

Minutes

Cabinet

6th December 2022



These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A recording of the meeting is available at <http://www.braintree.gov.uk/youtube>

Present:

Portfolio	Cabinet Member	Present
Overall Strategy	Councillor G Butland (Leader of the Council)	Yes
Innovative Environment		
Finance and Corporate Transformation	Councillor J McKee	Yes
Climate Change and the Environment	Councillor Mrs W Schmitt	Yes
Operations and Commercialisation	Councillor R van Dulken	Yes
Connecting People, Places and Prosperity		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
Supporting Our Communities		
Communities	Councillor F Ricci	Yes
Health and Wellbeing	Councillor P Tattersley	Yes

Present as Invitees of the Leader:

Councillor D Mann (Leader of the Labour Group) and Councillor Mrs J Pell (Leader of Halstead Residents' Association).

50. **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

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Councillor G Butland declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor T Cunningham declared a non-pecuniary interest as an Elected Member of Essex County Council (ECC) as ECC was referred to in various items throughout the Agenda.

Councillor Mrs J Pell declared a non-pecuniary interest in Agenda Item 6a – ‘Halstead Community Grants Fund’ as a Member of Halstead Community Centre Charity Company.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

51. **MINUTES**

DECISION: It was reported that the Minutes of the meeting of Cabinet held on 28th November 2022 would be considered at the next meeting of Cabinet being held on 31st January 2023.

52. **QUESTION TIME**

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

53. **IDP AND CAPITAL PROGRAMME BOARD**

INFORMATION: This report was presented by Councillor Butland. Leader of the Council.

It was reported that the Investment and Development Programme (IDP) was launched in April 2021 as a response to the growing financial pressures facing Braintree District Council. There were a number of activities underway across the Council to address, what was then, a future budget gap and the establishment of the Programme ensured that all activity was captured and afforded a standardised approach.

Members were advised since that time, the financial pressures on the Council had increased, and so had learning related to the effective running of a capital programme. Many of the original ideas that were put forward by the organisation as part of the £1.6m Challenge had either been pursued and implemented or investigated and discovered not to be suitable to take forward at this time.

As such it was an opportune time to review the Programme and refresh the approach. Following a review by the Corporate Director for Support Services, it was recommended to the Leader that a separate Board be established for the oversight of all capital projects within the Council's Capital Programme.

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DECISION: That Cabinet agreed to note that:

1. The IDP Board terms of reference had been refreshed; and
2. Capital Programme Board had been established.
3. The membership of both Boards and details on their role and responsibilities could be found in the draft Terms of Reference, at Appendix A and Appendix B respectively.

54. **HALSTEAD COMMUNITY GRANTS FUND**

INFORMATION: This report was presented by Councillor Ricci, Cabinet Member for Communities.

Members were informed that at the Full Council meeting held on 15th February 2010 a decision was taken to approve an allocation of £800,000 as a contribution towards a community centre in Halstead. Section 106 (S106) money was also allocated as a contribution to support the community centre in Halstead, and this money would remain held by the Council to support any future project for a community centre in Halstead for as long as the agreement allowed. However, if this project did not come forward in order to use the S106 money it may be necessary to renegotiate with the developer to alter its use. If developers did not wish to renegotiate then it may be necessary to hand the money back to developers.

It was reported that since the Council's decision in February 2010 there had been partial allocation of the £800,000 to various initiatives in the Halstead area totalling £163,890.

This fund had now been held for 11 years and as of 1st April 2022 the mechanisms for allocation of the funding had changed, with a view to opening the funds to other projects that could benefit the Halstead community through development of a capital asset.

In order to distribute the fund, the Council proposed that a Fund was launched and was open to all Voluntary Community Sector groups to apply. Grants would be for a minimum of £10,000. The allocation decision would sit with the Cabinet Member for Communities on receipt of an application and supporting business case, to determine successful applicants. This decision would be taken in consultation with the Leader of the Council and any other community group as appropriate.

In response to a question raised, Members were advised that the opening up of the funding did not preclude Halstead Community Centre Trust from applying for part or all of the available funds. The criteria was clear in that if a viable business case was put forward there was nothing stopping the Council from allocating all or partial funds to that cause. The point was made that after 11 years the Cabinet really wanted to see

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something coming forward for the community of Halstead and Members were reminded that this money would not be spent anywhere else and was for the area of Halstead.

It was also clarified that there was not a requirement for match funding when making submissions.

DECISION: That Cabinet agreed:

1. To approve a capital grant funding scheme of £600,000 for the benefit of the Halstead Community.
2. To approve the decision-making process for a capital grant funding scheme.
3. To delegate to the Cabinet Member for Communities to approve the criteria against which the applications will be determined.

55. **** DIGITAL STRATEGY**

Minutes Published: 14 th December 2022 Call-in Expires: 21 st December 2022
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INFORMATION: This report was presented by Councillor McKee, Cabinet Member for Finance and Corporate Transformation.

It was reported that in March 2020, when initial Covid restrictions were put into place, digital technology was vital to the Council's ability to continue operating and offering its service, in relation to communicating and working with Members, staff, partners and customers. This required the Council to completely reprioritise its programme of work in the then current Digital Strategy. The Council very quickly enabled its workforce and Members to be able to work remotely and entered the world of virtual meetings, which until that time had not been required widely across the organisation, however without a plan driven by a strategy, that would not have been possible.

As with the rest of the country, the District also relied heavily on technology to keep working and communicating, supporting residents and businesses, and the use of digital technology became an even greater priority.

Members were advised that increased reliance on technology meant that the Council needed to continue to develop resilience and ensure that its systems were protected from cyber security threats. It was also necessary to take a role in promoting cyber security across the District to encourage residents to have the confidence to use technology safely.

The strategy set out how these challenges would be met and made the best use of technology to deliver better outcomes across the Council, Customer and Place. There were several priorities in the previous strategy which were still relevant in the new digital landscape, and these had been updated to be even more innovative and

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ambitious to reflect the current and predicted future need. The Council would continue to build on the digital platform already in place extending the capability created over the last five years, continuing to increase efficiency and productivity through better use of technology.

The Strategy would also ensure that the Council continued to develop and promote the digital services to customers, for example on-Line booking and payment for Braintree District Council services, on demand reporting, personalised services, and would also continue to develop their role in supporting communities and businesses to develop digital capability, with improved infrastructure, skills and access to help businesses make the best use of technology to improve prosperity and communities to feel more connected.

DECISION: That Cabinet agreed the Digital Strategy 2022-2026 as set out in Appendix A of the report.

56. **SECOND QUARTER PERFORMANCE REPORT 2022/23**

INFORMATION: This report was presented by Councillor McKee, Cabinet Member for Finance and Corporate Transformation. The report set out the Council's progress towards the Corporate Priorities as at the end of the second quarter September 2022.

It was reported at the end of September 2022, 17 projects were complete, 43 were on track and progressing well and four projects had an amber status. They were:

- Facilitate the delivery of a purpose-built medical centre in Sible Hedingham, this was amber due to the land transfer being delayed
- Create a Garden of Remembrance at Bocking cemetery. This was amber due to the original contractor withdrawing from the project. A new tender was published in August and the Council were also exploring the option of using S106 contributions.
- Developing the Witham Enterprise Centre providing small industrial units for start-up companies and SMEs. This was amber due to the Planning pre-app identifying a number of planning constraints and therefore the scheme design was being reviewed.
- Ensuring residents had access to the skills programmes and education they needed to access employment opportunities including in new and expanding sectors. This was amber as the Council was currently waiting on the outcome of its submission to the Shared Prosperity Fund which was expected in the autumn to better understand how this would be utilised for skills and education before creating a skills plan.

It was also reported that nine performance indicators had achieved or exceeded target, one performance indicator had missed target by less than 5% and three performance indicators had missed their target by more than 5%.

The Cabinet Member highlighted some of the Key achievements from the second quarter, these included:

- Victoria Square development was now complete and a ceremony was held with partners to mark and celebrate the completion of the build which comprised of a 70-bed Travelodge, 35 new homes, a LiveWell hub, pharmacy, restaurant, new bus interchange, public toilets, carpark, and garden area to compliment Braintree's historic town hall.
- A new Love Essex campaign was launched to highlight the fixed penalty fines for anyone caught throwing litter from their vehicle. The slogan being 'It's for driving on, not littering on'
- Volunteer awards took place in August at the I-Construct Innovation Hub. The annual awards were now in their sixth year and continued to successfully recognise and reward individuals and groups who made a positive difference in their community and in inspiring others.
- Kelvedon Neighbourhood plan was formally adopted at Full Council in July bringing the number of neighbourhood plans to six, with eight others being progressed. A Neighbourhood area for Witham was also approved in September.
- 644 children and young people were supported during the school holidays with activities and a nutritious meal through the ActivAte clubs organised by Active Essex and Community 360.
- The Plaza opened in July 2022 providing private offices, a co-working space with desks for individuals as well as businesses, shared meeting rooms, seminar rooms, conference and event spaces and a café area.
- The Customer Service Excellence Assessment took place in September and the Council has been successful in retaining the accreditation for the seventh year in a row.
- 70 affordable homes were delivered in the second quarter of the year bringing the total for the year to 160. The housing service also prevented 61 cases of homelessness in the second quarter through various interventions.
- In the second quarter, 67 businesses contacted us for business support and we saw 234 new business start-ups across the District

It was reported that there was also an additional section included in the report under the Enhancing our Environment section which provided an update on the progress of numerous actions by theme within our Climate change strategy.

Members were advised that the Finance section of the report provided an updated review of the financial position for the quarter. It examined the latest forecast for spending on day-to-day service provision compared to the budget. Also included was a summary of treasury management activities; projected movements on the General Fund balance; and a summary of spending to date on capital projects.

The forecast outturn for the year at Q2 was a positive variance of £126k. This compared to the adverse variance projected at Q1 of £721k, which triggered implementation of a Recovery Plan that required all managers to review their service areas to identify opportunities for increased income, savings, and deferral of expenditure wherever possible. The Recovery Plans, which generated a net £589k, was the main factor in the improvement now reported at Q2. Other changes included a downward revision to the estimated impact of the National Employer's pay offer for 2022 (£47k). Further net improvement (£211k) across services had been projected, the main changes being an increase in investment income (£125k) and a higher level of incentive reward under the Council Tax Sharing Agreement (£110k).

It was also reported that the updated projections would be reviewed to ensure that any ongoing items, if not already, would be reflected in the 2023/24 budget planning proposals. The projected change in General Fund unallocated balance was currently a net addition of £536k giving an estimated balance at 31 March 2023 of £6.6m. Actual spend on the capital programme was £4.6m, of which £2.9m was on the Plaza, with £0.6m on the Manor Street regeneration project.

DECISION: That Cabinet agreed to note the performance of the Council for the second quarter (July 2022 to September 2022).

57. **ECONOMIC GROWTH STRATEGY 2023-2028**

INFORMATION: This report was presented by Councillor Cunningham, Cabinet Member for Economic Growth.

It was reported that following the successful delivery of Braintree District Council's ambitious Plan for Growth 2017-2022, the global economy had transformed with greater demand than ever to support positive and sustainable economic growth. Due to the macro-economic challenges that the district had faced at the time of writing the strategy, namely the exit from the European Union, COVID-19, and Russia's invasion of Ukraine, a cost-of-living crisis was now at the forefront of how previous economic priorities had been determined, moving forward to more proactive yet resilient socio-economic priorities.

The Economic Growth Strategy superseded the Plan for Growth 2017-2022 and would deliver in alignment to revised local, regional, and national policy with a refined set of core priorities based on new refreshed baseline of data and trend analysis. It was also important to reflect on partnership and funding opportunities that would strengthen the potential of the District and as such, this strategy would also work with residents, businesses, and visitors to shape the services and service delivery to meet the changing needs of all communities.

Members were advised that it was imperative that the Plan for Growth 2017-2022 was re-examined for a revised vision and priorities, as macroeconomic impacts had significantly changed national and local policy, influenced the needs of the District's residents and businesses to an extent where service delivery reviews were required.

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The Corporate adjective of a prosperous District that attracted business growth and provided high quality employment opportunities was reaffirmed and supported by the objectives of the strategy focusing on key work streams, these included, Infrastructure and Connectivity, Resilient Business Support, Inclusive People and Skills, and Sustainable Green Economy.

It was reported that this strategy would be delivered in partnership and with commissioning direct from Braintree District Council. Funding for the Economic Development function was being discussed as part of the emerging budget process for 2023-24. It was noted that it was the intention of this authority for the strategy to have a resourced action plan ready to deliver.

DECISION: That Cabinet agreed to approve the Draft Braintree District Economic Growth Strategy 2023-2028, as set out in Appendix A of the report, for consultation.

58. **** HORIZON 120 – OPTION AGREEMENT**

Minutes Published: 14 th December 2022 Call-in Expires: 21 st December 2022
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INFORMATION: Members were reminded that this Item included a Confidential Appendix which contained exempt information that fell within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. If any Members wished to refer to the private information within the Appendix, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting if it was necessary to discuss the Confidential Appendix on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

This Item was considered entirely in the Public Session of the meeting. There was no discussion in Private Session, nor disclosure of information contained in the Confidential Appendix.

INFORMATION: This report was presented by Councillor Kevin Bowers, Cabinet Member for Housing, Assets and Skills.

Members were reminded of the Horizon 120 innovation and logistics park in Great Notley being a site acquired by the Council in 2018. With the lack of any prospect of the site being brought forward for development by the private sector, the Council decided to acquire the Horizon 120 site and bring it forward for development itself. In completing the purchase, the Council also gained the benefit of a pre-emption agreement, a right of first refusal, to purchase the separate 26.5 acre plot of land to the south west of the Horizon 120 site, should it wish to do so.

In June 2020, the pre-emption agreement was replaced by an Option Agreement between the Council and the landowner. This new Option Agreement gave the Council the right to purchase the additional 26.5-acre plot for a period of 15 years from the date of the agreement, provided that the Council sought and secured planning permission for commercial development and brought that development forward. The Option Agreement included the normal provision for the purchaser to recover costs and to purchase at a discount to market value.

Horizon 120 had very much been a success story for the Council seeing the site being 70% developed within four years of acquisition. The response to the continued marketing campaign for Horizon 120, being led by Horizon Braintree Ltd, was demonstrating continued demand for new commercial buildings of the type currently being offered at the Horizon 120 site and illustrated the opportunity, therefore, to further enhance employment opportunities in the District through continued and new development in the area.

It was reported that whilst the development of the Horizon 120 site had been successful at delivering considerable employment land and jobs in the District, the Council had determined that it was not currently in the same financial position to progress with development of the land under the Option Agreement, as it was for the main site in 2018. This financial position was unlikely to change in the current and future MTFS periods. The Council had therefore considered options to deliver against its commitment in its Options Agreement to bring forward the 26.5-acre site in a way that sees the land developed at little or no financial cost to the Council. The Council had also considered how it could secure a financial return for its Option Agreement in support of delivering a balanced MTFS for the Council.

Given that HBL had delivered so strongly against the original ambition of Horizon 120, it was considered practicable to explore whether HBL would be willing to seek the transfer of the Options Agreement in order that it might bring the land forward for development. In order to ensure best value for the Council, the Council commissioned its asset valuers, NPS, to test the validity of such an arrangement and whether it would offer the Council best value against other options.

Members were directed to the report where several potential options had been carefully considered and Officers had sought advice, from NPS, on the efficacy and best value considerations of transferring the Option Agreement to HBL. Their resulting recommendation offered comfort that the transfer of the Option Agreement to HBL, founded on open market valuations, would offer best value to the Council.

DECISION: That Cabinet agreed:

- 1 That the Council entered into an interim Exclusivity Agreement of 12 months with Horizon (Braintree) Ltd (HBL), to consider an agreement to assign its Option Agreement to HBL (a Marshgate Development company).
- 2 That subject to satisfactory terms being agreed and satisfactory due diligence being completed with HBL regarding the assignment of the Council's Option

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Agreement, Cabinet agrees to the assignment of the Option Agreement, on the current terms, to Horizon (Braintree) Ltd (a Marshgate Development company).

- 3 To delegate authority to the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills and the Cabinet Member for Finance and Corporate Transformation, to finalise the terms of the Exclusivity Agreement and to enter into any subsequent Deed of Assignment contract with HBL.

59. **TO GRANT AN EASEMENT AT SPRINGWOOD DRIVE, BRAINTREE**

INFORMATION: Members were reminded that this Item included a Confidential Appendix which contained exempt information that fell within Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. If any Members wished to refer to the private information within the Appendix, it would be necessary for the meeting to be moved into Private Session.

DECISION: That, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting if it was necessary to discuss the Confidential Appendix on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

This Item was considered entirely in the Public Session of the meeting. There was no discussion in Private Session, nor disclosure of information contained in the Confidential Appendix.

INFORMATION: This report was presented by Councillor Bowers, Cabinet Member for Housing, Assets and Skills.

It was reported that the Council had been approached by a developer, who had an option over the land to the rear of the Council's land (developer's land). That land had potential, subject to planning, for development for employment purposes incorporating industrial and warehouse units. However, in order to facilitate such development, the developer required access to the site across the Council's land.

Terms had been agreed with the developer subject to contract and formal Council approval, for access to be granted by way of an easement in return for a cash payment to a value commensurate with the identified value of the benefit being granted.

The new access route would be constructed at the developer's cost and arrangements would be made for the costs of future maintenance and repairs to it to be shared between the occupiers of the newly developed units and the Council in fair proportion. Whilst precise costs were not possible to forecast at this time, the standard of road to be laid should be suitable for minimum 10 years' wear and in anticipation of future maintenance thereafter, costs to the Council would represent a small percentage in comparison to the traffic serving the new industrial park extending to an estimated 16

acres. Hence, it was not anticipated that a capital budget would be necessary to meet such expenses.

It was reported that if the Council were to do nothing, the opportunity for the added employment land would be unlikely to come to fruition, as there were no other realistic options for access to the land at the rear of the Council's Land. This would therefore deny the opportunity to attract more employers to the District, with the resultant lack of further employment prospects, business rates revenues and economic growth. Neither would the Council benefit from any payment.

The Council could alternatively accept a cash payment in exchange for this access. The advantage of this solution was that it was a straightforward payment in exchange for the granting of an easement. It would be conditional upon the grant of planning consent for the developer's scheme but would become payable immediately such consent was formalised. By accepting a cash payment, the Council will have full control over the way it wishes to future invest that money. This was therefore the recommended option.

DECISION: That Cabinet agreed:

1. To approve the grant of an easement across the Council's land in favour of Charterhouse Property Group (the developer) to enable them to develop new industrial/warehouse units on the land to the rear.
2. To authorise the entering into all such contractual arrangements necessary for the granting of the easement and bringing into effect any necessary changes to those leases already in existence and to affect the transfer of the additional land to the Council.
3. To agree that the Council accepts the freehold transfer of the additional land together with the transaction fee in the sum set out in the Confidential Appendix.

The meeting commenced at 7.15pm and closed at 8.12pm.

COUNCILLOR G BUTLAND
(Leader of the Council)