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22 October 2010

S U M M O N S

MEETING: Community and Environment Board
DATE: 1 November 2010
TIME: 6.00pm
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Allen) (ex officio)
Chairman of the Policy and Organisation Board
(Councillor Hook) (ex-officio)
Councillor Burgess (Chairman)
Councillor Kimber (Vice Chairman)

Councillor Mrs Bailey	Councillor Mrs Hook
Councillor Edgar	Councillor Murphy
Councillor Mrs Forder	Councillor Ronayne
Councillor Henshaw	Councillor Mrs Searle

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm (single continuous sound) sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

Community and Environment Board
1 NOVEMBER 2010

AGENDA

RECOMMENDED
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD HELD ON 6 SEPTEMBER 2010.

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Thursday, 28 October 2010. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Thursday, 28 October 2010).

6. NORTH SOLENT SHORELINE MANAGEMENT PLAN – ADOPTION OF FINAL PLAN

Part II
Contact Officer:
David Martin
Ext. 5512

Following the North Solent Shoreline Management Plan public consultation and Gosport Borough Council's response considered on 07 September 2009, the purpose of this report is to inform Elected Members of the recommended final policies identified in the North Solent Shoreline Management Plan and to recommend approval by the Policy & Organisation Board to adopt the proposed policies.

7. GOSPORT PARK PAVILION, PROPOSED LEASE

Part II
Contact Officer:
Mark Pam
Ext. 5563

To request the Board to reaffirm its approval to enter into a 3 year lease with Gosport and Fareham Rugby Club on the terms agreed. This is required due to the time lapse of 4 years since the Board approval.

Community and Environment Board
1 NOVEMBER 2010

8. DEVELOPMENT OF CONTRACT FRAMEWORK FOR DELIVERY OF PROFESSIONAL SERVICES RELATING TO COASTAL PROTECTION

Part II
Contact Officer:
David Martin
Ext. 5512

To consider the need for a 4 year Framework Agreement ("Framework") to deliver professional services across the Coastal Partnership boundaries (Chichester DC / Fareham BC / Gosport BC / Havant BC / Portsmouth CC).

9. ANY OTHER ITEMS

-which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

Agenda item no.

Board/Committee:	COMMUNITY & ENVIRONMENT BOARD
Date of meeting:	MONDAY 1 NOVEMBER 2010
Title:	NORTH SOLENT SHORELINE MANAGEMENT PLAN – ADOPTION OF FINAL PLAN
Author:	LEISURE AND CORPORATE SERVICES MANAGER
Status:	FOR RECOMMENDATION TO POLICY & ORGANISATION BOARD

1.0 PURPOSE

- 1.1 Following the North Solent Shoreline Management Plan public consultation and Gosport Borough Council's response considered on 07 September 2009, the purpose of this report is to inform Elected Members of the recommended final policies identified in the North Solent Shoreline Management Plan and to recommend approval by the Policy & Organisation Board to adopt the proposed policies

2.0 RECOMMENDATION

That the:

- 2.1 Community and Environment Board approves the final North Solent Shoreline Management Plan, its recommended policies and its Action Plan and recommends to the Policy & Organisation Board that the recommended policies are adopted.
- 2.2 Leisure and Corporate Services Manager makes representation to the Environment Agency to request that the compensatory habitat requirements identified in the Appropriate Assessment be secured and delivered through the Regional Habitat Creation Programme.
- 2.3 Leisure and Corporate Services Manager works with the Environment Agency to identify and progress Habitat Creation schemes within their area that contribute to the Regional Habitat Creation Programme.
- 2.4 Leisure and Corporate Services Manager works with relevant authorities and organisations to contribute to the delivery of the Action Plan identified in the SMP subject to securing appropriate funds where appropriate.

3.0 BACKGROUND

- 3.1 Gosport Borough Council was consulted on the draft North Solent SMP during a 3 month public consultation from 1st February 2010 to the 23rd April 2010. All responses from the consultation, including the Council's response following the Board meeting of 07 September 2009, were collated by the SMP project team. All comments provided by the Council have been accepted and have been incorporated into the final North Solent SMP. Table 1 demonstrates the proposed final policies for Gosport Borough Council. No significant changes, such as changes to policies or policy units, are expected but some minor amendments may be required during the approval process.
- 3.2 The final North Solent SMP has been reviewed, on technical matters, by the 'Quality Review Group' (QRG). QRG members include national experts from the Environment Agency, Local Authorities, Natural England and Engineering Consultants. QRG are responsible for technical approval of all SMPs across England.
- 3.3 Following adoption of the North Solent SMP by the Local Authorities, a further approval is required by the Environment Agency's Regional Director on behalf of Defra. Under the Habitats Regulations, the North Solent SMP, along with a number of other SMPs, require the final Plan to be signed-off by the Secretary for Environment, Food and Rural Affairs due to "Imperative Reasons of Over-riding Public Interest" (IROPI). In the case of the North Solent SMP, it is recognised that implementing the policies would adversely affect Natura 2000 site integrity. Further information is available in Annex 1c.
- 3.4 The majority of privately owned coastal defences do not provide enough existing benefits to attract public funding from flood and coastal defence grant-in-aid. During the public consultation the SMP reminded private landowners, such as the Ministry of Defence, of their continued permissive development rights and sought their future coastal management intentions. The majority of landowners formally stated their intention to continue their existing coastal defence management practices in the short and medium term (0-20 and 20-50 years). The North Solent SMP recognises the risk that not all landowners will be able to sustain the levels of intervention required to maintain their assets against the impacts of climate change i.e. sea level rise, and will monitor private maintenance activity through the North Solent SMP Action Plan. An information note for landowners and planners is available on the North Solent SMP website (see Background Papers section).

4.0 FURTHER INFORMATION

Financial implications:	<p>None arising from this report.</p> <p>Compensation habitat requirements identified in the SMP will be secured and financed through the Environment Agency's Regional Habitat Creation Programme.</p> <p>Coastal Flood and Erosion Risk Management Strategies or individual schemes arising from this SMP will be eligible for 100% grant funding through the national Flood and Coastal Defence Capital Grant.</p>
Legal implications:	<p>There are no immediate legal implications arising from this report.</p>
Service Improvement Plan implications:	<p>None arising from this report.</p>
Corporate Plan:	<p>The recommendations and proposals in the study are consistent with the key principles of the Council's vision in the Corporate Strategy 2008 – 2011.</p>
Risk Assessment:	<p>The SMP process is a sustainable approach to managing the coastline. It is considered that Equalities/Customer issues are not applicable.</p>
Communications/public relations:	<p>The Communications Team was involved to select the most suitable methods of disseminating the draft North Solent SMP to the public during the 3 month public consultation. There were several public exhibitions across the North Solent SMP area, including one at Gosport Discovery Centre on the 10 February 2010. Stakeholder involvement in the preparation of this SMP included workshops with Planners, Development Control Officers, Archaeologists, Heritage Officers, Key Stakeholders, Landowners, Environmental groups, Ecological Officers. Issues and concerns raised were discussed, assessed and, where considered appropriate by the Client Steering Group and the Elected Members Group, have been included within the final North Solent Shoreline Management Plan.</p>
Background papers:	<p>Additional supporting information, such as the "Information Note for Landowners and Planners" is available in a password protected area of the project website: www.northsolentsmp.co.uk (Go to 'Project Management', 'login', Username: <i>selseybill2hurstspit</i>, Password: <i>smpnorthsolent</i>)</p>

Appendices/Enclosures: Appendix A: Final Recommended Policies for North Solent Shoreline Management
Annex 1: Supplementary Background Report
Annex 2: Policy Units
Annex 3: Nature Conservation Designated Sites
Annex 4: Flood and Coastal Defence details within North Solent region
Annex 5: Increasing residual tidal flood risk
Annex 6: Action Plan

Report author/Lead Officer: David Martin
Leisure and Corporate Services Manager

Table 1 – Final recommended policies for the North Solent Shoreline Management

Gosport Borough Council

Policy Unit			Epoch 1 0-20yrs	Epoch 2 20-50yrs	Epoch 3 50-100 yrs
5A24	Fleetlands (MOD Boundary)	Quay Lane (MOD Boundary)	Hold The Line	Hold The Line	Hold The Line
5A25	Quay Lane (MOD Boundary)	Portsmouth Harbour Entrance	Hold The Line	Hold The Line	Hold The Line
5B01	Portsmouth Harbour Entrance	Gilkicker Point	Hold The Line	Hold The Line	Hold The Line
5B02	Gilkicker Point	Meon Road, Titchfield Haven	Hold The Line	Hold The Line	Hold The Line

Table 2 – SMP Policy Definitions

Policy	Defra Definition
Hold the Line (HTL)	Maintain or upgrade standard of protection provided by defences. This policy should cover those situations where work or operations are carried out in front of the existing defences (such as beach recharge, rebuilding the toe of a structure, building offshore breakwaters, etc.) to improve or maintain the standard of protection provided by the existing defence line. This policy also involves operations to the back of existing defences (such as building secondary floodwalls) where they form an essential part of maintaining the current coastal defence system. NOTE: A policy of HTL does not mean that public funding is secured or guaranteed. Nor should it be assumed that it is safe to develop behind existing defences or additional defences are promoted.
Advance the Line (ATL)	Construct new defences seaward of existing defences. Use of this policy should be limited to those policy units where significant land reclamation is considered
Managed Realignment (MR)	Allowing the shoreline to move backwards or forwards, with management to control or limit movement (such as reducing erosion or building new defences on the landward side of the original defences). NOTE: A policy of MR does not mean that public funding is secured or guaranteed.
No Active Intervention (NAI)	Not to invest in providing or maintaining defences. NOTE: A policy of NAI does not prevent the continued maintenance of existing defences to enable continued use of existing structures while they are structurally sound

ANNEX INFORMATION



2010-09-14_GBC-No
rthSolentSMPAnnexe:

Agenda item no. 7

Board/Committee:	Community and Environment Board
Date of meeting:	1 November 2010
Title:	Gosport Park Pavilion, Proposed lease
Author:	Chief Executive
Status:	For recommendation to Policy and Organisation Board

Purpose

To request the Board to reaffirm its approval to enter into a 3 year lease with Gosport and Fareham Rugby Club on the terms agreed. This is required due to the time lapse of 4 years since the Board approval.

Recommendation

That the Board recommends to The Policy and Organisation Board that it authorises the Lease proposed by this Report and that the Borough Solicitor enter into such legal documentation as is necessary to effect the decision.

1. Background and lease terms

- 1.1 The Club was founded in 1946 and operated from the recently demolished Pavilion from 1958 until May 2003.
- 1.2 The new Pavilion has been constructed. The Club's currently occupy the premises under a Tenancy at Will granted in January 2004.
- 1.3 The terms of the Sports Lottery Grant and the proposed lease are based upon the Pavilion being used by the Rugby Club, local cricket teams and summer play schemes to meet the recreational and community requirements.
- 1.4 It is only the Pavilion which is the subject matter of the lease. The car park will remain open for use by the public at all times.
- 1.5 Pitch usage will be regulated and monitored to ensure they are not overused. The Rugby Club have been very responsible in this respect over the years and we do not envisage any such problems occurring in the future. The pitch fee will be charged separately to the rent for the premises.
- 1.6 The tenant already has in place Public Liability Insurance cover and this shall be required to continue throughout the term of the lease. In addition the Club will be responsible for insuring the structure of the building.

- 1.7 The lease shall exclude the security of tenure provisions of the Landlord and Tenant Act 1954 and shall prohibit parting with possession of the premises.
- 1.8 The length of term for the proposed Lease is less than 7 years, and so the Council is not obliged to receive best consideration under the Local Government Act 1972. However, the Council still maintains a fiduciary duty as to use of its assets. The Head of Property Services considers that whilst this disposal does not represent the test of best consideration, it is considered that the proposed lease will assist the Council in achieving the Community and Corporate plan objectives.
- 1.9 The land is part of an area of open space and requires the matter to be advertised in the local newspaper for two consecutive weeks under the provision of section 123 (2A) of the Local Government Act 1972. The advertisement required has been placed and no substantive objections were received.

2. Report and terms agreed

- 2.1 Gosport Park is registered as a Village Green which allows the use of the Park by inhabitants of the locality for lawful sports and pastimes.
- 2.2 As a consequence of this restriction the Council is only able to grant a short term lease of the new Pavilion. The Club have been aware of this restriction from the outset.
- 2.3 The Club has raised a substantial part of the funding for the new Pavilion. Of the total cost of £802,500 the Club has raised £156,000.
- 2.4 The Club wishes to extend the Pavilion by adding a single storey extension to accommodate a bar and lounge area. The costs will be funded by them. They are aware, and accept, that the 3 year lease restriction also applies to the new extension.
- 2.5 Whilst the Club appreciates that the Council is not able to grant a long lease they have requested that a rent free period be granted equivalent to the funding they have bought to the project thereby acknowledging their financial input.
- 2.6 The market rent for the premises, if there were no restriction on the term of the lease, would be in the region of £7000 per annum. It would therefore be necessary to grant the Club a rent free period 22 years for the Club to recoup it's funding contribution.
- 2.7 Legally the Council cannot grant a rent free period in excess of the term (3 years) but the documentation, including a side letter to the Club, can be structured to the effect that the rent payable under future leases will be negotiated having regard to the Club's financial position and their funding contribution to the new pavilion.

- 2.8 The Club accepts that since the Council is responsible for the external repairs to the building that the Club will pay a 'maintenance rent' the amount of which is to be agreed but is likely to be in the region of £500 per annum linked to the Retail Prices Index.
- 2.9 The grant of the lease will be subject to the Club paying the Council the outstanding funds due amounting to £19500 for the Lottery Project money together with pitch maintenance fees from April 2004 to September 2006 of £10,875.
- 2.10 The calculation of the £19500 (2.9 above) assumes that the Council will agree to the Club having the benefit of the liquidated damages of £20,500. This was agreed with the Contractor as a result of the late completion of the project. The delay resulted in financial loss to the Club and for this reason they should have the benefit.

3. Risk Assessment

- 3.1 The grant received from the Lottery and the money raised by the Rugby Club is to fund the provision of facilities to accommodate rugby, cricket and summer play scheme activities as a minimum requirement. It is therefore important that the proposed lease formalises such arrangements for the management and usage of the Pavilion for the intended activities to ensure that the grant is not clawed back by the Sports Lottery Fund.

4. Conclusion

- 4.1 The Council to grant a 3 year lease, to include the land for the ground floor extension, and the Borough Solicitor to enter into such documentation to effect this decision including the issue of a side letter to recognise the funding contribution made by the Club.
- 4.2 The 2006 report stated that prior to the grant of the lease the Club is to pay any outstanding funds together with the pitch fees. It is confirmed that these have been paid by the Club.

Financial Services comments:	As outlined in paragraphs 2.1 to 2.10
Legal Services comments:	Contained in the report
Service Improvement Plan implications:	None
Corporate Plan	People: better leisure facilities with increased usage
Risk Assessment	See 3.1 above
Background papers:	Community and Environment Board 12 Jan 2004 Agenda number 6 Policy and organisation Board 12 January 2004 Agenda number 6(B) Policy and Organisation Board 14 September 2006
Appendices/Enclosures:	None
Report author/Lead Officer:	Head of Property Services

AGENDA ITEM NO. 8

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 1 NOVEMBER 2010
Title:	DEVELOPMENT OF CONTRACT FRAMEWORK FOR DELIVERY OF PROFESSIONAL SERVICES RELATING TO COASTAL PROTECTION
Author:	LEISURE AND CORPORATE SERVICES MANAGER
Status:	FOR DECISION

Purpose

To consider the need for a 4 year Framework Agreement ("Framework") to deliver professional services across the Coastal Partnership boundaries (Chichester DC / Fareham BC / Gosport BC / Havant BC / Portsmouth CC).

Recommendation

The Council enter into a 4 year Framework to enable appropriate and effective appointment of Professional Services across the Coastal Partnership boundaries.

1. Background

- 1.1 With the creation of the Havant, Portsmouth and Gosport Coastal Partnership, the Group has obtained approximately £2m of anticipated expenditure over the next 2 years for developing strategies and project appraisal reports across the whole region.
- 1.2 Members will be aware that the Council plays an active role in coastal matters which are discussed at the group of Solent and Southern Coastal authorities (SCG). This achieves economies of scale and allows sharing of expertise and experience in addressing problems that arise with the coastal landscape.
- 1.3 Given the joint working of the authorities on coastal issues, it is considered efficient to establish a method of procurement that will accommodate the various Standing Order requirements and ensure that a system is in place for those projects in order to manage the delivery of the numerous forthcoming schemes.
- 1.4 A similar process was set in motion by Teignbridge DC in correspondence to all coastal authorities, asking whether they would see value in using the Environment Agency's national frameworks. The Group recognised the value in the formation of frameworks, but would prefer to see a more compact framework that would see a skills focus on the local issues and attract fewer overheads.

- 1.5 Discussions have taken place between officers regarding the formation of a wider framework encompassing those authorities that are, and may want to be, part of the partnership in the coming years (Chichester and Fareham), and the proposal has so far met with positive support.
- 1.6 Portsmouth City Council is taking the lead in the tendering and procurement process to establish the Framework in accordance with EU regulations. Their procedures meet the requirements of this Council.
- 1.7 Therefore, the proposal requires the approval of this Board for the Council to be included in the proposed framework.

2. Further Information

- 2.1 The future workload of the Coastal Partnership will see a great variation in the types and scale of the packages of work requiring professional service support. With the Coastal Partnership having delivered their service across authority boundaries for the past 20 months, it has been evident that there is a need to streamline our procurement to enable a single approach that will meet with the standing order requirements of each authority.
- 2.2 A joint approach will also bring the benefits of cost savings in writing the contract. At the present time it is estimated that the maximum contribution will be £5k, which is likely to be less depending on the level of interest of neighbouring coastal authorities.
- 2.3 Due to the variation in support required, it is envisaged that a framework approach allowing different payment mechanisms / conditions of contract would be the most appropriate way forward to achieve best value for all authorities. Authority to proceed will be sought from participating authorities before any formal commitment is made to procure services.
- 2.4 Professional service support is required for strategies/studies/reports that ultimately lead to submissions for 100% grant funding to implement flood and coastal defence measures to protect life and to provide adequate standards of protection that will allow development growth.

Financial Services comments	Paragraph 2.3 refers. The framework agreement will promote value for money for the participating authorities.
Legal Services comments	Contained in the report.
Service Improvement Plan implications	The work is incorporated within the coastal services programme
Corporate Plan	The proposal relates to the Pursuit of Excellence in delivering quality services.
Risk Assessment	
Background papers	None
Appendices / Enclosures	None
Report Author / Lead Officer	David Martin, Leisure and Corporate Services Manager