

CABINET MEETING

THE CABINET WILL MEET AT THE INSTITUTE, BOCKING END, BRAINTREE, ESSEX, CM7 9AE ON THURSDAY 9TH JUNE 2011 AT 7.15pm

(Please see page ii of the agenda for a location map for The Institute)

Membership

Councillor G Butland (Chairman) – Leader of the Council
Councillor Lady Newton – Enterprise, Housing and Development
Councillor Mrs W Schmitt - Environment
Councillor Mrs J C Beavis – Communities
Councillor C Siddall – Efficiency and Resources

Invitees

Deputy Cabinet Portfolio Members:-

Councillor D L Bebb – Leader's Portfolio
Councillor J T McKee - Enterprise, Housing and Development
Councillor R G S Mitchell - Environment
Councillor P Tattersley - Communities
Councillor J O'Reilly-Cicconi - Efficiency and Resources

Other invitees:- Group Leaders and the Chairman of the Overview and Scrutiny Committee.

For enquiries on this agenda please contact:
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This agenda is available on
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PUBLIC INFORMATION

Question Time

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Location Map for The Institute, Bocking End, Braintree, Essex, CM7 9AE



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INFORMATION FOR MEMBERS

Declarations of Interests:-

- To declare the existence and nature of any 'personal' or 'personal and prejudicial' interests relating to items on the agenda having regard to paragraphs 8 to 12 [inclusive] of the Code of Conduct for Members in Part 5 of the Constitution and having taken appropriate advice where necessary before the meeting.
- Any member with a 'personal and prejudicial' interest to indicate whether he/she intends to make representations in accordance with paragraph 12 (2) of the Code of Conduct as part of Question Time. *Note: A member with a personal and prejudicial interest must withdraw from the room or chamber whilst the item of business the subject of such prejudicial interest is being considered*

AGENDA

1. APOLOGIES FOR ABSENCE			
2. DECLARATIONS OF INTEREST			
3. MINUTES OF LAST MEETING			
(i) To approve as a correct record the minutes of the meeting held on 28 th March 2011 (Copy previously circulated).			
4. PUBLIC QUESTION TIME			
No	Title & Purpose of Report	Executive Summary	Additional Papers
5. BUSINESS IS ENCOURAGED AND THE LOCAL ECONOMY PROSPERS			
5a	Town Centres Regeneration Note: The “STOP” Campaign Petition referred from Council on 11th April 2011 will be dealt with as part of this item. Presented by: Cllr Lady Newton Officer Contact: Jon Hayden	Page 1	Pages 1 - 33 Pages 34 - 48 Pages 49 - 50 Page 51 Pages P184 - P215 Pages P184 - P197 Pages P198 - P199 Pages P200 - P202 Pages P203 - P206 Pages P207 - P211 Pages P212 - P215
5b	<i>Asset Management - 2011/12 Asset Management Plan</i> Presented by: Cllr Lady Newton Officer Contact: Jon Hayden	Page 16	Page 52 - 67
6. PEOPLE TAKE PRIDE IN THEIR LOCAL AREAS			
6a	Leisure Services and procurement of a new leisure management contract Presented by: Cllr Mrs J Beavis Officer Contact: Nicola Beach	Page 18	
6b	Revised Safeguarding Policy Presented by: Cllr Mrs J Beavis Officer Contact: Charmaine Dean	Page 30	Pages 68 - 115

7. THE ENVIRONMENT IS CLEAN AND GREEN			
7a	Great Notley Discovery Centre community based wind turbine project Presented by: Cllr Mrs W Schmitt Officer Contact: Mark Wilson	Page 32	Pages 116 - 126 Pages 127 - 132 Page 133 Page 134
8. WE DELIVER EXCELLENT, COST EFFECTIVE AND VALUED SERVICES			
8a	Annual and Fourth Quarter Performance Management Report 2010/11 Presented by: Cllr C Siddall Officer Contact: Cherie Root	Page 41	Pages 135 - 166 Pages 167 - 168
8b	Essex Partnership Arrangements Presented by: Cllr G Butland Officer Contact: Allan Reid	Page 43	Pages 169 - 183
9. CABINET MEMBERS' UPDATES - to receive Cabinet Members' verbal reports on key issues within their portfolio			
10. REFERENCES FROM COUNCIL/COMMITTEES/GROUPS			
10a	There are none		
11. CABINET APPOINTMENTS			
11a	Appointment of Representatives to Outside Organisations	Page 46	
11b	Appointments to Cabinet Groups for the civic year 2011/12	Page 49	
12. REPORTS/ DELEGATED DECISIONS/MINUTES TO BE NOTED			
12a	<u>Cabinet Member Decisions made under Delegated Powers</u> – to note recently made delegated decisions Officer Contact: Sharon Lowe	Page 52	
13. URGENT BUSINESS AUTHORISED BY THE CHAIRMAN			
14. EXCLUSION OF PUBLIC AND PRESS TO CONSIDER REPORTS IN PRIVATE SESSION – for reasons set out in Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972			

The last page of the public agenda is numbered 53.

Town Centre Regeneration		Agenda No: 5a
Corporate Priority: Business is encouraged and the local economy prospers Portfolio Area: Enterprise Housing and Development Report presented by: Cllr Lady Newton Report prepared by: Jon Hayden		
Background Papers: <ol style="list-style-type: none"> 1) Corporate Strategy 2008-2012 2) Reports to Cabinet 07/07/2008, 01/12/2008, 12/10/2009 and 01/02/2010. 3) Cushman and Wakefield Braintree Town Centre Preliminary Development Analysis April 2009 4) GVA Grimley Braintree District Council Retail Study April 2010 		Public Report
Options: <ol style="list-style-type: none"> 1. To approve or not approve the development of a four year Enhancements Strategy to assist in the regeneration of Braintree, Witham and Halstead Town Centres. 2. Following consideration of proposals from potential private sector partners to approve or not approve the selection of Henry Boot Developments Limited as the 'Development Partner' for the town centre regeneration site in Braintree. 		Key Decision: yes
Executive Summary: <p>The Council has identified in its Corporate Strategy 2008-2012 under the Corporate Priority "Business is encouraged and the local economy prospers" a need to carry out work on the regeneration of Witham, Braintree and Halstead town centres.</p> <p>In order to create sustainability across each of the town centres it is proposed to develop an Enhancements Strategy for each town which will increase economic growth, footfall and employment and provide new retail opportunities and public facilities. A comprehensive four year programme for the town centres will be created, which will achieve greater accessibility, identity and linkages across the town centres and provides a sustainable regeneration solution. The strategy for each town centre will make use of public consultation recently collected through the Talk of the Towns consultation.</p>		

A programme will be created for each of the town centres which will include identifying and delivering cost effective solutions across the towns over the four year period. Private sector led strategic sites already identified in each town will be the catalyst for regeneration, complemented by agreed supporting initiatives. The private sector led sites will create private sector investment into the towns and reduce the risk to the tax payer.

In order to kick-start regeneration in Braintree town centre a key town centre gateway project has been identified in the town to deliver improvements which would include an enhanced bus interchange, increased parking, larger shops, a hotel and restaurants/cafes.

The selection of Henry Boot Developments Limited as the 'Development Partner' for the regeneration site would enable a private sector led delivery of these improvements and create a private sector investment in the town of c.£14m

Decision:

For Cabinet to:

1. Approve the development of a 4 year Enhancement Strategy to assist in the regeneration of Braintree, Witham and Halstead Town Centres.
2. Approve the selection of Henry Boot Developments Limited as the 'Development Partner' for the Braintree town centre regeneration site.
3. Delegate to the Director of Sustainable Development to agree final terms of the Development Agreement in consultation with the appropriate Cabinet Member.
4. Delegate to the Director of Sustainable Development to agree a lease on the regeneration site with the 'Development Partner' for a 200 year term in accordance with the proposals set out in the report.

Purpose of Decision:

To develop a 4 year Enhancement Strategy to assist in the regeneration of Braintree, Witham and Halstead town centres.

To approve Henry Boot Developments Limited as the 'Development Partner' to provide private sector investment in delivering and operating the regeneration site.

The Council would transfer its land under a 200 year lease and sign a Development Agreement. This development would make a major contribution towards the regeneration of Braintree town centre.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	Please see the financial information contained within this report.
Legal:	Completion of an appropriate Development Agreement and lease for the use of Council land with the 'Development Partner'.
Equalities/Diversity	Improvements would provide greater accessibility across the towns.
Customer Impact:	Provide improved, sustainable, attractive and vibrant town centre facilities for the benefit of the public and local businesses. Employment and growth opportunities would be created.
Environment and Climate Change:	Promote use of public transport, accessibility to town, encourage the public to shop locally and reduce car journeys to competing retail facilities.
Consultation/Community Engagement:	Committees, public, businesses and stakeholders have been consulted throughout the process.
Risks:	<p>There are different types of risk associated with the Town Centre projects that will be identified and managed.</p> <p>With regard to the initial risks inherent in the procurement process, examples are outlined below:</p> <ol style="list-style-type: none"> 1) Insufficient funding available to complete programme of improvements. 2) Construction costs increase through inflationary pressures. 3) Developers/partners delay the schemes due to market uncertainty. 4) Retail units are not able to attract tenants. 5) Developer pulls out of the scheme. 6) Town Centre improvements fail to increase footfall and growth. 7) Development Partner has insufficient funds to complete project.
Officer Contact:	Jon Hayden
Designation:	Director of Sustainable Development
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Town Centre Regeneration

1.0 Introduction

- 1.1 The Council's Corporate Strategy for 2008-2012 has identified the regeneration of Witham, Braintree and Halstead town centres as a key priority.
 - 1.2 In 2008 the Council commenced its Three Towns: One Vision Strategy. The aim of the strategy is to stimulate regeneration, new development, and investment to provide modern facilities, commercial premises and new homes into the town centres; improving the attractiveness for shoppers, visitors and residents alike. Proposals like these are intended to produce a beneficial ripple effect into neighbouring areas, encouraging new investment for a better, more sustainable future.
 - 1.3 At the time of launching its Three Towns: One Vision Strategy in 2008, the Council carried out an initial consultation exercise covering the general public, business groups, community groups, local committees, Members, Town Councils, town centre strategy groups, Chamber of Trade, Braintree District Business Council, special interest groups and individual residents. The consultation results highlighted widespread support for the identification and implementation of regeneration and improvement initiatives within each of the Witham, Halstead and Braintree town centres.
 - 1.4 Over recent months the Council has been in discussions with the prospective owners of the Newland Shopping Centre in Witham. The prospective owners have identified opportunity to regenerate the shopping centre which could incorporate a number of landholdings within the regeneration proposals to enable the delivery of a sustainable shopping centre. The Council is awaiting design proposals from the private sector on this opportunity. In addition, following the recent Talk of the Towns consultation, the Council is looking at a number of initiatives to improve other parts of the town including the market. These initiatives are likely to include signage, pedestrianisation and improvements to the public realm in the form of landscaping and street furniture. Any proposals will be subject to public consultation.
 - 1.5 In Halstead, the Council has been working with 7 other landowners to bring forward a 5 acre regeneration opportunity in the centre of the town. A purchaser has been selected to acquire and redevelop the assembled site and work is progressing towards a conditional exchange of contracts, subject to all parties agreeing the final form of contract. In addition, following the recent Talk of the Towns consultation, the Council is looking at a number of additional improvements across the town. These initiatives are likely to include improvements to the public realm in the form of tree planting/landscaping and street furniture. Any proposals will be subject to public consultation.
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- 1.6 In Braintree the Council has been working with residents and businesses to identify and deliver the opportunity to create sustainable growth across the town. This growth would not only improve the existing High Street and Town Centre but would deliver new shops and public facilities.
- 1.7 The Council has already identified one such opportunity; the acquisition of 77 South Street. This opportunity involves Braintree partnering with Essex County Council to provide an improved traffic flow via road widening. This will help improve access to the town centre and will help reduce congestion and improve accessibility to the town.
- 1.8 The Braintree town centre regeneration site set out in the Council's Three Towns: One Vision strategy has gone out to the open market for private sector organisations to provide proposals for a market led solution for the site. Proposals have been put forward by private sector bidders for the provision of new larger shops and new facilities.
- 1.9 Linked into the regeneration of Braintree Town centre is the work being carried out to create a Business Improvement District (BID). This initiative has already been successfully applied to many town centres around the country including Bury St Edmunds and Bedford. In essence the idea is to work with retailers, office occupiers, market traders and other commercial businesses, within a defined geographical area and to agree on a clear strategy to improve the town centre and increase footfall.
- 1.10 The Braintree Town Centre BID, has received funding from the Council to enable a limited company to promote the concept. During the next six months businesses will be invited to attend open forums to debate the potential aims and objectives of the BID.
- 1.11 These could include improved security, cleaning, signage, and marketing as well as less obvious items such as savings on insurance and waste management.
- 1.12 Having promoted the idea and set out clear objectives with a full five year financial plan, the companies within the BID area will be asked to vote on whether they want to endorse the BID later this year.
- 2.0 **4 Year Programme**
- 2.1 In order to establish and deliver improvements, a four year programme sets out the timetable for delivery across the three towns.
- 2.2 The work on each of the three towns will begin with an Enhancement Strategy. This strategy will draw on the data collected from the Talk of the Town public consultation, learn from successful improvements in other market towns and identify solutions that could improve the three town centres.
- 2.3 The Enhancement Strategies will identify linkages between the overall town centres and the strategic projects within. Witham will identify improvements to complement possible regeneration of the Newlands Centre. Halstead will identify improvements to the High Street to compliment the opportunity to the east of the High Street.

2.4 Following the recent public consultation, work has already begun on the Braintree Town Centre Enhancement Strategy. The Braintree strategy will provide opportunities/improvements to Market Place and the High Street area which will create strong linkages to the town centre regeneration site.

2.5 The first part of the strategy is attached as Appendix 1

The timetable for delivery is set out for each of the 3 towns below :-

2.6 Braintree

Selection/Appointment of a 'Development Partner' for regeneration site 2011/12

Braintree Enhancements Strategy 2011/12

Public Consultation - Enhancement Strategy 2011/12

Commencement of Town Improvements 2012/13

2.7 Witham

Witham Enhancements Strategy 2012/13

Public Consultation - Enhancement Strategy 2012/13

Newlands- Private sector led proposals 2012/13

Commencement of Town Improvements 2013/14

2.8 Halstead

Land East of High St Agreement 2011/12

Halstead Enhancements Strategy 2012/13

Public Consultation - Enhancement Strategy 2013/14

Commencement of Town Improvements 2014/15

3.0 The Braintree Town Centre Regeneration Site

Current Challenges

3.1 Over the last 3 years a number of reports and studies have been commissioned to identify the challenges and opportunities relating to the Braintree town centre.

3.2 The studies produced and general public feedback has concluded that the town centre in Braintree requires investment to facilitate regeneration opportunities and provide new and improved facilities for the town. Although the town has a strong independent retailing offer, the quality of the retail offer has declined over recent years with a number of retailers leaving the town centre (e.g., Marks and Spencer, Millets, Rippingales, Hardys, Hannays Bank Street, Wimpys). One of the reasons for Marks and Spencer leaving the town was the shop space was not large enough for their requirements. The town centre now requires support for existing retailers and opportunities for new retailers to come into the town and provide further choice and increase footfall.

Current Braintree Retail Offer

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- 3.3 Braintree, being a traditional market town contains a large number of traditional smaller sized shop units which has benefited the town through the provision of good quality independent retailers.
 - 3.4 A major cause for concern is the leakage of local residents to other shopping centres outside of the town which has a negative impact on the viability of local retailing and local employment opportunities, and also from an environmental/sustainability viewpoint.
 - 3.5 Another challenge is how the Town Centre attracts footfall and income alongside Freeport Shopping Centre. Although Freeport provides 'outlet' goods Freeport is reasonably close to the Town Centre and provides alternative retail options for visitors and residents.
 - 3.6 The general consensus of opinion is indicating that Braintree's street market requires improvement. The town's signage, accessibility, highways infrastructure, street furniture and landscaping have all been identified as areas for improvement and investment.
 - 3.7 Braintree Town Centre currently has only 10 retail units (2%) exceeding 5,000 sq ft in floor area (Experian Goad Town Centre Report (2008)). The low number and proportion of large units suggests that Braintree Town Centre is not well anchored in respect of comparison goods (retail items not obtained on a frequent basis e.g., clothing, footwear, household and recreational goods). Braintree therefore has a high proportion of smaller units.
 - 3.8 Braintree Town Centre should not try and compete with the other sub regional centres, but should maintain its function as the highest order/best comparison retail destination within the District. This will require the provision of new retail floorspace to create this sustainability
 - 3.9 Braintree needs to provide floorspace better suited in size/shape to the needs of contemporary comparison traders within the town centre to try and consolidate future viability and vitality.
 - 3.10 An increase in availability / stock of larger retail units would make Braintree more attractive to modern stores, and in turn higher profile comparison retailers. This will result in an overall improved retail offer and stronger performance.
 - 3.11 A report produced by Cushman and Wakefield in 2009, titled "Braintree Town Centre Preliminary Development Analysis" highlighted that there were shortcomings regarding the size of retail units in Braintree which makes it difficult for the town centre to improve its comparison retail offer. The report concluded that Braintree town centre was performing relatively well, however, a number of national multiples are not present in the town centre and larger sized footplate units that are not currently available are required to cater for this type of retailer. The report indicates that Braintree clearly has the potential to perform relatively better than it does at present.

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- 3.12 In addition, the Council commissioned the “Braintree District Retail Update Study” (GVA Grimley 2010) produced as supporting evidence for its LDF (Local Development Framework). This document identified Braintree as having a clear longer term capacity for retail development. Over the LDF period (2011-2026), this study identified Braintree town centre as having a minimum capacity for additional comparison goods space of 13,638m² net and additional convenience goods (the provision of everyday essential items including food, drinks, newspapers and confectionary) space of 2,562m².

Car Parking

- 3.13 Currently there is an imbalance of car parking available across the town with c.772 spaces on the western side of the town in George Yard and c.597 spaces on the eastern side of the town in Tesco’s, Manor Street/ Victoria Street and Sainsbury’s. This imbalance creates problems with accessibility to the eastern side of the town which is a major gateway into the town centre.

Public Transport/Taxis

- 3.14 Good quality public transport/Taxi provision into the town centre is essential in order to provide access to the shops and local facilities. Although the Town has a bus interchange and taxi ranks situated on the eastern side of the town centre, these services need to be more accessible to all parts of the town including the western end of the High Street. This will have a positive impact in terms of attracting shoppers, visitors and new retailers and businesses into the town.
- 3.15 The Council has met with Essex County Highways and some of the bus companies. The bus companies who were in attendance at the meeting were in favour of any improvements that could be provided in the town for passenger transport.

Public Realm

- 3.16 Investment has been made over recent years improving public realm across the town centre. However, it has been highlighted that a lot of the remaining town centre public realm is of poor quality and improvements/provision are required to encourage new visitors and businesses to the town.

Hotels

- 3.17 The Braintree Hotel Futures Investment Fact File produced by Hotel Solutions January 2010 identifies potential for hotel development in Braintree over the next 10-15 years as the District’s economy and leisure and tourism offer develops. Hotels along the A120 at Braintree are already popular and the Hampton hotel has significantly increased occupancy rates in this part of Braintree. The study also identifies potential for a hotel of 50-100 bedrooms in or around Braintree town if there is strong growth in demand for hotel accommodation.

Available Regeneration Sites

- 3.18 There is currently limited opportunity which would provide medium to large sized shop units or increased parking provision in the town. The only sites currently available to provide additional retail units are next to the Town Hall/ existing bus interchange and the George Yard multi storey car park. Both sites are owned by Braintree District Council, however, the only suitable and viable site at present is the site next to the Town Hall. George Yard is not viable in the current market but has the potential to come forward in the future when market conditions improve.

4.0 Braintree Town Centre Public Consultation

- 4.1 A detailed report on the public consultation can be found in Appendix 2

Aim of the consultation

- 4.2 Two different surveys were developed in order to understand :

Residents views about the town centre in general
Specific views about the two developers proposals for the regeneration site next to the town hall

Summary of Consultation

- 4.3 Eighty percent of respondents support increasing the number of shops in the town centre to attract more people to shop – especially important is the choice of shops which should not replicate what the town centre already has to offer. This support was replicated in the regeneration site survey where 63% of respondents felt that more shops in this location would attract more people to shop in Braintree.
- 4.4 When asked to name three things that would make most difference to Braintree town centre, the top two most frequently mentioned opinions were “more variety of shops” and “more choice of quality shops”.
- 4.5 94 % of people think Braintree’s independent shops give the town character and so it is important that this is respected in any regeneration plans
- 4.6 The majority (57%) of respondents think the regeneration site development will have a positive affect on the rest of the town centre businesses, 37% are concerned that it will have a negative impact drawing business away from other retailers.
- 4.7 A significant number of respondents are concerned that there are already empty shops and charity shops in the town centre and want the Council to do more to support the existing retailers.

The effect of parking in the town centre

- 4.8 87% support the view that to encourage more people to shop in the town, the availability of parking needs improving.

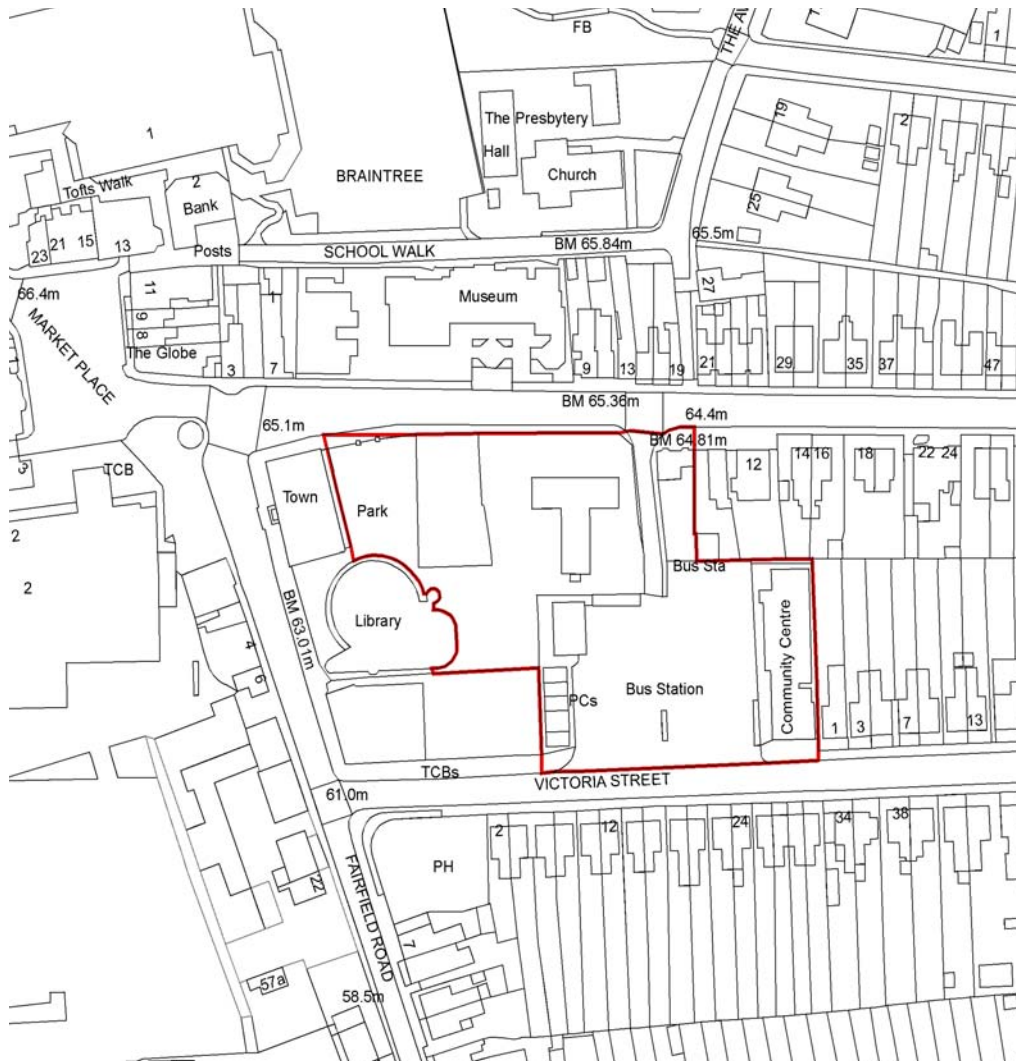
- 4.9 In the regeneration site survey this translated into the majority of respondents choosing the parking option with most spaces (250) and the most frequently expressed concern that even this would not be enough for the town's needs.
- 4.10 Finding a space easily; is more significant in most people's minds when parking in the town, than the price of parking. However affordable car parking and short stay free parking is important to many. Promotional offers might also be a consideration as nearly three quarters of respondents felt it would encourage them to shop more frequently in town.
- 4.11 The possible impact on congestion of more car parking in the proposed regeneration development is a concern expressed by many.

A relaxing evening culture – restaurants and bars

- 4.12 The majority of people (58%), feel that Braintree needs a relaxing evening culture including more restaurants and bars. The results from the regeneration site survey support this view.
- 4.13 When asked to name three things to improve Braintree town centre, quality restaurants and bars was the fifth most popular suggestion.
- 4.14 The regeneration site survey also highlighted the concern that any new restaurants and bars must be of a high quality.

5.0 The Regeneration Site

- 5.1 The Council now has the opportunity to enable an appropriate regeneration / redevelopment scheme on the site in its ownership situated behind the Town Hall in Braintree (and as outlined in black on the attached plan). The site comprises c.0.7 hectares (1.73 acres).



In order to deliver the regeneration proposals, the Council has gone out to the market to identify a private sector development partner offer via the “OJEU” process. The private sector offer will involve private sector investment and will be led by market conditions.

The OJEU process applies to public sector bodies where the value exceeds £3,927,260. It involves advertising the development opportunity in the Official Journal of the European Union (OJEU) inviting expressions of interest, pre-qualification of bidders, inviting submission of detailed final solutions, public consultation, tender evaluation and, finally, a report and recommendation to Cabinet.

6.0 **Scheme Requirement and Objectives**

- 6.1 The Council detailed its requirements for the site within the Descriptive Document which was amended and updated in June 2010. The Descriptive Document provided developers with an outline of the Council’s requirements in terms of design, layout, facilities and ambitions for the scheme.
- 6.2 A table of Programme Board and Member Meetings and associated decisions can be found in **Appendix 3**
- 6.3 The Council had identified a need to revitalise Braintree town centre and, therefore, wished to enter into arrangements with a private sector

'Development Partner' which would deliver a mixed use development scheme on the land to the rear of the Town Hall, comprising the following elements: -

- a) Appropriate commercial development
- b) Undercroft / basement or other commercially viable parking which, as a minimum, replaces the existing provision
- c) Appropriate residential development
- d) A new bus interchange
- e) Any other appropriate uses in accordance with planning policy

7.0 **The Evaluation Criteria**

7.1 The aims of the final stage submission are to demonstrate to the Council and its advisers that the shortlisted parties wholly support and fully understand the vision and ambitions of the Council.

7.2 In selecting the preferred development partner, the Council is requested to have regard to the following criteria.

- The economic and financial standing of bidders.
- The capability to secure appropriate financing for the Project.
- The ability and technical competence of bidders to meet fully the Authority's requirements for the Project, including the organisational, managerial and technical capability to carry out the Project.
- Technical, financial and economic track record for projects of a similar nature.
- Proven understanding of the skills required for project organisation and delivery.

7.3 As part of the selection process a scoring matrix was devised in order to give the appropriate weighting to the various evaluation criteria. The scoring matrix is attached in part two of the report.

7.4 The three principle criteria with weightings are as follows:

Criterion	Percentage of Overall Score
Quality	30%
Value for Money	40%
Deliverability	30%
Total	100%

7.5 An Evaluation Panel comprising 4 District Councillors (Councillors Graham Butland, Nigel Harley, Nigel McCrea and David Mann), an Essex County Council Urban Design representative, an Essex County Council Highways representative, the Development Management Manager, and the Director of Sustainable Development assessed the development proposals submitted. The Panel met in late March to score the bids.

8.0 OUTCOME OF TENDER EVALUATION

8.1 Following an evaluation of the two bids received for the Regeneration site, the bid submitted by Henry Boot Developments Limited received the highest combined score.

8.2 The Henry Boot Developments Limited scheme proposals consisted of the following mix.

Retail	32,000 sq ft net at ground level
A3	5,990 sq ft net at ground level
Hotel	60 bedrooms on first, second and third floors
Car Park	250 space multi-storey car park reaching 6 levels.
Interchange	A six bay self contained bus interchange facility incorporating café and toilet facilities.

8.3 Design Drawings of the Henry Boot Developments Limited scheme are set out in **Appendix 4**

8.4 Due to commercial sensitivity the scores for both bidders and the breakdown is contained in the confidential appendix to this report.

9.0 **Development Proposal**

9.1 The Henry Boot proposal incorporates a mix of retail (including restaurant) and a hotel with a significant level of associated car parking. Provision for bus parking is made within a two thoroughfare section at the eastern end of the development, linking Manor Street and Victoria Street.

9.2 The mix of uses is appropriate to the town centre fringe although the final retail providers would be led by market conditions. The development may deliver a single retailer or add capacity for a range of retailers. The footprint of the development incorporates curved frontages which reflect the circular form of the modern library and help to create an interesting space between the existing buildings and the new development.

9.3 In terms of its scale, the development is subordinate to the Town Hall and the Library. Although contained within the first and second floors, the car park is a significant element of the proposal. The most sensitive elevation in this respect is the frontage to the proposed bus Interchange.

9.4 The bus Interchange arrangements will provide good flexibility in terms of bus routes. The junction between the bus Interchange and the existing residential areas on both street frontages will need careful thought.

9.5 The parking provision exceeds the requirements of the brief and would add significantly to public parking provision within the town centre.

Highways

9.6 This scheme offers a dedicated bus Interchange and provides a total of 6 bus stands (5 at present), with the option of an additional one stand on Victoria Street making the total 7. The scheme provides an additional 137

car parking spaces than the existing town centre arrangements and removes all the existing on street parking to enhance the proposed shared surface area. The scheme provides a large and attractive shared surface for vehicles and pedestrians and removes most of the traffic from the shared surface by having the entrance and exit to the car park via the entrance and exit to the bus station. This scheme is very flexible and provides opportunity for future town centre improvements/developments

Planning

- 9.7 The site is located at the eastern end of Braintree's town centre, immediately behind the group of buildings that face the Market Place. It occupies a zone of transition between the Market Place and public buildings on Fairfield Road and the smaller scale, residential areas of Manor Street and Victoria Street.
- 9.8 The proposed mix use site is designated as within the town centre in the adopted Local Plan and will be identified in the Local Development Framework. It lies within a designated Conservation Area and abuts important historic buildings including the Grade II* Listed Town Hall.
- 9.9 A number of design meetings were held with the bidders and Essex County highways/ Essex Design Initiative during the Competitive Dialogue process to provide guidance and feedback on the plans and proposals being developed by the bidders.
- 9.10 Further work would be required on elements of the design to enable Henry Boot to work up a detailed design proposal and submit as a planning application. The Council would then process the application before reporting to the planning committee.

10.0 Selection of Preferred Partner

- 10.1 The Council has, in Henry Boots Developments Limited, secured a highly regarded property company in Henry Boot as a proposed 'Development Partner', who is keen to undertake the redevelopment of the regeneration site and work with the Council to deliver key regeneration initiatives in Braintree. Cushman and Wakefield consider that Henry Boot Developments Limited has the skill and expertise to meet the Council's objectives and deliver a successful development scheme.

Financial Resource

- 10.2 Henry Boot has the resources to fund the development itself. This has been confirmed by Cushman and Wakefield.

Financial offer

- 10.3 Henry Boot has offered a ground rent to the council on an annual basis once the scheme is completed and operational.

Council Costs

- 10.4 Henry Booth has included an allowance to cover costs incurred by the Council on this project.

11.0 Approval of Regeneration Scheme

- 11.1 There are a number of benefits in developing and delivering this opportunity. A few of these are listed below :
- Significant private sector led investment in the town (c. £14 million) which will attract new retailers, extra shoppers and visitors.
 - Revenue income to the Council which could help fund further Town Centre regeneration e.g., pedestrianise Market Square / High Street, improved market offer, improved signage, new street furniture and planting, improve usage of the Town Hall.
 - Improved accessibility via increased car spaces
 - A modernised/ improved bus interchange.
- 11.2 The selection of Henry Boot as the 'Development Partner' for the regeneration site would enable a private sector led delivery of these improvements and creating a private sector investment in the town of c.£14m.

Due to commercial sensitivity, the financial breakdown of the proposals are contained in the confidential appendix to this report.

Asset Management – 2011/12 Asset Management Plan		Agenda No: 5b
Corporate Priority:	We deliver excellent, cost effective and valued services	
Portfolio Area:	Enterprise, Housing and Development	
Report presented by:	Cllr Lady Newton	
Report prepared by:	Andrew Epsom	
Background Papers:	Public Report	
N/a		
Options:	Key Decision:	
Members are requested to approve, amend or not approve the Asset Management Plan	NO	
Executive Summary:		
To seek Members’ approval on the 2011/12 Asset Management Plan (AMP)		
The Asset Management Plan sets out the Council’s strategy for managing its property resources to improve and enhance service delivery, to improve efficiency, reduce costs and support corporate priorities, goals and objectives. The Asset Management Plan summarises the Council’s Asset Management achievements in 2010/11 and sets out its milestones and objectives for 2011/12.		
Decision:		
Members are to approve the 2011/12 Asset Management Plan.		
Purpose of Decision:		
Approval of the 2011/12 Asset Management Plan		

Any Corporate implications in relation to the following should be explained in detail	
Financial:	None
Legal:	N/a
Equalities/Diversity	N/a
Customer Impact:	The delivery of excellent, cost effective and valued services
Environment and Climate Change:	N/a
Consultation/Community Engagement:	Members and Officers consulted
Risks:	a) Changing Council Policy b) Changing Central Government Policy c) Difficult Economic Climate
Officer Contact:	Andrew Epsom
Designation:	Head of Asset Management
Ext. No.	2921
E-mail:	andep@braintree.gov.uk

Report on Leisure Services and procurement of a new leisure management contract		Agenda No: 6a
Corporate Priority: Everyone can enjoy a healthy lifestyle Portfolio Area: Communities Report presented by: Cllr Mrs Joanne Beavis Report prepared by: Nicola Beach		
Background Papers: <ol style="list-style-type: none"> 1. Cabinet Report 7 December 2010 on Witham Leisure Centre 2. Cabinet report on Land Deal for Witham Leisure Centre 28th March 2011 3. Review of Leisure Facilities and Services by Strategic Leisure, March 2011 (parts are commercially sensitive) 		Public Report
Options: To approve or not approve the procurement approach to the new leisure management contract and the governance arrangements giving delegated authority to the Cabinet Member during the procurement process.		Key Decision: YES
Executive Summary: This report outlines the procurement approach and timetable for the new leisure contract and the governance requirements for the leisure project (procurement of a new contract and construction of the new leisure centre); provides an update on the new Witham Leisure Centre project; and sets out key issues on the current leisure contract. New Leisure Contract Braintree District Council (BDC) currently has a leisure management contract with DC Leisure (DCL). The current contract is for 10 years and is due to end in August 2012. The current management arrangements need revision to ensure the new contract is effective in delivering agreed outcomes, customer focused and offers good value for money to BDC. The annual contract management fee for 2011/12 is budgeted at £874k. In September 2010, Strategic Leisure (leisure consultants) were commissioned by BDC to carry out a review of the current leisure management contract and facilities, to inform and guide the decision making process for the Council in terms of its future leisure facility portfolio and the new leisure contract. The report recommended that in the current market there is a need for BDC to test the cost of the operation of leisure facilities; the aim being to operate the contract more commercially whilst delivering a		

high quality service to our customers. Given that the operational management of BDC's sport and leisure facilities is already delivered through an external operator, it is not considered an option to bring this management back in-house, due to the resources involved and lack of financial benefits to BDC. Other recommendations are included in this report.

The high-level procurement timetable for the new leisure contract commences with an advert to the market in late June '11, short-list of bidders in September '11, with tender submissions at the end of the calendar year and appointment of the preferred bidder in April 2012, leaving a reasonable mobilisation period for the start of the new contract on 1st September 2012. The length of the new contract is recommended to be 10 years, with the option of a 5 year extension.

After a separate tender process to engage leisure consultants to develop the new leisure contract and manage the procurement process (completed in April '11), BDC has appointed leisure consultants Torkilsden Barclay. They will work closely with BDC's project team to bring additional capacity, experience and skills to the team. BDC will also increase its project management support to the leisure project to ensure that there is co-ordination between the new leisure contract process and the building of the new Witham Leisure Centre.

Witham Leisure Centre

The planning application for the Witham Leisure Centre was submitted at the end of April '11. The lease agreement for the land is being progressed with Academies Enterprise Trust (AET). The procurement process for the 'design and build' contract started in May '11 with the issue of the OJEU (official journal of the European Union) advert. The award of the contract is planned for Cabinet in December '11, with the new facility scheduled to open in spring 2013. Demolition of the old school buildings to clear the site will start in the autumn 2011. Current user groups of the Bramston site have been contacted to explore their needs in the new facility, e.g. storage areas. The demolition costs for Bramston have now been estimated and the options for use and potential value of the site are being explored to offset this cost.

Current Leisure Contract

There are some issues with the current leisure contract, specifically the opening of the new Maltings Academy in September '11 which brings to an end the current joint-use agreement between BDC and the Maltings Academy. The joint-use agreement has a value of £100k revenue per annum paid by the school to DCL and BDC to cover the cost of running Bramston for schools, so this presents a financial risk to BDC; ways to mitigate this are being explored with DCL and AET.

Decisions:

For Cabinet to:

- (1) Approve the procurement approach for the new leisure management contract (outlined in section 2.3) with BDC going out to market for a new contract;
- (2) Approve the governance arrangements for the procurement of the leisure management contract and the construction contract for Witham Leisure Centre, giving delegated authority to the Cabinet Member for Communities, in consultation with the Corporate Director, to approve key stages in the procurement processes as outlined in section 5 of this report.

Purpose of Decision: to enable BDC to start the procurement process for a new leisure management contract and approve the new governance arrangements to ensure that the new contract will start in September 2012 when the current one ends.

Any Corporate implications in relation to the following should be explained in detail

Financial:

The budget required for the procurement of a new leisure management contract and associated costs is estimated at £133k (revenue), details below:

- This includes leisure consultant fees, legal fees, site surveys and additional BDC project management support, plus a 10% contingency allowance.
- It is proposed that the cost of the leisure consultants, legal fees and part of the cost of the additional project management support, estimated total of £87k, will be met from the corporate budget (£200k) approved in February 2011 to support contract renewals.
- The one-off cost of site surveys (estimated at £30k) will be met from the current under-spend in the communities budget 2010/11; the remainder of cost for the additional project management support (£16k) will be met from the leisure staff budget over two years (2011/12 and 2012/13).

The total leisure services budget for 2011/12 is £1.168 million, which apart from the contract management fee, includes other costs such building insurance, service charges and grounds maintenance.

The figures above *exclude* any revenue or capital funds required for the purchase of fitness and other leisure equipment, unplanned repairs or maintenance as a result of detailed site surveys, or new investment in facilities. These will be subject to separate bids at the right time in the process.

In addition, there is the financial risk of the end of the joint-use agreement at Bramston worth £100k per annum to DCL and BDC.

The demolition costs of Bramston leisure centre are estimated to be in the region of £400k; options for use and value of the site are being explored. This cost is currently excluded from the Witham Leisure Centre budget; the intention being that the demolition costs will be offset by the value of the site, but this will be subject to a separate business case and any change of use would be subject to a separate planning application.

Legal:	<p>Legal services have been involved in the project to date and have been consulted on the procurement approach recommended in this report (section 2.3).</p> <p>As part of the leisure consultant procurement that resulted in the appointment of Torkilsden Barclay, details of external legal support and costs were also requested; Torkilsden Barclay have recommended using the legal firm Walker Morris. A meeting will be held with BDC legal services and Walker Morris to agree the legal work to be done in-house, that to be done through the Essex Legal Partnership and the work that Walker Morris will do. BDC's legal services will co-ordinate and oversee this work to ensure that it is completed in the most cost-effective and timely manner. The legal work includes contract documentation and checks, procurement advice, sub-leases to leisure operator and revision of joint-use agreements with schools and Essex CC.</p>
Equalities/Diversity	The new leisure contract will adhere to the Council's equality and diversity policies; an equality impact assessment will be carried out on any changes to policies and service levels under the new specification.
Customer Impact:	A customer impact assessment will also be undertaken on the outcomes and aims of the new contract.
Environment and Climate Change:	The new Witham Leisure Centre will have a very good BREEAM rating (Building Research Establishment Environmental Assessment Method). More details were given in the December 2010 Cabinet report.
Consultation/Community Engagement:	There will be customer and stakeholder engagement as part of the development of the new contract and Witham Leisure Centre.
Risks:	<p>There are different types of risk associated with the leisure management contract that will be identified and managed as part of this project. The first category is related to the procurement process itself, the second to the detailed terms and conditions of a contract (e.g. responsibility for latent defects, change in law risk, utility benchmarking etc.). This second category will be developed as part of the Risk Register whilst constructing the procurement documents.</p> <p>With regard to the initial risks inherent in the procurement process, examples are outlined below:</p> <ul style="list-style-type: none"> • Potential lack of interest of the market should there be a large number of Councils undertaking similar procurement at the same time; • Potential lack of interest of the market given that DC Leisure are the incumbent operator;

	<ul style="list-style-type: none"> • Ability of commercial operators to provide a robust hybrid trust option (these still carry risk and may be challengeable) which does not require the Council to share risk should the model become untenable; • Smaller trusts may not have a suitable financial covenant or experience to be able to take on a large contract; • Council / Operator access to investment to improve revenue position; • Condition of the facilities and likely level of lifecycle maintenance costs required during the contract term will impact on the level of revenue savings that can be achieved; • Affordability – tenders coming in higher than the available Council budget, which may require a re-tender if the discrepancy is too high; • Witham Leisure Centre – the completed facility may have design/finishes issues that tenderers had not anticipated and could not have known about at tender stage, leaving the Council exposed to claims for a variation to the Management Fee. Similarly the cost of utilities may need to be reviewed once actual consumption is known, as no historical data will exist. • Dual use sites – the details of the re-negotiated joint-use agreements may not be fully known at tender stage, leaving the Council exposed to claims for additional costs should previously unidentified responsibilities fall upon the contractor. <p>In addition, there is a financial risk to do with the current leisure contract covered in section 4 of the report.</p>
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1. Review of Leisure Contract and Facilities

Braintree District Council (BDC) currently has a leisure management contract with DC Leisure. The current contract is for 10 years and is due to end in August 2012. The current management arrangements need revision to ensure the new contract is effective in delivering agreed outcomes; customer focused and offers clear value for money to BDC. The annual contract management fee for 2011/12 is budgeted at £874k.

In September 2010, Strategic Leisure (leisure consultants) was commissioned by BDC to carry out a review of the current leisure management contract and facilities, to inform and guide the decision making process for the Council in terms of its future leisure facility portfolio and the new leisure contract. This work was completed in March 2011.

The key recommendations are:

- The Council adopts a procurement strategy that separates the design and construction of the new Witham Leisure Centre facility from its subsequent management and maintenance;
- The Council procures the construction of new Witham leisure facility through a Design and Build process;
- The Council follows a competitive procurement process for a new leisure management contract to commence at the expiry of the current contract in August 2012 and when the new leisure facility is ready to open in 2013; this will give sufficient time for a staggered mobilisation process. Given that the operational management of BDC's sport and leisure facilities is already delivered through an external operator, it is not considered an option to bring this management back in-house or to a Council run Trust, due to the resources involved and lack of financial benefits to BDC.
- The Council market tests private sector investment in health and fitness provision in existing facilities as variant bids. This can be tested against the other options of BDC investing itself in facilities, or funding the capital to the contractor, or do nothing. A business case to look at these options will be developed.

The Strategic Leisure report also identified a number of issues that need to be addressed in preparation for the new contract:

- 1.1 Assessment of Need** - this has been completed for dry and wet facilities in the district and can be summarised: providing there is no loss of waterspace in the district there are sufficient swimming pools in the district; new sport halls (e.g. Academies) or existing halls must remain accessible to the community; there is a current and projected shortfall of fitness provision in the district so there is scope to expand existing fitness suites or create new ones, e.g. build a new fitness suite at Braintree Leisure Centre or Braintree Swim Centre.
- 1.2 Dual-use sites** with schools (senior schools and colleges) and Essex County Council (ECC) – current joint-use agreements apply to Braintree Leisure Centre, Notley Sports Hall, Halstead Leisure Centre (not all the facility, mainly sports hall and all weather pitch), and Witham Sports Ground (astro-turf and

grass pitches opposite Bramston site). The agreement at Bramston Leisure Centre will end in August 2011 when the new Academy building opens.

These joint-use agreements need updating and operational issues reviewed, e.g. contract staff cover, student access versus public use of facilities in daytime; plus the financial contribution to repairs and maintenance to reflect current costs of running leisure facilities. Feeder primary schools also have to be included.

To date BDC has been in discussion with all relevant schools and colleges and it is planned to have new agreements in place for the start of the new contract, with heads of terms agreed with schools and ECC prior to the issue of tender documentation in the autumn 2011. Linked to the new agreements is the possible transfer of some leisure facilities back to the schools.

1.3 Rationalisation of leisure facilities – a recommendation of the Strategic Leisure report is for BDC rationalize the facilities included in a new contract, with some facilities being transferred to schools to manage; discussions are underway with the relevant schools. There is also agreement to transfer the Mills Lane Bowls Green to the local bowls club by the end of the current contract. If any facilities are transferred there is a need to ensure that community access is maintained.

1.4 Aging leisure facilities and need for repair and investment - one option identified is to invest in a new fitness suite to boost income; this new suite could be built at Braintree Swim Centre (where there is no gym), or alternatively at Braintree Leisure Centre which currently only has a small fitness suite used by the school students and public. In the first instance, a high-level business case will be developed to assess the feasibility and economics of both options. These options can also be tested in the procurement process with bidders asked to submit variant bids of investment they would make to existing facilities. These can be evaluated against the other options of BDC investing itself in facilities, or funding the capital to the contractor, or do nothing. Any capital investment decisions by BDC will be the subject of a separate report and key decision.

In preparations for the tenders, there is also the need to survey all leisure facilities being included in the contract and identify any immediate maintenance or long-term works required. The cost of these surveys is covered in the financial section of this report.

1.5 Sports development

As part of the development of the specification, the Council's target sports and groups will be identified (e.g. women, people with disabilities, over 60's etc.) and we will require the bidders to set out in their Method Statements how they would go about delivering the development outcomes specified, and how this would be reflected in the programme of activities at each facility. We can specify that the Contractor prepares an annual Sports Development Plan showing how the outcomes will be met, for approval by the Council. As Council priorities change, so will the content of that Plan. If there are any changes that may require significant additional resources (either capital or revenue) then these will be subject to an agreed Variation between the Council and the Contractor.

- 1.6 **Provision and/or transfer of fitness equipment** – in preparation for the new contract, work has started on the inventory of current equipment in the leisure facilities, starting with Bramston. There are a number of options for BDC to consider with regard to provision and funding of equipment for the new Witham Leisure Centre and in the other facilities under the new contract. For example, one option is for the leisure operator to purchase new equipment for Witham Leisure Centre, and to provide new equipment (as required) for other facilities so transferring all risk to them, but possibly increasing contract fees. Another option is for BDC to fund new equipment using capital funds, but for the operator to make the purchase using their expertise and 'purchasing power', thereby sharing the risk, but possibly reducing revenue costs to BDC. These costs are not included in the current leisure budget or Witham Leisure Centre budget. These options and others will be investigated during the development of the contract specification and possible variant bids.

2. New Leisure Contract

In April 2011, BDC undertook a tender process to engage leisure consultants to develop the new contract specification, manage the procurement process and deliver the new leisure management contract. As result, Torkilsden Barclay has been appointed to carry out this work. Below are a number of issues that will be addressed as part of the development of the new contract and procurement process.

2.1 Outcome Based Contract

The specification for the Services will be outcome based i.e. will specify the outcomes the Council wishes to see achieved. This will support the Council's Annual Plan priority of "Everyone can enjoy a healthy lifestyle." Examples might be an increase in participation by teenagers, or the development of partnerships with local health providers, or surfaces free of dust and grime. Such outcomes will often have targets attached to them. It will be up to the contractor to determine how these are achieved, and at tender stage they will provide Method Statements setting out how they propose to achieve each outcome. The Method Statements will become contractually binding on the successful tenderer.

2.2 Evaluation Criteria

At the Invitation to Tender stage the Council will be required to set out very clearly what its evaluation criteria will be and how it will be scored. This is to ensure transparency of evaluation and prevent unsuccessful contractors from challenging the Council's award decision.

The first key decision to be made is the weighting in terms of Price (i.e. the tender price submitted) and the weighting in terms of Quality (i.e. the bidders' proposals as to how they will operate the contract and meet the Council's required outcomes). For some Councils the cost of the Contract and the level of savings to be achieved is key, so something like a 70:30 Price:Quality weighting may be used. For others the quality of the Service to be provided is crucial, so the weighting may be reversed. Typically on a 70:30 Price:Quality split, where a reasonable price differential between the tenders exists, it would be difficult for the lowest priced tender to lose even if its quality in comparison to other tenders was generally poor. The exception would be where the evaluation criteria included minimum thresholds for quality that the tenderer needed to achieve, and the lowest price tender failed to reach a number of these. Where Councils

require a more even balance between Price and Quality as 60:40 or 50:50 split is more likely to ensure this is reflected in the final scores.

Usually for Price each tender is evaluated in relation to the lowest bid. The Tender providing the lowest cost will be awarded maximum points. The remaining tenders are then awarded points on a pro rata basis.

For evaluation of Quality, tenderers will be required to submit Method Statements as to how they will deliver the Service (e.g. on programming, staffing, marketing, maintenance, cleaning etc). Each Method Statement will be scored on a range from 1 to 10, and each score will be weighted according to a pre-determined agreement as to its relative importance. The overall Quality score can then be added to the Price score to arrive at an overall Tender score. The contract is then awarded to the highest scoring tenderer.

In practice there are additional factors to be considered and accounted for, particularly where Variant Bids are required or permitted, or where a second stage tender phase is included within the process. However, the above sets out the main principles in terms of determining the evaluation criteria. BDC's final evaluation criteria and weightings will be agreed by the Cabinet Member (subject to governance arrangements being approved) by the end of August '11 in line with the timetable and prior to Invitation to Tender.

2.3 Procurement Approach and Length of Contract

Sport and recreation services are defined as a Part B service under the Public Contract Regulations 2006. This means that the procurement process does not have to strictly follow one of the four defined EU procedures (Open, Competitive Dialogue, Restricted and Negotiated), although there are other specified requirements. It also means that there is no requirement for the publication of an OJEU notice.

Some local authorities are comfortable working with their own bespoke procurement process designed to meet the particular requirements of the contract, others prefer to voluntarily undertake procurement using one of the defined EU processes. Ideally the Council should seek an option that provides it with the greatest flexibility in choosing the most economically advantageous tender. Under the defined procedures Competitive Dialogue (CD) offers the greatest flexibility. The CD process has been developed specifically for complex projects where the authority is not objectively able to define the technical means of satisfying their needs or objectives and/or are not objectively able to specify the legal and/or financial make up of the project. CD procurements are longer processes and more costly to both Councils and the bidders.

However, BDC's services are relatively clear to specify as there is a defined leisure service and facility portfolio. There is also a mature leisure services contractor market, and the legal and financial frameworks within that market are well tested. In this scenario the services are straightforward enough to procure under the Restricted procedure. However, this procedure does not permit any post tender negotiation. Therefore if the Council would like bidders to propose innovative solutions which add value to the Council's requirements (e.g. capital investment in facilities), this can be done under the Restricted procedure, but only by allowing bidders to submit optional variant bids which still has limitations.

However, as leisure services are a Part B service, BDC can follow a more flexible procurement route which has the option for some post-tender negotiations followed by Best and Final Offers. The stages of this route and provisional timetable are shown below. This still has elements of the restricted procedure, but gives BDC and bidders the option for negotiation which will enable the best result to be delivered.

It is therefore recommended that BDC adopts a Part B procedure, with the flexibility of Best and Final Offers if required. The length of the new contract is recommended to be 10 years, with the option of a 5 year extension.

2.4 Procurement Timetable

The provisional timetable for procurement, based on the premise of using a Part B procedure as recommended in section 2.3, is as follows:

- Late June 2011, issue of notice inviting expressions of interest and release Marketing Brief and pre-qualification questionnaire (PQQ) documents to commence the process for securing an operator. Finalise specifications, evaluation model and conditions of contract.
- End of August 2011, receive PQQ responses from bidders.
- Early September 2011, Council reviews PQQ responses and agrees bidder shortlist.
- Middle of September 2011, issue Invitation to Tender to bidders.
- Early December 2011, bidders submit their final tenders.
- January to early February 2012, Council team evaluates the final tenders submitted by shortlisted operators.
- February to March 2012, tender clarifications.
- End of March/April 2012 - Council decision on the selection of a preferred operator, followed by standstill period.
- April 2012, contract sign off; publish contract award notice.
- May – August 2012, mobilisation period as contractor prepare for start of new contract.
- September 2012 – Commencement of contract.

2.5 Overview of Leisure market

The market for the management of local authority leisure facilities has changed considerably since the original award of the Braintree contract.

The market has evolved, and there are now an increasing number of “not for profit” operators that are looking to expand. These offer a “softer” option as they are not driven by the need to make a commercial profit, although the best are able to compete with the private sector in terms of the “commercialism” of their management. In some instances we are now seeing larger, well established trusts such as Greenwich Leisure Limited (GLL), acting as a guarantor for more localised trusts bidding for contracts outside of GLL’s normal geographical remit. Some of the private sector operators have also set up quasi “trust” vehicles to achieve savings on NNDR (business rates), which enables them to compete against the leisure trusts and offer financial benefits to the Council.

In practice, there are five main private sector leisure management contractors now operating in the local authority market. The leisure trust market is more fragmented. Sporta, the umbrella industry body for such organisations represents around 115 leisure trusts. In recent years the market share of the traditional commercial contractors has decreased, whilst that of the leisure trusts has gone up. The market is therefore highly competitive, and it is likely that there will be significant interest in the Braintree contract irrespective of the fact that there is a current incumbent in DC Leisure.

3. Update on Witham Leisure Centre

The planning application for the Witham Leisure Centre was submitted at the end of April '11 following pre-application public and stakeholder consultation. Dialogue continues with the Academies Enterprise Trust (AET) and Essex County Council on the lease agreement for the land. The procurement process for the 'design and build' contract started in May '11 with the issue of the OJEU advert. The award of the contract is planned for Cabinet in December '11, with the new facility scheduled to open in spring 2013. There has been recent contact with current user groups (e.g. scuba club, schools) of Bramston to explore their needs in the new facility, such as storage areas for equipment and changing facilities.

The demolition costs of the Bramston leisure centre are estimated to be in the region of £400k. The options for the future use of the Bramston site (post demolition) are being investigated and the potential value of the land will be used to offset the demolition costs. Any change of use would be subject to a separate planning application.

4. Current Leisure Contract

The main issue is the opening of new Witham Academies in 2011/12, especially Maltings Academy which opens its new building on 1st September 2011 and is adjacent to Bramston. The Academy facilities will be open to the public and a key objective of the Academy will be to encourage the public, community groups and primary schools to use the Academy facilities.

There is one key financial risk to BDC that arises from the Academies opening and this is the current joint-use agreement between BDC and the Maltings Academy (formally John Bramston School) will end on 31st August 2011. The joint-use agreement has a value of £100k revenue per annum paid by the school to DCL and BDC to cover the cost of running Bramston for schools. The loss of this money presents a financial risk to BDC and work is underway with DCL and AET on how to mitigate this, for example by expanding the daytime programme to a wider public use for the centre to generate more income, plus making direct booking arrangements with primary schools that had previously used Bramston under the joint-use agreement. However this risk needs to be acknowledged now and will be added to BDC's corporate risk register.

5. Leisure Project Governance

To ensure that the procurement of the new leisure management contract is delivered in line with the timetable outlined in section 2.4 of this report and the Witham Leisure Centre project remains on track to be completed in Spring 2013, Cabinet are requested to give delegated authority to the Cabinet Member for Communities, in consultation with the Corporate Director, to make the

following decisions required during both procurement processes; this will be through an established Project Board:

New Leisure Management contract

- Outcomes and aims, and key performance indicators;
- PQQ and Tender evaluation criteria and weightings;
- Scope of contract specification including the facility portfolio;
- Transfer of leisure facilities to schools or community groups;
- New joint-use agreements with schools and Essex County Council;
- Risk management and allocation in the contract;
- Agree outcome of PQQ evaluation, including short-listing of bidders;
- Agree outcome of Tender evaluations;
- Proceed with any post tender negotiations or 2nd stage bids as required;
- Scope for business case for investment in existing facilities and testing this through the procurement process (any capital budget bid will be subject to a separate report to Cabinet);
- Engagement with customers and stakeholders, e.g. establishment of an end user group, leisure operator;

Witham Leisure Centre

- Final specification for 'design and build' tender;
- Tender evaluation criteria and weightings;
- Agree outcome of PQQ evaluation, including short-listing of bidders;
- Agree outcome of Tender evaluations;
- Engagement with customers and stakeholders.

The next key decisions for Cabinet will be contract award of 'design and build' contract for Witham Leisure Centre in December '11, followed by appointment of preferred bidder for leisure management contract in April 2012.

Revised Safeguarding Policy		Agenda No: 6b
Portfolio Area:	Everyone Can Enjoy a Healthy Lifestyle	
Report presented by:	Cllr Mrs Joanne Beavis	
Report prepared by:	Charmaine Dean	
Background Papers:	Public Report	
Safeguarding Policy; SET Procedures (multi-agency child protection guidelines for Southend, Essex and Thurrock)		
Options:	Key Decision:	
To approve or not the revised Safeguarding Policy		NO
Executive Summary:		
<p>The purpose of this report is to seek Cabinet approval of the revised Safeguarding Policy.</p> <p>The existing Safeguarding Policy has been reviewed to include all former separate groups (vulnerable adults, children and young children) in the one document. Amendments have been also made to take into account the latest legislation and guidance.</p> <p>The revised Safeguarding Policy has been strengthened to incorporate vulnerable adults and this offers greater protection for the organisation in dealing with and co-operating with other agencies in relation to safeguarding of these groups</p>		
Decision:		
That Cabinet approves the revised Safeguarding Policy.		
Purpose of Decision:		
To enable Officers to work with relevant Partners in accordance with the revised Safeguarding Policy and comply with legislation.		

Any Corporate implications in relation to the following should be explained in detail

Financial:	None
Legal:	The revised policy ensures BDC complies with legislation and codes of practice
Equalities/Diversity	An Equality Impact Assessment has been completed.
Customer Impact:	The policy will now cover vulnerable adults
Environment and Climate Change:	n/a
Consultation/Community Engagement:	Consultation has taken place with BDC managers, relevant staff and relevant partners
Risks:	The revised Safeguarding Policy will cover vulnerable adults and minimise the risks for BDC
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Ext. No.	2740
E-mail:	Charmaine.dean@braintree.gov.uk

Great Notley Discovery Centre community based wind turbine project		Agenda No: 7a
Corporate Priority: The environment is clean and green Portfolio Area: Environment Report presented by: Cllr Wendy Schmitt Report prepared by: Mark Wilson		
Background Papers: <ul style="list-style-type: none"> - Business Case which includes appendices below: - Appendix 1. Summary Costings - Appendix 2. Financial Sensitivity - Appendix 3. Note on Use of Net Present Values in Financial Appraisals 		Public Report
Options: To proceed with the project, or cease the project and to approve the governance arrangements during the project phases.		Key Decision: YES
Executive Summary: <p>This report sets out the business case for the Council to invest in a wind turbine to produce green electricity for the purpose of reducing carbon emissions to tackle climate change, contribute to UK renewable energy targets, contribute to the security of UK energy supply and to generate revenue. The report and background paper include the proposed scope, the governance requirements of the project, turbine options for consideration, approximate costs, high level timetable and key risks.</p> <p>Three turbines have been assessed as an investment for the Council; each is detailed in the business case. The turbine that offers the best rate of return on investment is Option 2, a 1.5MW turbine on a mast with a hub height ranging between 65m – 85m (height and design subject to outcome of 12 month on-site wind study). This is anticipated to generate 3,200 MWh/yr. The preferred location for the turbine is the western boundary at the southern end of the country park. The exact location will be subject to the outcome of the technical studies.</p> <p>The Council will be seeking 3 income streams from the green energy that is generated: Feed-in Tariff scheme for the production of green energy, sale of electricity on the wholesale market and sale of Renewable Levy Exemption Certificates (LEC's). The anticipated revenue returns are as follows:</p>		

Revenue Analysis Per Annum (Indicative Figures)

(Income)		Expenditure							
Turbine size	FIT Income	Sale of power	Ren' LEC Income	Gross Income (GI)	O & M	Insure	Net Income	FIT as % of GI	Elec Sales as % of GI
850kW	(£74k)	(£93k)	(£10k)	(£177k)	£35k	£20k	(£122k)	42%	53%
1.5MW	(£132k)	(£167k)	(£17k)	(£316k)	£62k	£20k	(£234k)	42%	53%
2MW	(£89k)	(£236k)	(£25k)	(£350k)	£82k	£20k	(£248k)	25%	67%

The project has undergone careful financial sensitivity analysis to determine the level of return on the investment. The preferred option is the 1.5MW turbine which offers the greatest Net Present Value of £2.045m over the 20 years of the turbine Feed-in Tariff contract. While a 2MW turbine offers a greater annual return, it requires an additional £800K investment. This is summarised in the table below.

Financial Summary (Indicative Figures)

(Income)		Expenditure	
Turbine rating >>>	850kW	1.5MW	2MW
Capital Expenditure	£1.121 Million	£2.404 Million	£3.229 Million
Income Per Annum	(£177k)	(£316k)	(£350k)
Operating Costs Per Annum (Maintenance & Insurance)	£55k	£82k	£102k
Net Income Per Annum	(£122k)	(£234k)	(£248k)
Net Cash Flows Over Turbine 20 Year Life	(£3.246) Million	(£5.868) Million	(£5.874) Million
* Net Present Value Of Cash Flows Over Turbine 20 Year Life	(£1.193) Million	(£2.045) Million	(£1.711) Million
Payback Date (Simple)	2021/22	2022/23	2023/24
Payback Date (NPV)	2023/24	2024/25	2026/27

* Net Present Value (NPV): NPV is an investment appraisal technique that is used to determine if a project is worthwhile undertaking and should there be a number of options which offers the highest return. The future cash flows of each option are converted back to today's money by adjusting out the impact of inflation within the general economy and by reflecting the amount of interest lost on the capital that would otherwise be available for investment.

This project assumes that the Council will use its own capital funds. A rate of 2% has been used in the NPV calculations being the approximate interest rate obtainable on medium term deposits.

Investment rates are subject to fluctuation or the Council could choose to use borrowed funds at a fixed rate. For comparison purposes the NPV's of each option are shown below based on an interest rate of 5.14%. This is the 20 year loan rate available on 18th May 2011 (rates change daily) A fuller explanation on NPV's can be found in Appendix 3.

Comparative NPV for each option based on 5.14% interest rate;
850KW (£565k), 1.5MW (£885k), 2.0MW (£471k)

Timetable

The high-level timetable for the project commences with desk top and site studies/assessments between now and May 2012, followed by submission of a planning application in May 2012, with anticipated outcome in August 2012. A tender will go to the market in August 2012, with short-listing of tender submissions and appointment of the

preferred bidder in October 2012, leaving a 12 month order period for delivery of the turbine, with construction starting in September 2013 and finally generating electricity in January 2014.

Background

The Council is committed to protecting the environment. Under its Clean and Green corporate objectives the Council continues to reduce the carbon emissions of its own estate and carbon emissions in the district. The Council signed the Nottingham Declaration in 2006 making a public commitment to tackle the issues surrounding climate change. The project links directly in to the Council's carbon agenda and the Council's ongoing Local Authority Carbon Management Programme (LACM) with its objective of reducing carbon emissions. A 1.5MW wind turbine could avoid 1350 tonnes of carbon dioxide per annum, equivalent to providing the electricity requirements for over 800 homes and offsetting approximately 20% of the Council's total carbon emissions.

We will lose a fifth of our energy generating capacity over the next 10 years, as our ageing power plants shut down. The UK has signed the EU Renewable Energy Directive with a legally binding target for the country to generating 15% of our energy from renewables by 2020, the current level is 5.5%. In October 2010 the Government launched the consultation on the Coalition's revised draft national policy statements on energy. They expect over half the new energy generating capacity built in the UK by 2025 to come from renewable sources. The Government's Renewable Energy Strategy 2009 sets out how we all have a role to play in promoting renewable energy, from individuals to communities to businesses. In order to bolster UK fuel security, the strategy sets a target of reducing fossil fuel imports by 30% by 2020. The above affirms that the Government and Europe are committed to new energy coming from renewable technologies and their support for the renewable energy market, which gives security to the Council investing in this expanding industry.

With substantial financial returns, the private and commercial sector is actively investing in the generation of green electricity and building wind turbines. Between January - October last year a total of 358 new large scale turbines were granted planning permission across the UK.

In August 2010 the Government made legislative changes to the *Local Government (Miscellaneous Provisions) Act 1976 as amended by the Electricity Act 1989* giving councils the power to produce and sell electricity. Bristol City Council is the first local authority to commit to investing in large wind turbine technology for green energy production, reducing carbon emissions and revenue generation. It has already secured planning permission for two 3MW wind turbines and is currently at the procurement stage. Local authorities around the country are considering similar proposals for producing green energy.

Producing our own green electricity will contribute to both Government national objectives and renewable energy targets by reducing our emissions and taking the lead in adapting to climate change and national fuel security. The Council is the local body that represents the community and the profits of the turbine would be kept and spent on services within the district for the benefit of residents.

The Discovery Centre was originally designed as a site for demonstrating innovative technologies, ranging from solar panels to reed bed filtration for the toilets. A pre-feasibility study for a large turbine was commissioned in 2007, as the first stage by any commercial energy developer to establish the viability of a site for a wind turbine, which provided very positive results. In 2010 we commissioned a financial update to this report in light of recent changes to government legislation, in order to establish the capital cost and revenue potential of such a project. The new legislation allows local authorities to produce and sell electricity as well as benefit from the government's new Feed-In Tariff scheme.

Feed-in Tariff

The Feed-in Tariff (FiT) was introduced in April 2010 for renewable electricity. This offers electricity produced from renewable sources to yield a guaranteed price (index linked to RPI) for the generator, in addition to the wholesale electricity price. The policy intent of the Feed-in Tariff is to increase the uptake of renewable energy generation technologies in the UK. In December 2010 the Government announced that they will review and reduce Feed-in Tariff rates with an expected 5% -10% reduction to current rates. This is expected to be announced though a consultation in July 2011. However with a larger turbine the expected increase in wholesale electricity prices will help offset any reductions in Feed-in Tariff between now and connecting our turbine to the grid. Once the Council has signed it's FiT contract the rate of income/per kW will be fixed for 20 years. The current rates are as follows:

FiT energy generation for wind turbines	FiT payment rate p/kWh (April 2011 rates)
500kW – 1.5MW	9.9
1.5MW – 5MW	4.7

When a wind turbine energy generator applies for the Feed-in Tariff the payment rate is calculated on the total energy output at the electricity grid connection. The 9.9p/kWh threshold is paid up to a total energy output of 1.5MW. If our turbine is rated over 1.5MW we would drop to the lower payment rate of 4.7p/kWh.

Therefore it would not be advisable to build two smaller 850kW turbines, because the combined energy output at the grid connection would be over 1.5MW and put us in the lower 4.7p/kWh feed-in tariff payment rate, aside from increasing construction, technical issues of CAA radar and microwave interference and visual impact planning issues for the project.

The detailed work undertaken has produced cost estimates for the various elements in the construction of a wind turbine and presented options to be considered around the size of the turbine. Options over the size of turbine (including or excluding a viewing platform) have been provided, giving a total cost of construction ranging between £1.1m to £3.2m. The proposed estimated costs are based on industry benchmarks and independent manufacturer estimates.

Viewing platform

With whichever turbine is supported there may be a recreational and educational opportunity to install and manage a viewing platform for visitors to the country park. This could be developed as an additional revenue income stream to the project, by charging a nominal amount to climb to the viewing platform, as has been successfully delivered at the EcoTech Centre in Swaffham, Norfolk. This is estimated to cost an additional £150,000 (see table 6 below). The income from the Swaffham viewing platform is c.£60,000 pa (however costs must be deducted for staffing guided tours and insurance). It is recommended that as part of the governance of this project that the Cabinet Member for Environment considers this option and agrees to carry out a full business case for approval or rejection, which will be reported back to Cabinet as required.

There are only 3 turbines with public access in the world. Enercon built the Swaffham turbine and viewing platform. An initial discussion with them has confirmed a technical limitation in the design of their current turbines. They have changed the shape of their hub and blades since 1999, bringing the sweep of the blades closer to the mast, no longer allowing space for a viewing platform underneath. We are exploring the option with other wind turbine manufacturers whether they would be able to offer a viewing platform.

Feasibility

In order to establish robust energy generation figures for a turbine at the Discovery Centre the authority has carried out a number of studies. Firstly the Council commissioned the Meteorological Office to carry out a wind modelling study, using 10 years of historical weather data from Andrewsfield and Stansted weather stations. It determined that the average wind speed for the site is 7.4m/s, with wind speeds exceeding 5m/s between 68%-85% of the time and the prevailing wind coming from the south-west.

The provision of reliable empirical data on actual wind turbine performance is essential to build the investment case. The Council referred to the REF annual turbine performance data collated 2002-2010, which provides monthly/annual performance data on individual turbine electricity generation across the UK. The raw data is sourced from the Ofgem Renewables Obligation Certificate Register <https://www.renewablesandchp.ofgem.gov.uk/> which publishes information concerning the issue of Renewables Obligation Certificates to renewable energy generators for actual energy generated.

The Council accessed energy generation data from different wind turbines in operation around East Anglia, looking at sites with comparable wind characteristics and their energy generation data. We focused on the 1.5MW wind turbine at the Ecotec Centre in Swaffham, Norfolk that has an average wind speed of 6.5m/s, producing an average 3,200 MWh of electricity per year.

Whichever rated turbine we opt for it will require a similar height mast. We are unable to confirm exact mast heights until the 12 month wind study has been completed, with an expected mast hub height in the range of 65-85m. Based on the above information sources the estimated figures for our options are set out below:

Option 1: A smaller rated turbine – approximate size 850kW, anticipated to generate 1,788 MWh/yr.

Option 2. A larger rated turbine approximate size 1.5MW, anticipated to generate 3,200 MWh/yr

Option 3: A larger rated turbine: approximate size 2MW, anticipated to generate 4,537 MWh/yr.

Planning application and Environmental Impact Assessment (EIA)

A large scale wind turbine requires the submission of a planning application and EIA in order to ensure that the proposed development is suitable. The EIA comprise a number of studies to assess the impacts of the proposed development on the baseline environment and provide mitigation measures where necessary. As part of the planning application submission the Council proposes to carry out the following detailed studies in accordance with EIA guidelines:

Noise assessment

Noise surveys will be carried out to measure noise levels over the range of wind speeds at which the turbine would be operational. The predicted noise generated by the turbine will be calculated to the nearest residential properties, although the distance between the preferred turbine location and any residential development is beyond guideline limits. The study will also assess noise during construction.

Landscape and visual assessment

The Council will carry out visual impact studies to assess how the proposed turbine can be accommodated within the landscape around Great Notley.

Ecology

A full assessment of the impact of the proposed turbine and associated works on ecological receptors including ecological habitats, flora and fauna including avian, bat and amphibian studies applying mitigation measures where necessary.

Shadow Flicker Assessment

An assessment for the potential of shadow flicker on nearby dwellings and applying mitigation measures if necessary.

Aviation

An assessment of the potential impacts on aviation interests, both civil and military.

Utilities and telecoms

A full assessment will be carried out on utility infrastructure and television and microwave telecommunication fixed link signal transmissions and radio telemetry links across the site.

Traffic study

A study will be carried out to demonstrate how the turbine will be brought to the site and how transport issues will be addressed. It is anticipated that the turbine route may start at Harwich.

These studies will be produced by external specialist firms to maintain separation and Council transparency. The overall project will be managed by BDC with the support of a specialist engineering consultant at key stages. Project costs will be substantially reduced by not passing the whole project to external consultants for delivery.

Public Consultation

Public engagement and involvement in the project is essential from the outset. As part of the planning application process the Council will produce and deliver its Statement of Community Involvement Public Consultation Plan.

It's purpose is to:

- Share information with the community;
- Enable the community to contribute to decisions;
- Stakeholder identification (statutory & non-statutory);
- Pre-application consultation on the Development Proposal;
- Inform the content of the Environmental Statement.

Delivered by means of:

- Formal stakeholder consultation, public exhibition event & questionnaire, stakeholder meetings, newsletter & webpage, online discussion forum inc (Twitter & Facebook), press releases.

Project Governance

To ensure that the procurement of the new turbine is delivered in line with the timetable outlined on page 8 of the Business Case and remains on track to be completed in December 2013, a project management board will be established. Cabinet are requested to give delegated authority to the Cabinet Member for Environment, in consultation with the Corporate Director, to make the following decisions required during key stages of the project:

- Formal engagement of technical consultant to provide specialist project support;
- Engagement with stakeholders;
- To develop a business case for a viewing platform (which will be subject to technical feasibility) for approval or not and, if recommended, to go to Cabinet for consideration;

- Submission of planning application and Environmental Statement;
- Confirmation of procurement approach;
- PQQ and Tender evaluation criteria and weightings;
- Agree outcome of PQQ and Tender evaluation, including short-listing of bidders;
- Project completion sign off
- Carry out market testing and award contract for Power Purchase Agreement

The next key decision for Cabinet will be award contract for construction and commission in October 2012.

Decision:

1. Following the recommendation of Option 2 (1.5MW turbine) for the reason that it provides the best rate of return based on Net Present Value, that Cabinet approve the business case for the project and confirm the preferred turbine option;
2. Recommend to Council an allocation of £2,404,000 for the studies, planning submission, manufacture and construction of the turbine, on the basis that Members agree the preferred option. The main body of the funding will be required in December 2013 (post construction);
3. Approve the governance arrangements for the wind turbine project as outlined above in the Project Governance section of this report.

Purpose of Decision:

To enable BDC to start the process for developing a wind turbine at the Discovery Centre in Great Notley and approve the new governance arrangements to ensure that the turbine will be in operation in February 2014.

Any Corporate implications in relation to the following should be explained in detail

Financial:

The budget required for the procurement of a 1.5MW wind turbine including all associated studies and planning application submission is estimated to be £2.404million (capital).

The £2.4 million can be broken down as follows;

Phase 1 Desk Studies	£15k
Phase 2 Feasibility	£85k
Phase 3 Assessment	£15k
Phase 4 Planning	£43k
Phase 1-4 Contingency	£16k
Phase 1-4 Additional Staffing	£13k (1 per week admin)
Cost of turbine + construction	£2,217k

TOTAL £2,404k

To understand the energy generation opportunity of a turbine at the Discovery Centre the wind study determined that the average wind speed for the Discovery Centre is 7.4m/s. This wind figure was compared with the empirical

	<p>data from the REF annual turbine performance data on actual energy generated.</p> <p>This provided comparison data from turbines with similar wind speed/performance characteristics to the Discovery Centre across East Anglia. One of the turbines we have focused on is the 1.5MW wind turbine at the Ecotec Centre in Swaffham, Norfolk, with an average wind speed of 6.5m/s, producing an average 3,200MWh of electricity per year.</p> <p>Based on these comparison figures, the Council's Finance department has carried out rigorous financial analysis of the project, based on the anticipated energy generation figures, it is considered a viable capital investment opportunity.</p> <p>The 1.5MW turbine offers the greatest Net Present Value, £2.045 over the 20 years of the turbine Feed-in Tariff contract. A 2MW turbine offers a greater annual return, however it requires an additional £800K investment.</p> <p>The allocation of the capital for the project will be a recommendation to Council.</p>
Legal:	<p>Legal issues to be addressed through the various stages of the project include:</p> <ul style="list-style-type: none"> • Contractual details with manufacturer/installer to be determined; • O & M contract to be negotiated with operator; • Power Purchase Agreement with energy company to be established.
Equalities/Diversity	An Equality Impact Assessment will be completed as a part of the project planning process.
Customer Impact:	Will be considered and addressed in the consultation and communication process.
Environment and Climate Change:	<p>The plan will contribute towards carbon reduction emissions and the Council's corporate carbon reduction objectives.</p> <p>The 1.5MW turbine can reduce carbon emissions by an estimated 1350 tonnes a year, providing green electricity for c.800 homes (assuming an average household consumption of 4MWh/pa electricity).</p>
Consultation/Community Engagement:	<p>The consultation process will include all key stakeholders: Statutory consultees, local community groups, local businesses, groups representing users of the site, BDC and ECC staff, the design team (suppliers, network operator etc), existing partnerships involved in similar projects.</p> <p>It will incorporate one or more facilitated stakeholder workshops, questionnaires, a public exhibition and communication by letter (to stakeholders) and the media.</p>

Risks:	<p>Risks of not taking the project forward are:</p> <ul style="list-style-type: none"> • Not reducing carbon emissions in the district • Miss out by not taking full advantage of the new revenue opportunity for local authorities created by Government • Not contributing to the revenue position of the authority and the knock on effects on public service delivery <p>A risk of undertaking the project is:</p> <ul style="list-style-type: none"> • Increasing pressure on capital reserves (although alternative funding options can be considered) • Project cost increase • Not securing planning permission • Project delay due to; expertise, weather, materials • Contractor unable to complete works. • The technology doesn't return the income predicted
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Annual and Fourth Quarter Performance Management Report 2010/11		Agenda No: 8a
Corporate Priority:	We deliver excellent, cost effective and valued services	
Report presented by:	Cllr Siddall	
Report prepared by:	Cherie Root – Head of Business Solutions	
Background Papers:	Public Report Yes	
End of the year and Fourth Quarter Performance Management Report January to March 2011		
Options:	Key Decision: No	
To endorse the report To approve all, some, or none of the carry forward requests.		
Executive Summary: The purpose of the report is to summarise the performance of the Council at the end of the year and in the fourth quarter of the year (January to March 2011) in relation to the publication of ‘Our plans for the District 2010/2011’ which sets out our key activities and measures used to check our performance for the forthcoming year and along with the Corporate Strategy 2008-2012 sets out the priorities we are working towards.		
In Summary at the end of the year: Projects		
<ul style="list-style-type: none">• 16 projects completed• 9 projects are on track to be completed		
In Summary at the end of the year :Performance Indicators		
<ul style="list-style-type: none">• 13 performance indicators have achieved target• 4 performance indicator has just missed their target• 2 performance indicators have missed their target by more than 5%		
There are 7 further performance indicators that do not have any targets set.		
Of all the indicators:		
<ul style="list-style-type: none">• 20 have improved on their performance compared to last year• 6 have deteriorated since last year		
The performance of the Council as a whole at the end of the year is good with all projects delivering what we said we would deliver in 2010/11 with just nine projects carried over to 2011/12 on track to complete on schedule. The Green Heart of Essex Campaign has been a great success actively involving many communities in schemes to keep the district an attractive and clean place to live. Overall satisfaction with the		

appearance of the district since the campaign started has increased to 76%. The majority of performance indicators have achieved or exceed their target with a high number also improving on their performance from the year. Overall, performance has been maintained at a high level across all service areas for the last year despite the challenges faced in dealing with the severe constraints on public expenditure including funding, and the difficult decisions taken on the services we provide. .

Financial Performance

The outturn on General Fund services is a net under spend of £567,044 against the Revised Estimate of £18.401 million.

The Revised Estimate was approved by Members after receiving details of the second quarter financial review which forecast an under spend against the £18.901 million Original Budget. It was agreed to transfer £500,000 to general balances and realign service budgets.

All services are under spent at the end of the year, the principle reasons for which are set out in the detail in the report. Approval is being sought by services to carry forward part of the under spend totalling £125,470 to be spent in the financial year 2011/12 on the issues set out in the separate Appendix to the report.

The outturn for the Housing Revenue Account is a deficit of £289,667 compared with the original estimate for the year of £91,750, and forecast deficit at Quarter 3 of £229,070.

For a detailed explanation of the financial performance, please refer to page 18 onwards of the full report.

Decision:

1. To note and endorse the report
2. To approve the requests to carry forward £125,470 to be spent in 2011/12 on the issues set out in the Appendix to the performance report.
3. To approve the movements on earmarked reserves for the year as reflected in the outturn financial performance.

Purpose of Decision:

To inform the Cabinet of the performance of the Council

Corporate implications [should be explained in detail]

Financial:	See page 18 of the report
Legal:	N/A
Equalities/Diversity	N/A
Customer Impact:	N/A
Environment and Climate Change:	N/A
Consultation/Community Engagement:	N/A
Risks:	N/A
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Essex Partnership Arrangements		Agenda No: 8b
Corporate Priority: Relates to all the Council's corporate priorities that are delivered in partnership Portfolio Area: Strategic Partnership Report presented by: Cllr Graham Butland Report prepared by: Allan Reid, Chief Executive		
Background Papers:		Public
Essex Partnership Consultation Options:		Key Decision:
To respond or not with alternative views		NO
Executive Summary: <p>There has been a significant change in the partnership landscape regarding local area agreements and performance reward grants, which were driving many of the partnership arrangements both locally and across Essex. There are also many other changes, which means this is an opportune point in time to reflect upon the local and Essex-wide partnership arrangements.</p> <p><u>Local Strategic Partnership</u></p> <p>This current structure of the LSP is under review by all the partners. There is a strong commitment by all partners to continue the current partnership arrangements with a more streamlined and focused approach. The LSP Executive is meeting on 20th June to discuss further the local partnership arrangements in light of any Essex-wide proposals.</p> <p><u>Essex Partnership Arrangements</u></p> <p>Attached as Appendix 1 is a consultation document on the Essex-wide partnership arrangements. The County Council is seeking views on the proposals by 13th June. It is proposed that the following points should be made in response to the consultation document and also shared with the LSP when considering any local arrangements.</p> <ul style="list-style-type: none"> • One size does not fit all – each locality will have different needs, demographics and priorities. • Local structure with local choice – the partnership structure needs to meet local needs and not create a bureaucracy of meetings. • Annual Essex Conference – this would be beneficial for all the partners across all the sectors to discuss key issues at least once or twice a year. 		

- Form follows function – there needs to be greater clarity of the purpose of any partnership arrangements and what they are trying to achieve. Once function is understood the form can be developed.
- Need to prioritise – with reducing resources, there is a greater need to focus on fewer priorities. We cannot justify carrying on with current priorities as if nothing has changed. Again, once priorities are understood, function can follow.
- Health and Well-being Board – if localism is the agenda, with GP commissioning, then local democratic input is essential. Issues of health and well-being need to have a bottom-up approach.

It is proposed that before the debate on form goes too far, it is key that function is clarified especially in the changing world of the public sector and in an environment of reducing resources. Therefore, the comments on the consultation document do not attempt to give a view on every meeting proposed but seek that they must be fit for purpose, to meet the function they are to perform. So in addition to the comments above, it is proposed that the response to the Essex-wide partnership proposals should be:

- Clarity of the function of partnership issues
- Simplicity rather than over engineered
- Local choice
- Bottom-up approach to both form and function

Decision:

That the response to the Essex Partnership arrangements is in line with the comments within the above report.

Purpose of Decision:

To convey the views of the Council on the Essex Partnership proposals

Any Corporate implications in relation to the following should be explained in detail

Financial:	Nil
Legal:	Nil
Equalities/Diversity	Nil
Customer Impact:	Nil
Environment and Climate Change:	Nil
Consultation/Community Engagement:	Nil
Risks:	Nil
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Appointment of Representatives to Outside Organisations		Agenda No: 11a
Corporate Priority: People take pride in their local areas Report presented by: Cllr G Butland, Leader of the Council Report prepared by: Sharon Lowe, Assistant Chief Executive		
Background Papers: None		Public
Options: To make nominations		Key Decision: NO
Executive Summary: Each year in accordance with Council Policy, the Cabinet makes a series of appointments to external organisations that have been identified as partners in regional/county policymaking. The list of organisations is set out in this report and nominations will be notified at the meeting.		
Decision: To agree appointments to the list of organisations set out in the schedule.		
Purpose of Decision: To develop and promote the public services agenda through effective partnership working with other public sector organisations.		

Any Corporate implications in relation to the following should be explained in detail

Financial:	None
Legal:	Persons nominated by the Council to sit on external organisations will be afforded an indemnity and will be issued with guidance on the duties and responsibilities associated with appointments.
Equalities/Diversity	None
Customer Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	None
Risks:	Persons appointed to any external organisation must act in the interests of that body and exercise independent judgment in making decisions. Representatives may have regard to the interests of the Council, but this should not be the overriding consideration. The overriding responsibility is to avoid a conflict of interest situation.
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Designation:	Assistant Chief Executive
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SCHEDULE

Name of Organisation/Partnership Board	No. of reps	Name of Nominee(s)
Braintree College Governing Body	1	
Braintree District Access Group	1	
Braintree District CAB Management Board	1	
Braintree District Voluntary Support Agency	1	
Braintree Enterprise Units Managing Body	1	
Business Development Services (North West Essex) Ltd	2	
East of England Local Government Association (EELGA)	1	
Great Notley Country Park - Joint Governance with ECC	2	
Growth Fund Board	1	
Inter-Authority Member Working Group	1	
Joint Committee - Parking Service (with Colchester & Uttlesford)	2	
Leisure Partnership Consultative Board	2	
Local Government Association General Assembly	1	
Local Government Information Unit	1	
Responsible Authority Group	1	
South Anglia Group	1	
South Anglia Group - Essex Action Group	2	
Waste Member Partnership Board	1	
Campaign to Protect Rural Essex	1	
Community Housing Investment Partnership Board (CHIP)	3	
Eastern Arts Board Local Government Forum (Eastern Region)	1	
Home-Start Braintree & Witham	1	
Local Government Association Rural Commission	1	
Local Government Association Urban Commission	1	
Museums in Essex Committee	1	
Stansted Airport Consultative Committee	1	

Appointments to Cabinet Groups for the civic year 2011/12		Agenda No: 11b
Corporate Priority: We Deliver Excellent, Cost Effective and Valued Services Report presented by: Cllr G Butland, Leader of the Council Report prepared by: Sharon Lowe, Assistant Chief Executive		
Background Papers: None		Public
Options:		Key Decision: NO
Executive Summary: The report sets out the groups to be established to support the Cabinet in performing some of its executive functions. It is being proposed that only three Groups are established for this civic year; the Local Government Reform Sub-Group, a Locality Working Group and the Joint Consultative Group.		
Decision: To confirm the establishment of the three groups as set out in the table at the end of this report and to make nominations as appropriate.		
Purpose of Decision: To facilitate the performance of some of the executive functions		

Any Corporate implications in relation to the following should be explained in detail

Financial:	None
Legal:	None
Equalities/Diversity	None
Customer Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	None
Risks:	None
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Local Government Reform Sub-Group

The current terms of reference for this group were approved in 2006 and related to the then emerging policy on strong and prosperous communities. In the last four years the Group has continued to consider new policies legislation on decision making, the role of the elected member and localism as well as reviewing the Constitution and making recommendations to the Cabinet on member related issues.

Whilst it is proposed that this group be retained, it is being recommended that the membership is altered as indicated below and that updated terms of reference are brought to the first meeting of the Group for consideration before being signed off by the Leader of the Council.

Locality Working Group

This is a new working group to be established initially to develop a scheme for the operation of the Enterprising Communities Fund. The working group will report its recommendations to the Cabinet meeting to be held on 1st September 2011.

Joint Consultative Group

The terms of reference for this group are set out in Part 3 of the Constitution and provides a mechanism for trade union representatives and the Council to discuss employment issues and maintain good industrial relations, including discussion on health, safety and welfare issues.

Table to be approved by Cabinet:

Group	Size	Membership
Local Government Reform Sub Group	8	<ul style="list-style-type: none">• Leader of the Council• 2 Cabinet Members• Leader of the main Opposition Group• Chairman of Audit Committee• Chairman of Overview & Scrutiny Committee• 2 Non Cabinet Members
Locality Working Group	Upto 10	<ul style="list-style-type: none">• Cllr Mrs Spray (Chairman) <p>Plus nominations from political groups</p>
Joint Consultative Group	9	<ul style="list-style-type: none">• 3 Cabinet Members• 3 Staff Side (Unison)• 3 GMB

Cabinet Member Decisions made under Delegated Powers		Agenda No: 12a
Portfolio Area:	Business is encouraged and the local economy prospers and Clean, Green and Safe	
Report presented by:	Not applicable – For noting only	
Report prepared by:	Sharon Lowe, Assistant Chief Executive	
Background Papers:	Public Report	
Cabinet Decisions made by individual Cabinet Members under delegated powers (signed copies retained by Member Services)		
Options:	For noting only	Key Decision:
		NO
Executive Summary:		
All delegated decision taken by individual Cabinet Members are required to be published and listed for information on next Cabinet Agenda following the decision.		
Since the last Cabinet meeting the following Cabinet Members have taken delegated decisions:-		
Cllr Nigel Harley – Enterprise & Culture - Decision taken on 8th March 2011		
To approve the Culture and Leisure Strategy.		
Cllr Nigel Harley – Enterprise & Culture - Decision taken on 4th April 2011		
To approve the commitment of £61,935.11 Section 106 funds for public open space enhancement to the Braintree District Council owned sections of the Halstead River Walk.		
Cllr Mrs Wendy Schmitt – Clean Green and Safe - Decision taken on 23rd April 2011		
To make a virement of £31,000 from the Braintree Local Committee funds to the Enterprise and Community Fund for the purpose of securing a lease for a venue to be used by the Braintree Youth Project Charity.		
Cabinet Decisions made by individual Cabinet Members under delegated decisions can be viewed on Access to Information page on the Council’s website.		
www.braintree.gov.uk		

Decision:	
For Members to note the delegated decisions	
Purpose of Decision:	
The reasons for each decision can be found in the individual Delegated Decisions	
Officer Contact:	
Emma Wisbey	
Designation:	
Governance Lawyer	
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