

Minutes

Cabinet

18th July 2016



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at www.braintree.gov.uk.

Present:

Portfolio	Cabinet Member	Present
Leader of the Council	Councillor G Butland	Yes
Deputy Leader of the Council	Councillor Mrs W Schmitt	Yes
Environment and Place	Councillor R Mitchell	Yes
Planning and Housing	Councillor Lady Newton	Yes
	Councillor Mrs L Bowers-Flint	Yes
Economic Development	Councillor T Cunningham	Yes
	Councillor B Rose	Yes
Health and Communities	Councillor P Tattersley	Yes
Finance and Performance	Councillor D Bebb	Apologies
Corporate Services and Asset Management	Councillor J McKee	Yes

Also present as invitees of the Leader:

Councillor Mann, Leader of the Labour Group

Councillor Mrs Pell, Leader of the Halstead Residents Association

Councillor Siddall, Chairman of the Overview and Scrutiny Committee

An apology for absence had been received from Councillor Abbott, Green Party

Councillors Bowers and Schwier were also in attendance.

The Leader commenced the meeting by advising Members that Councillor P Tattersley would replace Councillor Mrs J Beavis as the Cabinet Member for Health and Communities and as a result would become the Councils representative on the Museum Trust and the Local Government Information Unit. Members were advised also that following these changes to the Cabinet Councillor B Rose would become a fully participating Deputy Cabinet Member for Economic Development. The Leader welcomed both Councillors in their new roles.

19 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

- Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 6a - 'Construction of car park and business units rear of Braintree Enterprise Centre, Springwood Drive, Braintree' as a Director of Ignite Business Enterprise.
- Councillor T Cunningham declared a non-pecuniary interest also in Agenda Item 6b - 'Proposed freehold purchase of Block B at The College at Braintree, Church Lane, Braintree, funding of conversion works for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd' as a he was a registered patient with St Lawrence Surgery.
- Councillor D Mann declared a non-pecuniary interest in Agenda Item 6b - 'Proposed freehold purchase of Block B at The College at Braintree, Church Lane, Braintree, funding of conversion works for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd' as a he was a registered patient with St Lawrence Surgery.
- Councillor J McKee declared a non-pecuniary interest in Agenda Item 7a - 'Braintree Town Centre Regeneration Scheme Development and Financial Proposals' as a he was a registered patient with Mount Chambers Surgery.
- Councillor C Siddall declared a non-pecuniary interest in Agenda Item 6a - 'Construction of car park and business units rear of Braintree Enterprise Centre, Springwood Drive, Braintree' as a Director of Ignite Business Enterprise.

In accordance with the Code of Conduct, Members remained in the meeting for the item, unless stated otherwise, and took part in the debate and decision thereon.

20 **MINUTES**

DECISION: That the Minutes of the meeting of the Cabinet held on 23rd May 2016 be approved as a correct record and signed by the Chairman.

21 **QUESTION TIME**

INFORMATION: There were no statements made, or questions asked.

22 **LEADER'S UPDATE**

The Leader informed Members that he along with Councillors Mann and Mrs Schmitt attended the LGA Conference and would report back to Members at Full Council.

The Leader had nothing further to add.

****CONSTRUCTION OF CAR PARK AND BUSINESS UNITS REAR OF BRAINTREE ENTERPRISE CENTRE, SPRINGWOOD DRIVE, BRAINTREE**

Minutes Published: 28 th July 2016 Call-in Expires: 5 th August 2016

INFORMATION: Members were reminded that this Item was linked to Item 12a in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 12a of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: Braintree District Council owns the vacant employment site situated to the rear of the Braintree Enterprise Centre off Springwood Drive which is currently operated by Ignite Business Enterprise.

The Councils proposal is to construct 40 car parking spaces on the front half of the site, to provide additional car parking for the newly constructed extension to the Braintree Enterprise Centre to enable Ignite to market and promote the training and conference facilities within the new centre providing support to help businesses start and grow.

On the rear half of the site it was proposed to construct 4 small workshop units to provide much needed grow on space to District Businesses. These workshop units would be managed by the Council to provide employment opportunities and deliver a revenue income. The tenant would be responsible for internal repairs and any carpark repairs would be covered in the lease with Ignite Business Enterprise Ltd.

The income generated by this development would be £39,200 per annum plus VAT providing a return on 6.4% on capital.

Advice had been sought from external consultants and there was a high demand for small industrial workshops with no proposals for such units being planned within the District. The scheme could be funded from the Councils new district investment fund and could be phased with its car park provision early on to aid the Ignite business plan.

DECISION (PUBLIC REPORT):

1. That Cabinet approves the construction of the car park and 4 new light industrial workshop units.

2. That Cabinet delegates its powers to the Corporate Director for Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to approve final terms on contractual matters.
3. That Cabinet recommends to Council:
 - a) The approval of £350,000 of Growth Area Funding towards the construction of the car park, access road and retaining wall.
 - b) The approval of £610,300 of New Homes Bonus to fund the construction of the workshop units and access road.

DECISION (PRIVATE REPORT):

1. That Cabinet approves the construction of the car park and 4 new light industrial workshop units.
2. That Cabinet delegates its powers to the Corporate Director for Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to approve final terms on contractual matters.
3. That Cabinet recommends to Council:
 - a) The approval of £350,000 of Growth Area Funding towards the construction of the car park, access road and retaining wall.
 - b) The approval of £610,300 of New Homes Bonus to fund the construction of the workshop units and access road.

REASON FOR DECISION: To facilitate the construction of the car park to enable Ignite to market and promote the training and conference facilities within the new centre, and construction of the small workshop units to provide employment opportunities and revenue income for the Council.

24 ****PROPOSED FREEHOLD PURCHASE OF BLOCK B AT THE COLLEGE AT BRAINTREE, CHURCH LANE, BRAINTREE, FUNDING OF CONVERSION WORKS FOR A MEDICAL CENTRE AND THE GRANT OF A LEASE TO VIRGIN HEALTHCARE HOLDINGS LTD**

Minutes Published: 28 th July 2016 Call-in Expires: 5 th August 2016

INFORMATION: Members were reminded that this Item was linked to Item 12b in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 12b of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: The recently adopted District Investment Strategy identified the need for more infrastructure improvements to support future growth in the District. Improved healthcare provision was a priority area.

St Lawrence Surgery at Bocking End, Braintree had occupied the current premises on a lease that had expired on 31st May 2016. There were currently 12,000 patients registered with St Lawrence Surgery and this number was expected to rise to an estimated 13,000 in the next five years.

Working in partnership with NHS England, the Council has an opportunity to facilitate the delivery of the replacement St. Lawrence Doctors Surgery and to create a valuable property investment for its commercial portfolio. The College at Braintree was prepared to sell a two storey modern office building at the entrance of the campus with an additional 23 car parking spaces. NHS England has agreed a fixed price contract to undertake the conversion of the premises to become a suitable, fit for use medical centre.

With health care provision being at the centre of the corporate strategy, the Council has agreed to fund the conversion cost of which the works which have been arranged by NHS property services following a tender exercise. The ongoing maintenance obligation for the Council as landlord would be to maintain the structure, roof and foundations with the tenant responsible for internal repairs and landscaping, car park and the estate road.

Braintree District Council would own the freehold of the property and have overall management control with a direct relationship with the surgery provider and would continue to be the owner for the perpetuity and provide the premises as a medical facility.

DECISION (PUBLIC REPORT):

1. That Cabinet approves the freehold purchase of Block B at The College at Braintree Campus, Church Lane, Braintree, funding of the conversion costs for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd, (Virgin Healthcare) subject to contract and 'due diligence' and on such other terms and conditions as agreed by the Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management; and
2. That Cabinet recommend to Full Council the approval of capital funding for the transaction from existing capital resources and borrowings.

DECISION (PRIVATE REPORT):

1. That Cabinet approves the freehold purchase of Block B at The College at Braintree Campus, Church Lane, Braintree, funding of the conversion costs for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd, (Virgin Healthcare) subject to contract and 'due diligence' and on such other terms and conditions as agreed by the Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management; and

2. That Cabinet recommend to Full Council the approval of total capital funding for the transaction in the sum set out in the report from balances set aside for the District Investment Strategy.

REASON FOR DECISION: To enable the proposed relocation of the St. Lawrence Doctors Surgery to more suitable premises and to create an additional property investment for the Council's commercial portfolio.

25 ***BRAINTREE TOWN CENTRE REGENERATION SCHEME DEVELOPMENT AND FINANCIAL PROPOSALS**

Minutes Published: 28 th July 2016 Call-in Expires: 5 th August 2016

INFORMATION: Members were reminded that this Item was linked to Item 13a in the Private Session of the Agenda, and that if any Member wished to refer to the private information contained within the report for that Item, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 13a of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

Both agenda items were taken together to enable consideration of all issues. It was not necessary for the meeting to be moved into Private Session.

INFORMATION: At the Cabinet meeting on the 30th November 2015, Members agreed the updated scheme proposals submitted by Henry Boot Developments Limited which were a variation from the original retail led scheme to a doctors' surgery / restaurant led scheme.

Since the new scheme was agreed at the Cabinet meeting on 30th November 2015, the Council had been working with the developer; however, Henry Boot had not met its obligations under the terms of the Development Agreement. As a result, and in line with the Council's District Investment Strategy to invest and deliver improvements across the District, the Council has had to review how this scheme could be funded and delivered in order to achieve its objectives.

The Council had reviewed its options in relation to the delivery of this scheme and had identified that the only option that it could realistically pursue was to fund and build the scheme itself. Any options relating to subsidising the scheme faced a very high risk of legal challenge due to state aid and procurement implications.

The Council would fully review the scheme in respect of unit sizes as part of the design process prior to submitting a planning application. It was deemed practical that completion could be as early as February 2020.

The Council would own the freehold of the entire development and would fully control and manage the site. This would ensure the Council would have control of the quality and the mix if the occupiers in the scheme. The scheme would provide modern and much larger medical premises for Mount Chambers Surgery to meet current and future demand for general practice services. Car parking spaces would also increase from 108 to 146. There would also be a significant business rates income generated from this scheme.

DECISION (PUBLIC REPORT):

1. That Cabinet approve the termination of the existing contract with Henry Boot Developments Limited and negotiation of Intellectual Property rights transfer.
2. That Cabinet approve the option for the Council to fund and deliver the Braintree Town Centre Scheme together with the recommendation to Council to approve a capital budget for all professional, construction and associated scheme development costs.
3. That Cabinet delegates its powers to the Director of Sustainable Development and Director of Financial Services in consultation with the Cabinet Member for Economic Development and Cabinet Member for Finance and Performance to agree the final detailed scheme design and specification and final agreed financial arrangements provided that the scheme cost does not exceed the approved capital budget.
4. That Cabinet recommend to Full Council the approval of funding for the scheme from balances and borrowing: being part of the funds identified for the District Investment Strategy.

DECISION (PRIVATE REPORT):

1. That Cabinet approve the termination of the existing contract with Henry Boot Developments Limited and negotiation of Intellectual Property rights transfer.
2. That Cabinet approve the option for the Council to fund and deliver the Braintree Town Centre Scheme together with the recommendation to Council to approve a capital budget in the sum set out in the report for all professional, construction and associated scheme development costs.
3. That Cabinet delegates its powers to the Director of Sustainable Development and Director of Financial Services in consultation with the Cabinet Member for Economic Development and Cabinet Member for Finance and Performance to agree the final detailed scheme design and specification and final agreed financial arrangements provided that the scheme cost does not exceed the approved capital budget.
4. That Cabinet recommend to Full Council the approval of funding for the scheme from balances and borrowing in the sums set out in the report: being part of the funds identified for the District Investment Strategy.

REASON FOR DECISION: To agree in principle the development delivery proposals and financial arrangements for the Braintree Town Centre regeneration site to enable this project to move forward.

26 **CABINET MEMBER DECISIONS MADE UNDER DELEGATED POWERS**

DECISION: That the delegated decisions set out in the report be noted.

REASON FOR DECISION: The reasons for each decision can be found in the individual delegated decisions.

27 **MINUTES FROM CABINET SUB-GROUPS – LOCAL PLAN SUB-COMMITTEE - 25TH MAY 2016**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 25th May 2016 be noted.

28 **MINUTES FROM CABINET SUB-GROUPS – LOCAL PLAN SUB-COMMITTEE - 26TH MAY 2016**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 26th May 2016 be noted.

29 **REFERENCES FROM COUNCIL/COMMITTEES/GROUPS**

INFORMATION: None had been received.

The meeting commenced at 7.15pm and closed at 8.08pm.

COUNCILOR G BUTLAND
(Leader of the Council)