her to address the meeting to express her concerns in regard to the Gingerbread Nursery.

63.2 Councillor Fishleigh thanked the Chair and stated that she believed a covenant existed that prevented commercial activity for profit in the park. She also felt that there were other vacant buildings in Saltdean that could be utilised to accommodate the nursery and that these should be explored. It was not appropriate to expand the nursery and the park should remain an area for the residents to use for recreational purposes.

63.3 The Chair thanked Councillor Fishleigh for her comments and stated that he intended to take the report listed as Item 76 on the agenda and invited the Executive Director to introduce the report.

76. GINGERBREAD NURSERY – LANDLORD'S REVIEW

63.4 The Executive Director for Economy, Environment & Culture introduced the report which detailed the initial officer decision to refuse the application for a new 25-year lease to be granted for the nursery and the decision to bring the matter to committee for consideration. He referred to the information provided in the appendices and noted that ward councillors and residents had expressed their opposition to the proposed new lease and new building. He noted that the tenant believed there was a demand for child-care provision in the area and therefore two options were being put forward to either approve or refuse to grant a new 25-year lease.

63.5 The Chair then invited Mr. Childs, as the tenant and owner of Gingerbread Nursery to address the committee.

63.6 Mr. Childs thanked the Chair and stated that the nursery was currently closed due to the condition of the building although he was receiving regular requests for places as the only other nursery in the area was full and maintained a waiting list. He had applied to extend the nursery and to have a new lease as he believed there was sufficient demand for child-care in Saltdean to warrant the investment and re-open the nursery. He referred to his letter to the Chief Executive and felt that his application for a new 25-year lease was justified. He also noted that local parents wanted alternative child-care options and with proposed new developments it was likely that there would be an increased demand. The planning application for the nursery had been approved and there was no detrimental impact to the park. The intention was always to replace the current building due its condition and it would in effect be a gift to the community and therefore a new lease should be granted.

- 63.7 The Committee noted that there was a difference of opinion in regard to the level of take-up at the Boomerang Nursery for Kids and the impact on Gingerbread. It was noted that there was a question over the covenant for the park and the data used by the Early Years team to determine the level of demand for child-care across the city. Should the committee decide to grant a lease it was possible to determine the use of the building as part of that lease, however the committee also noted the level of opposition to the proposal and the impact of the park.
- 63.8 The Chair then stated that there was a need to move into closed session and therefore asked for the web cast to be paused and only the Committee Members, officers associated with the item and Mr. Childs to remain in the session so that further discussions could be held and reference made to the part two paper, Item 80.
- 63.9 The Chair reconvened the meeting in open session and called for a recommendation to be moved.
- 63.10 Councillor Yates moved that recommendation 2.1 be approved and the grant of a new 25-year lease be refused, which was seconded by both Councillors Williams and Gibson.
- 63.11 The Chair then put the recommendation to refuse the granting of a new lease which was agreed unanimously.
- 63.12 **RESOLVED:** That the grant of a 25-year lease to the tenant of the Gingerbread Nursery be refused.
- 63.13 The Chair also noted that the part two report had been provided for information and moved that it should be noted; which was agreed unanimously.
- 63.14 The Chair then adjourned the meeting for a short comfort break 5.50pm to 5.55pm.

64 PROVISION OF PERSONAL PROTECTIVE EQUIPMENT FOR INDIVIDUALS

- 64.1 The Executive Director for Health & Adult Social Care introduced the report which set out options for supporting people in need of PPE, taking into consideration that there was a likelihood that the Department of Health & Social Care would be supporting those with health and social care related PPE needs.
- 64.2 The Head of Performance Improvement & Programmes stated that the council was continuing to support clients and reviewing the provision of equipment to ensure it could be recycled wherever possible. However, there was a need to ensure quality standards were also maintained.
- 64.3 The Committee welcomed the report and reiterated its thanks to the officers involved in managing the process and ensuring that the council was able to provide PPE to those in need. It was also noted that whilst the initial offer had been via the website, with the help of community hubs, a phone line had now been made available and that were weekly communications with domiciliary care providers.

64.4 **RESOLVED:** That it be agreed that individuals with essential PPE needs continue to be supported by the BHCC PPE Hub in an emergency and on short term basis without charge.

65 **AMENDMENTS TO DELEGATIONS REGARDING LOCAL LOCKDOWN MEASURES**

65.1 The Executive Lead Officer for Strategy, Governance & Law introduced the report which sought agreement to amend the scheme of delegations to committees and officers to reflect the new powers under the Coronavirus Act 2020 and secondary legislation.

65.2 The Committee welcomed the report and thanked the officers involved in bringing it forward. It was noted that support for local authorities was required and it was hoped that this would be recognised by the government. Members expressed their hope that any enforcement action would only be used as a last resort and that consideration be given to the use of such action not being disproportionate in relation to ethnic minority groups; as well as the need to revise the concordat used to determine whether action should be taken.

65.3 The Chair noted the comments and put the recommendations to the vote, which were carried.

65.4 **RESOLVED:**

- (1) That the changes to officer delegations and authorisations set out in paragraphs 3.2 to 3.5 inclusive be agreed;

65.5 **RESOLVED TO RECOMMEND:**

- (1) That the changes to the scheme of delegation to the Health & Wellbeing Board as set out in paragraph 3.3.5 of the report be approved; and
- (2) That the changes in paragraphs 2.1 and 2.2 of the report come into effect immediately they are approved by this Committee or full Council, as appropriate and that the Monitoring Officer be authorised to make necessary and consequential changes to the council's constitution to reflect the changes.

66 **CORPORATE KEY PERFORMANCE INDICATOR TARGET SETTING 2020/21**

66.1 The Head of Performance, Improvement & Programmes introduced the report which outlined the Corporate Key Performance Indicator (KPI) set and associated targets. She noted that there were proposals for additional indicators and to delete others.

66.2 The Committee welcomed the report and noted the information provided but expressed the need to have relevant information for BME staff and to link the KPI's to the Corporate Plan. It was also felt that it would be helpful to consider the impact of the Fair & Inclusive Plan and it was noted that the KPI Working Group would continue to review the number and relevance of the KPI's.

66.3 RESOLVED:

- (1) That the Corporate KPI set and associated targets as set out in Appendices 2 (council indicators) and 3 (city indicators) be approved; and
- (2) That it be noted that target figures may change during the year if new benchmarking figures become available. P&R approval will be sought at a future date if there is a proposal to change the set itself or the rationale for a particular target.

67 ANNUAL WAIVER REPORT

- 67.1 The Acting Chief Finance Officer introduced the report which detailed the waivers of contract standing orders during the 2029/20 financial year. He noted that due to the pandemic the number of waivers had increased for the current year and that the Procurement Advisory Board was looking at how contracts could be broken up to enable the council's community wealth building objective to be met; as it would enable smaller and local businesses to bid for work.
- 67.2 The Acting Chief Officer noted that a wide-range of contracts were coming forward and the impact of Covid-19 on staffing capacity due to supporting the work related to the pandemic would need to be considered but he was hopeful the number of waivers going forward would come down.
- 67.3 **RESOLVED:** That the number and value of waivers authorised under Contract Standing Orders 18.2, 18.3 and 18.4 during the financial year 2019/20 be noted.

68 GENERAL FUND FINANCIAL PLANNING UPDATE

- 68.1 The Acting Chief Finance Officer introduced the report which outlined the General Fund financial position following the report to committee in July and the need or emergency budget measures or the use of one-off reserves to mitigate any in-year deficit. He referred to the table at paragraph 3.8 of the report and noted that the financial position was moving in the right direction and therefore any deficit could be managed with the use of reserves. There would be a need to replenish the level of reserves in future years and a proposed plan could be taken to Budget Council in February.
- 68.2 The Committee noted the report and sought assurance that the impact of a second lockdown had been accounted for, especially in relation to tourism figures. It was also felt that the impact of Brexit would need to be considered going forward.
- 68.3 The Chair noted the comments and put the recommendations to the vote.
- 68.4 **RESOLVED:**
- (1) That the updated 'Moderate View' forecast as at Month 5 (August) which indicates a deficit of £19.671m consisting of an overspend on services of £7.853m and a Collection Fund deficit of £11.818m be noted;

- (2) That the use of the 'Financial Smoothing' mechanism set out in paragraph 3.14 to manage Covid-related budget deficits both for the current year and for 2021/22 assuming a maximum of £20m for financial planning purposes be approved and, that it be noted:
 - (i) that the expected use of reserves to mitigate any deficit will be updated for the month 9 (December) forecast and recommended and approved by Policy & Resources Committee and Budget Council respectively in February 2021, and;
 - (ii) that the actual use of reserves to mitigate any deficit will not be finally determined until the 2020/21 accounts are closed and the outturn position reported to Policy & Resources Committee for approval in July 2021.
- (3) That the continued pause of new capital schemes as set out in paragraph 3.27 and that paused schemes will be subject to further review at the December Policy & Resources Committee meeting be agreed.

69 TARGETED BUDGET MANAGEMENT (TBM) 2020/21: MONTH 5 (AUGUST)

- 69.1 The Acting Chief Finance Officer introduced the report which provided an update on the targeted budget management (TBM) at month 5 for 2020/21. He noted that the position at month 5 was significantly different to that a month 2 which was primarily due to Government funding and an improved income forecast. However, there was still an impact on the potential level of savings that had been previously identified and these would need to be reviewed going forward.
- 69.2 The Committee noted the report and the reliance on parking income that was likely to impact on the savings to be achieved and alternative options that would need to be considered.
- 69.3 **RESOLVED:**
- (1) That the forecast risk position for the General Fund, which indicates a budget pressure of £7.853m be noted. This includes an overspend of £0.366m on the council's share of the NHS managed Section 75 services;
 - (2) That the forecast net Collection Fund deficit of £11.818m be noted;
 - (3) That the forecast for the Housing Revenue Account (HRA), which is currently an underspend of £0.307m be noted;
 - (4) That the forecast risk position for the Dedicated Schools Grant which is an overspend of £0.429m be noted;
 - (5) That the forecast outturn position on the capital programme which is a forecast underspend of £0.270m be noted;

- (6) That the it be agreed to “un-pause” the Brighton Research & Innovation Fibre Ring’ capital scheme as set out in Appendix 6 Capital Programme Performance’; and
- (7) That the establishment of a Sinking Fund for Royal Pavilion and Museums maintenance from any underspend on those budgets in 2020/21 (see paragraph 9.9) be agreed.

69.4 The Chair then adjourned the meeting for a short comfort break, 7.40pm to 7.50pm.

70 CORPORATE CLEANING CONTRACT

70.1 RESOLVED:

- (1) That the extension of the current contract for Corporate Building Cleaning Services for Corporate landlord buildings for a period of 18 months from 1st November 2020 until 30th April 2022 be agreed; and
- (2) That it be noted that a further report will be brought to a future Policy & Resources Committee outlining the options for the longer term provision of Corporate Building Cleaning Services beyond the 18 month extension, including a business case for bringing the service in house, as well as details on the potential procurement options.

71 BUS SHELTER CONCESSION CONTRACT

71.1 **RESOLVED:** That delegated authority be granted to the Executive Director of Economy, Environment & Culture to:

- (i) Negotiate and grant a new bus & taxi shelters advertising concession agreement with CCUK for a term of 18 months with an option to extend for a further six months; and
- (ii) Agree an extension to the agreement referred to in (i) above should they consider it appropriate at the relevant time.

72 MADEIRA TERRACE

72.1 The Executive Director for Economy, Environment & Culture introduced the report which provided an update for Members on the delivery of the first phase of the restoration of Madeira Terrace. He noted that the design team had been working on bringing forward proposals for the first thirty arches and the three crowd-funded arches. There had been extensive community engagement and stakeholder involvement which would continue as the project progressed.

72.2 The Committee welcomed the report and thanked the officers and noted the cross-party support for the project. It was felt to be an important step for the council and the future of the arches and the local community as well as the city as a whole.

72.3 The Chair noted the comments and put the recommendations to the vote, which were carried.

72.4 **RESOLVED:**

- (1) That the work of the Advisory Panel and Project Board and the principle of the RIBA Stage 0-1 conclusions and the option proposed as outlined at paragraphs 3.17 to 3.44 of the report be noted;
- (2) That delegated authority be granted to the Executive Director Economy, Environment & Culture, in consultation with the cross-party project board, to agree RIBA Stages 2 and 3, up to and including submitting a scheme for planning consent; and
- (3) That it be noted that a further report will be brought to this committee when the design team are ready to present the final design, associated costs and seek authority to commence procurements for contractors to carry out the works.

73 **ACQUISITION AND LEASEBACK OF LAND AND BUILDINGS AT MOULSECOOMB WAY**

73.1 The Executive Director for Economy, Environment & Culture introduced the report which detailed the proposal for the acquisition of a vacant building currently owned by Custom Pharma Services with the company then taking a leaseback for a period of 25 years.

73.2 The Committee welcomed the report and the significant investment it would have for Moulsecoomb and economic and regeneration benefits for the city. The committee thanked the officers for the work involved and in bringing the report forward and noted the intention of the company to remain in the city.

73.3 Councillors Bell and Miller expressed their reservations in terms of the use of public funding to enable the proposal and therefore stated that they could not support the recommendations.

73.4 The Chair noted the comments and put the recommendations to the vote which were carried by 8 votes to 2.

73.5 **RESOLVED:** That it be agreed that the council should acquire the building at Moulsecoomb Way (shown in Part One Appendix 1) and simultaneously grant a 25-year lease to Custom Pharma at a market rent.

74 **GRANT OF DEVELOPMENT OPTION AT LAND AT CORNER OF NEW ENGLAND STREET AND NEW ENGLAND ROAD**

74.1 The Executive Director for Economy, Environment & Culture introduced the report which sought authority to grant a Development Option Agreement to QED Estates, subject to a further report to committee within 6-months with a defined Business Case

for approval. He also drew the committee's attention to the supporting report listed in part two of the agenda that provided additional information in relation to the proposal.

- 74.2 The Committee welcomed the report and asked for additional information to be provided to Members on the relocation proposals for those affected and the replacement of accommodation to ensure there was no loss overall.
- 74.3 Councillor Miller moved an amendment on behalf of the Conservative Group which was formally seconded by Councillor Bell. He stated that it sought to secure the council's position and hoped that it could be accepted.
- 74.4 Councillor Gibson confirmed that he was happy to accept the amendment.
- 74.5 The Chair then put the amendment to the vote which was carried and put the recommendations as amended to the vote which was carried unanimously.
- 74.6 **RESOLVED:** That the council be authorised to enter a Development Option Agreement with QED with a long stop date of 31st August 2024 (co-terminus with an existing lease on the site coloured orange). The signing of this Development Agreement being subject to a business case within six months, being presented to this Committee for approval to proceed through the planning phase. At this stage, delegated authority for the Executive Director of Economy, Environment and Culture will be sought to finalise detailed terms to grant 250-year leases of up to three sites at Market Value, subject to achieving satisfactory planning consent.
- 74.7 Note: Councillor Platts withdrew from the meeting and took no part in the discussion or voting thereon, having declared a personal but non-prejudicial interest in the item.

75 MARINA LEASE

- 75.1 The Executive Director for Economy, Environment & Culture introduced the report which detailed the need for the part surrender of the head lease by Brighton Marina Company Ltd to enable the proposed regeneration works at Black Rock and the subsequent lease extension at less than best consideration.
- 75.2 The Committee welcomed the report and the proposed changes to the lease agreement to secure the works future at Black Rock.
- 75.3 **RESOLVED:**
- (1) That the acceptance of a surrender of part of the Marina headlease back to the council to realise the regeneration benefits of the Black Rock project be authorised; and
 - (2) That the grant of a lease extension on terms set out in Part 2 of this report be approved.

76 GINGERBREAD NURSERY - LANDLORD'S REVIEW

Note: The item was taken as part of the discussion held under Item 63, Member Involvement, and is listed in full at that item in the minutes.

76.1 **RESOLVED:** That the grant of a 25-year lease to the tenant of the Gingerbread Nursery be refused.

77 USE OF URGENCY POWERS- CONVENING A NON-VIRTUAL MEETING OF A PERSONNEL APPEAL PANEL

77.1 **RESOLVED:** That the report be noted.

78 APPOINTMENTS

78.1 **RESOLVED:**

- (1) That Councillor Druitt be appointed as the designated deputy/sub for Councillor Mac Cafferty on the Coast to Capital LEP in place of Councillor Gibson; and
- (2) That Councillor Williams be appointed as the Labour Group's designated representative to Seaside Homes Ltd in place of Councillor Knight.

79 ITEMS REFERRED FOR COUNCIL

79.1 **RESOLVED:** That at the request of Councillor Druitt, Item 72, Madeira Terrace be referred to the full Council meeting on the 22 October for information.

Part Two Summary

80 GINGERBREAD NURSERY - LANDLORD'S REVIEW - EXEMPT CATEGORIES 1 AND 3

80.1 **RESOLVED:** That the report be noted.

81 MARINA LEASE - EXEMPT CATEGORY 3

81.1 **RESOLVED:** That the recommendations outlined in the report be agreed.

82 ACQUISITION AND LEASEBACK OF LAND AND BUILDINGS AT MOULSECOOMB WAY - EXEMPT CATEGORY 3

82.1 **RESOLVED:** That the recommendation outlined in the report be agreed.

83 GRANT OF DEVELOPMENT OPTION AT LAND AT CORNER OF NEW ENGLAND STREET AND NEW ENGLAND ROAD - EXEMPT CATEGORY 3

83.1 **RESOLVED:** That the recommendation outlined in the report be agreed.

84 PART TWO MINUTES

84.1 **RESOLVED:** That the minutes of the meeting held on the 9 July and 14 August be agreed as a correct record.

85 PART TWO PROCEEDINGS

85.1 **RESOLVED:** That the items listed in Part 2 of the agenda and decisions thereon remain exempt from disclosure to the press and public.

The meeting concluded at 9.15pm

Signed

Chair

Dated this

day of December 2020

