

CABINET MEMBER FOR REGENERATION AND DEVELOPMENT

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Friday, 17th May, 2013

Time: 11.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Minutes of the previous meeting held on 8th May 2013 (Pages 1 - 3)
5. Community Infrastructure Levy (Pages 4 - 6)
6. Date and time of next meeting - Monday 3 June 2013 at 10.30 am

CABINET MEMBER FOR REGENERATION AND DEVELOPMENT
Wednesday, 8th May, 2013

Present:- Councillor Smith (in the Chair); and Councillor Godfrey; together with The Mayor (Councillor Pickering) and Councillor Dodson.

Apologies for absence were received from Councillor Clark.

G134. MINUTES OF THE MEETING HELD ON 22ND APRIL 2013

Resolved:- That the minutes of the meeting of the Cabinet Member and Advisers for Regeneration and Development, held on 22nd April, 2013, be approved as a correct record for signature by the Chairman.

G135. MINUTES OF THE MEETING HELD ON 25TH APRIL 2013

Resolved:- That the minutes of the previous meeting of the Cabinet Member and Advisers for Regeneration and Development, held on 25th April, 2013, be approved as a correct record for signature by the Chairman, with the inclusion of Councillor Dodson in the list of Members who had given their apologies for absence.

G136. OPENING OF OFFERS

Resolved:- That the action of the Cabinet Member in opening the following tenders on Tuesday, 30th April, 2013, be noted:-

- the former Park Lea Nursing Home, Doncaster Road, Clifton
- Rothwell Grange (former care home), Broom Valley Road, Broom

G137. CENTENARY MARKET - LICENSED BAZAAR MARKET

Consideration was given to a report presented by the Business and Retail Investment Manager and the Markets General Manager concerning an application from a private market operator, Mr. Shabir Hussain, to hold a "bazaar type" market under License on the outdoor covered market each Thursday.

The report stated that customer feedback from the 2012 Shopper Survey indicated that shoppers would like to see more markets in the Rotherham town centre. This application proposes a new concept of bazaar/market which would be unique when compared to any other markets operating locally and will cater for a wide range of existing and new customers drawn not only from Rotherham, but also from the wider region.

The bazaar will stock a diverse range of goods centred on the core products of fabrics and fashions along with jewellery, footwear, herbs and spices, sweets etc. It is proposed that 80% of the bazaar will comprise themed products, with 20% of more general products not having to fall

with that category. Existing traders of the Rotherham Market will be able to apply to take a stall at the Bazaar. Trading as "The Bazaar," it would operate on similar lines to the one which has been established successfully by Mr. Shabir Hussain on Leeds outdoor market each Wednesday.

Members were informed of the proposal to offer a license to operate the Bazaar for a trial period of one year, with the option to extend this licence for a further two years if successful. Subject to the requirements and controls put in place by the license agreement which would be enforced by the Council, the operator would be responsible for the general operation of the bazaar each week including trader recruitment, stall allocation, site cleaning etc., together with full responsibility for meeting the costs of all marketing, signs and promotions.

Resolved:- (1) That the report be received and its contents noted.

(2) That Mr. Shabir Hussain of Select 2 Limited, trading as "The Bazaar" be licensed to hold the themed Bazaar each Thursday on the Centenary Market outdoor covered market for a trial period of twelve months.

(3) That progress reports about the operation of the Bazaar be submitted to future meetings of the Cabinet Member and Advisers for Regeneration and Development.

G138. EXEMPTION FROM STANDING ORDERS - REPAIRS AND MAINTENANCE CONTRACT - RIVERSIDE HOUSE

Consideration was given to a report presented by the Corporate Facilities Manager proposing an exemption from contract standing orders to allow NG Bailey to continue to provide the annual servicing and maintenance of Riverside House. The report stated that this proposal will enable the Council to meet its contractual health and safety obligations and maintain Riverside House in accordance with the terms of the lease. An exemption from contract standing orders will allow the Council the time required to assess the full servicing requirements for the building, after which the maintenance works will be commissioned in the most effective way, in accordance with Standing Orders.

Resolved:- (1) That the report be received and its contents noted.

(2) That the contract for the servicing and maintenance of Riverside House be exempt from the provisions of standing order 48.2 (requirement to invite between 3 and 6 tenders for contracts with a value of over £50,000) and the contract awarded to NG Bailey, in accordance with the details contained in the report now submitted.

G139. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act

1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended (information relating to the financial/business affairs of any person (including the Council) and is commercially confidential).

G140. SPECIALIST CONSULTANCY SERVICES

Consideration was given to a report presented by the Corporate Property Manager proposing an exemption from contract standing orders to allow an order for Specialist Consultancy Services. The report stated that this proposal will enable Rotherham to identify and develop a business case to bring inward development to the Rotherham town centre.

Resolved:- (1) That the report be received and its contents noted.

(2) That the contract for specialist consultancy services shall be exempt from the provisions of Standing Order No. 47.6.2 (requirement to invite two oral or written quotations for contracts valued between £5,000 and £20,000) and the contract be awarded to the company identified in the report now submitted.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member and Advisers for Regeneration and Development
2.	Date:	Friday 17 May 2013
3.	Title:	Community Infrastructure Levy
4.	Directorate:	Environment and Development Services

5. Summary

This report seeks exemption from Standing Orders 47.6.2 and 47.6.3 to allow the appointment of consultants Peter Brett Associates LLP to assist with preparing and implementing a Rotherham Community Infrastructure Levy (CIL).

6. Recommendations

That Cabinet Member:

- 1. Approves the exempting of the proposed appointment of Peter Brett Associates LLP to assist with preparing and implementing a Rotherham Community Infrastructure Levy (CIL) from Standing Orders 47.6.2 (requirement to invite at least two oral or written quotations for contracts with an estimated value of £5,000 but less than £20,000) and 47.6.3 (requirement to invite at least three written quotes for contracts with a value of between £20,000 and £50,000).**

7. Proposals and Details

The Planning Act 2008 introduced new powers for the Council to introduce a Community Infrastructure Levy (CIL) to raise money to support local infrastructure. The levy will apply to most new development.

Peter Brett Associates LLP were appointed by the Council in September 2011 and September 2012 to undertake an Infrastructure Delivery Study and Whole Plan Viability Study primarily to support preparation of the Rotherham Local Plan but also as early evidence for development of a Rotherham CIL. Further work is now required to progress to consultation on preliminary draft CIL proposals.

The Infrastructure Delivery Study (May 2012) has provided an up to date assessment of the actual and estimated cost of the infrastructure required to support development in Rotherham over the next 15 years. The study compared the need against actual and expected sources, and lack of, funding to confirm the existence of a significant funding gap in the costs of delivery of this infrastructure.

The Whole Plan Viability Study (Jan 2013) considered how the economic viability of development accords with the relevant policies of the Local Plan's Core Strategy. The study further enhanced viability evidence building upon the findings of the Infrastructure Delivery Study. *However, it does not contain enough information to allow the CIL rate setting process to occur.*

The further assistance of Peter Brett Associates is required using their local experience and knowledge gained through the above two previous studies to work with the Council to introduce a Rotherham CIL. The timetable to prepare CIL, including the initial focus to allow consultation on a preliminary draft charging schedule, and longer term work towards adoption of CIL, is summarised below:

	<u>Deadline</u>
Consultation : Preliminary Draft Charging Schedule	July 2013
<i>(Examination : Rotherham Core Strategy</i>	<i>September 2013)</i>
Consultation : Draft Charging Schedule	January 2014
Submission : Charging Schedule	March 2014
Examination : Charging Schedule	May 2014
<i>Adoption</i>	<i>Prior to April 2015</i>

Although other consultants could arguably undertake the required work, they would not be able to meet the timetable for examination of Rotherham's Local Plan Core Strategy. Appointment of alternative consultants would also significantly increase costs.

Peter Brett Associates remain a market leader in experience and knowledge of the Community Infrastructure Levy. This consultancy leads on national training on CIL, as a new funding mechanism for infrastructure, and are supporting a number of CIL "front runner" authorities with advice on developing the evidence base and implementing a CIL. In doing this, they are working directly alongside DCLG, the Planning Inspectorate and the Planning Advisory Service.

8. Finance

The total cost of services required from Peter Brett Associates LLP is currently being negotiated. The cost will be dependent on the amount of work required to ensure robustness of economic viability evidence to set preliminary draft charge rates. Peter Brett Associates LLP has also been requested to quote for additional costs arising from future stages in the preparation of the CIL leading to its adoption and implementation, including support at any examination in public, of the proposed CIL charging schedule. These costs will be met from Planning Policy Team budget.

The estimated figure to prepare and consult on a preliminary draft charging schedule is between £20,000 to £25,000. This is subject to further negotiation prior to award of contract.

The Council is also a member of the Planning Advisory Service CIL direct support programme. This will provide a “critical friend” oversight of the brief and costs to appoint Peter Brett Associates LLP.

It should be noted that the Community Infrastructure Levy Regulations (as amended) 2010 allow for up to 5% of CIL revenue to pay for administration in the setting up and running of the CIL. This revenue could be used to pay towards the costs of work undertaken so far and work required via this new commission.

9. Risks and Uncertainties

Seeking three tenders for this work, leading to the potential appointment of alternative consultants could jeopardise the successful examination of Rotherham’s Local Plan Core Strategy. The examination Inspector will need to be satisfied that the Council is seriously investigating how to meet the funding gap for infrastructure required to support the new housing, employment and other development proposed in the Plan. It is essential to show that the Council is examining the potential of CIL as one funding source to narrow the gap. Consulting on a preliminary draft charging schedule for CIL before the Core Strategy EIP is required to demonstrate this progress.

10. Policy and Performance Agenda Implications

The appointment of consultants with previous detailed knowledge of the project will enable the Council to adhere to its timetable for examination of the Core Strategy in September 2012.

11. Background Papers and Consultation

Consultation on this report has been undertaken with the Council’s legal and financial programme areas. The Director of Legal and Democratic Services, supports the recommendation for the reasons outlined in the report and, as the contract with Peter Brett Associates LLP was let in September 2012 following an original appointment in September 2011, their fees are likely to be still competitive.

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