

Hannah Gosling

From: Abraham Ghebre-Ghiorghis
Sent: 09 May 2019 06:08
To: Hannah Gosling
Cc: Alice Rowland; Elizabeth Culbert; Nick Hibberd; Oliver Spratley; Mark Prior; Anthony Middleton
Subject: RE: Letter regarding Valley Gardens Phase 3'

Dear Hannah,

Please find below the Council's comments on the email from the Valley Gardens Forum to the LEP sent on 12 April.

Condition 1: Consultation

The Council is satisfied that it has carried out a fair and lawful consultation. In accordance with the Environment, Transport & Sustainability Committee decision of 7 February 2019, it obtained independent legal advice which has confirmed this.

Condition 2: public comments

There have been extensive requests for data from a number of members of VGF and a number of responses have been provided to them. It has not always been clear what was being sought and members of VGF may have understood the technical language used in this area differently to the council. A lot of this data is publically available but if there is any information which they have not received but would still like then please ask them to submit a Freedom of Information request to the Council.

The Executive Director Economy, Environment & Culture has apologised to Julian Caddy, CEO of the Brighton Fringe and other event promoters for giving the impression at the Committee that weekly meetings were already being held. Officers from the project team subsequently met event promoters to discuss both VG 1 & 2 and VG3. At that meeting it was agreed that weekly meetings were too regular and they agreed that the Council would continue to engage with the sector as requested.

The reference in the Monitoring Officer's letter of the 18 March 2019 to considering public comments related to the formal consultation which had taken place in relation to the preferred option. The events sector were able to contribute to that formal consultation process. The Council considered all public comments which had been received.

Condition 3: scheme design

The consultation point has been dealt with above.

The Monitoring Officer is able to confirm that the Final Preliminary Design meets the requirements of all statutory legislation. If the implementation of that design requires TROs or planning permission then that will be sought at the relevant time.

As we have advised the Valley Garden Forum's Solicitors (DMH), the Council is not required to undertake statutory environmental impact assessments in relation to the Valley Garden projects.

Condition 3 is in the Funding Agreement.

Condition 4: future engagement

Condition 4 is also in the Funding Agreement.

Counsel has confirmed it was lawful to consult on one preferred option.

Condition 5: committee approval

There will be a further report to update the Environment, Transport & Sustainability Committee to provide an update on the procurements but no further Committee decisions are required in relation to the scheme itself. Council Committees may consider certain aspects of the project in the future e.g. the funding, planning and TROs.

The LEP and BHCC have had further correspondence on this point following the Monitoring Officer's letter of the 18 March 2019 and the Council has clarified that the no further approval is required.

Conclusion

The Council does not have any comments on the conclusion, but the local elections have now taken place.

I hope this addresses all the issues raised but let me know if you need any more information.

Kind regards

Abraham

Abraham Ghebre-Ghiorghis
Monitoring Officer
and Executive Lead Officer, Strategy Governance and Law
Brighton & Hove City Council



From: Hannah Gosling
Sent: 02 May 2019 11:43 AM
To: Abraham Ghebre-Ghiorghis
Cc: Alice Rowland; Elizabeth Culbert; Nick Hibberd; Oliver Spratley; Mark Prior; Anthony Middleton
Subject: RE: Letter regarding Valley Gardens Phase 3'

Dear Abraham,

Many thanks for the information you have provided below.

We also sent you an email on Monday regarding a letter we received from Valley Gardens Forum. Will you be providing a response to this?

Look forward to hearing from you.

Kind regards,
Hannah

Hannah Gosling
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Coast to Capital
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(Please note that I do not work on Wednesdays)

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From: Trudy Haigh

On Behalf Of Abraham Ghebre-Ghiorghis

Sent: 01 May 2019 15:14

To: Hannah Gosling

Cc: Alice Rowland; Elizabeth Culbert; Nick Hibberd; Oliver Spratley; Mark Prior; Anthony Middleton

Subject: Letter regarding Valley Gardens Phase 3'

Dear Hannah,

Thank you for your email. I can confirm that the scheme design meets the requirements of all relevant statutory legislation, including but not limited to air quality standards, traffic management, environment and safety. The Council considers that the appropriate balance has been achieved between impact upon traffic congestion, air quality and sustainable transport and public realm benefits.

In relation to Condition 4, as I said in my letter, the appropriate level of engagement and consultation will continue as the project progresses.

The decision which the Environment, Transport & Sustainability Committee took on 7 February 2019 was to approve the Final Preliminary Design for the Valley Gardens Phase 3 project. The Committee agreed that it should be progressed to the detailed design stage which will include further public consultation and stakeholder engagement. The Committee authorised officers to procure professional services/contract(s) for the detailed design and construction stages of the Valley Gardens Phase 3 project, and noted that this authorisation will enable officers to procure and award either a design and build contract or separate contracts for the design stage and the construction stage. It further noted that an update on these procurements will be provided to a future committee meeting.

There will therefore be a further report to the Environment, Transport & Sustainability Committee to update it on the procurements. As part of that report, officers will provide an update on progress but the decision which was taken on the 7 February will not be revisited by the Committee and officers will not be seeking approval for the scheme as that is already in place. The Council obviously has to comply with the process for making road traffic orders, including the need to report to a committee if there are objections and some aspects of the funding may need to be included in monthly budget reports to the Policy, Resources and Growth Committee. The Council may also need to apply for planning permission for some aspects of the project. But these are normal processes and so far as substantive approval of the scheme is concerned, a final approval has been given and there is no legal requirement to seek additional approvals.

Regards

Abraham

Abraham Ghebre-Ghiorghis | Monitoring Officer and Executive Lead Officer – Strategy, Governance & Law | Brighton & Hove City Council
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