

# Minutes

## Cabinet

### 16th May 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)	Apologies
<b>Innovative Environment</b>		
Finance and Corporate Transformation	Councillor J McKee	Yes
Climate Change and the Environment	Councillor Mrs W Schmitt	Apologies
Operations and Commercialisation	Councillor R van Dulken	Yes
<b>Connecting People, Places and Prosperity</b>		
Economic Growth	Councillor T Cunningham (Deputy Leader)	Yes
Housing, Assets and Skills	Councillor K Bowers	Yes
Planning and Infrastructure	Councillor Mrs G Spray	Yes
<b>Supporting Our Communities</b>		
Communities	Councillor F Ricci	Yes
Health and Wellbeing	Councillor P Tattersley	Yes

#### **Present as Invitees of the Leader:**

Councillor J Abbott (Leader of the Green and Independent Group), Councillor D Mann (Leader of the Labour Group) and Councillor Mrs J Pell (Leader of Halstead Residents Association).

#### 1. **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interest was declared:-

Councillor T Cunningham declared a Non-Pecuniary interest in each of the Agenda Items, where applicable, as an Elected Member of Essex County Council.

Those minutes identified by the prefix \*\* may be the subject of the "call-in" provisions of the Constitution within 5 working days of the publication of these minutes. Any decisions made and not "called in" by this date and time will become effective. For further information regarding these minutes please contact the Governance and Members Team, on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

## 2. **MINUTES**

**DECISION:** The Minutes of the meeting of the Cabinet held on 14th March 2022 were approved as a correct record and signed by the Chairman.

## 3. **QUESTION TIME**

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

## 4. **'BOUNCING BACK TOGETHER – OUR PLAN FOR THE DISTRICT OCTOBER 2021 TO MARCH 2023' - REVIEW**

**INFORMATION:** Consideration was given to a report on the Council's Annual Plan entitled 'Bouncing Back Together' which covered the period from October 2021 to March 2023. The Plan set out the actions and performance measures which were required to support the delivery of the Council's Corporate Strategy for 2020 – 2024. The Plan had been reviewed to take account of changes to Council budgets, new legislation and new challenges and opportunities facing the District following the Covid-19 pandemic.

The Cabinet had approved the 'Bouncing Back Together' Plan in October 2021 when it had also been agreed that the Plan should be reviewed periodically to take account of any changes required and to include any additional actions.

Recent changes had been made to the 'Supporting our Communities' section of the Plan to strengthen the actions of the Community Safety Partnership. The 'Delivering and Innovating' section had been amended to refer to work between Braintree District Council and other Essex Authorities on a Joint Municipal Waste Strategy which was due to be adopted in 2023 and future waste collection arrangements. Additional action points had been included within the Plan to monitor how the Council, together with communities and partners across Essex, could respond to the Government's 'Levelling Up' White Paper, and to consider the District Council's approach to the 'Everyone's Essex' project, which had been launched by Essex County Council.

Performance targets had also been reviewed to reflect the impact of the pandemic in some areas. In particular, further time was required to develop baselines for participation levels at leisure centres against which a target could be agreed. In addition the target for the percentage of invoices paid within 30 days had been revised to 97% and the target for the collection of Council Tax and Business Rates would be amended to be above the collection rate for 2021/22.

During the consideration of this Item, Councillor K Bowers, Cabinet Member for Housing, Assets and Skills, referred to the Annual Plan's target to deliver 500 affordable homes in the District over the two year period from 2021 to 2023 and he was pleased to report that over 400 of these homes had been delivered during the first year. Councillor Bowers congratulated the Council's staff on this achievement. Also, Councillor T Cunningham, Cabinet Member for Economic Growth and Deputy Leader, thanked Councillors and Officers for their work in continuing to deliver services for the public as the Council emerged from the impact of the pandemic.

**DECISION:** That Braintree District Council's revised Annual Plan entitled 'Bouncing Back Together' for the period up to March 2023 be approved.

**REASON FOR DECISION:** To approve a revised version of Braintree District Council's Annual Plan entitled 'Bouncing Back Together' for the period up to March 2023.

5. **\*\*COVID-19 ADDITIONAL RELIEF FUND - DISCRETIONARY NON-DOMESTIC RATE RELIEF**

Minutes Published: 24th May 2022
Call-in Expires: 31st May 2022

**INFORMATION:** The Cabinet considered a report on the Council's proposed policy for granting Covid-19 Additional Relief Fund (CARF) Discretionary Non-Domestic Rate relief. The proposed policy was attached at Appendix A to the Agenda report.

On 25th March 2021, the Government had announced the provision of the CARF amounting to an overall sum of £1.5 billion. The aim of the fund was to provide support to businesses which had been affected by the Covid-19 pandemic, but which had not been eligible to claim support linked to business rates.

On 15th December 2021, the Government had issued guidance to Local Authorities as to how they should administer the CARF and the criteria which they should have regard to when determining applications for awards from the fund. The Government had also announced that the proportion of the total £1.5 billion fund which would be allocated to the Braintree District would be £2,973,126. This signified the maximum relief that the Council would be able to grant.

The Government had asked Local Authorities to use discretionary powers under Section 47 of the Local Government Finance Act 1988 to administer the relief and it was for each Authority to determine its own local scheme and whether or not to grant relief in each individual case. Relief under the CARF scheme would only be available to reduce chargeable amounts in respect of the 2021/22 financial year. The Council was required to determine applications by 30th September 2022.

The Department for Levelling-Up, Housing and Communities had stipulated that relief should not be awarded to ratepayers who were, or would have been, eligible for assistance through the 'Expanded Retail Discount', the 'Nursery Discount', or the 'Airport and Ground Operations Support' schemes; that relief should not be awarded for any period that a property was unoccupied; and that Local Authorities should direct their support towards ratepayers who had been adversely affected by the pandemic and had not been able to adapt adequately. It was proposed that applications for relief should be determined in accordance with the Council's policy and successful applicants would be awarded relief at 25% of their net business rate liability for 2021/22 after any other reliefs and reductions had been applied. A review of the number of eligible applications submitted and granted would be undertaken to determine if it would be appropriate to provide a 'top-up' payment.

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## **DECISION:**

- (1) That Braintree District Council's Covid-19 Additional Relief Fund (CARF) policy for Discretionary Non-Domestic Rate relief, as set out at Appendix A to the Agenda report, be approved.
- (2) That the Council's Section 151 Officer, in consultation with the Cabinet Member for Finance and Corporate Transformation, be authorised to agree the award of any 'top-up' relief in accordance with the policy, subject to consultation with other service areas of the Council and the Cabinet Member for Economic Growth.

**REASON FOR DECISION:** To agree a policy for granting Covid-19 Additional Relief Fund (CARF) Discretionary Non-Domestic Rate relief.

## 6. **\*\*ENERGY REBATE DISCRETIONARY FUND**

Minutes Published: 24th May 2022
Call-in Expires: 31st May 2022

**INFORMATION:** Consideration was given to a report on the 'Energy Rebate Discretionary Fund' and proposals for determining a policy in respect of the Fund.

On 3rd February 2022, the Government had announced a package of support to help households with rising energy bills. This included a non-repayable Council Tax Rebate of £150 for all households in Council Tax Bands A to D and a Discretionary Fund to enable Local Authorities to provide carefully targeted 'top-up' payments to the most vulnerable households in bands A to D, or to provide support to other energy bill payers who were not eligible for the Council Tax Rebate. It was proposed that the Council Tax Rebate should be paid by Local Authorities to households by Local Authorities as soon as possible from April 2022. Payments from the Discretionary Fund would be passed on directly by Local Authorities to households as one-off grants. Both payments would be in accordance with guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC).

The Council had received a payment of £7,667,850 from the Government for the Council Tax Rebate scheme, which was subject to reconciliation of actual expenditure incurred at 30th September 2022, with the settlement of any difference being made at that time. The Council had also received £229,200 as its share of a total fund of £144m which had been allocated to provide discretionary support. This funding was capped and any funds which the Council had not allocated by 30th November 2022 would have to be repaid.

Each Local Authority was required to determine how best to use the Discretionary Fund and, once agreed, to publish the guidelines and eligibility criteria for their local scheme. Details of the proposed guidelines and criteria were set out in paragraphs 3.7 and 3.8 of the Agenda report.

It was proposed that the Council's scheme should be published once work had been undertaken to ensure the maximum distribution of the Government's funds. In the circumstances, it was proposed that the final scheme should be agreed by the Section 151 Officer, in consultation with the Cabinet Member for Finance and Corporate Transformation, the Cabinet Member for Communities, and the Cabinet Member for Climate Change and the Environment.

It was also anticipated that cost of living and energy costs would continue to rise and impact on households and that the Government may provide further financial support to be administered by Local Authorities. It was therefore proposed that the Section 151 Officer, in consultation with the Cabinet Member for Finance and Corporate Transformation, the Cabinet Member for Communities, and the Cabinet Member for Climate Change and the Environment should be authorised to agree any future discretionary funding scheme.

On 12th April 2022, the DLUHC had advised the Council that an advance allocation of £71,059 would be provided to fund early set-up costs related to the implementation of the Council Tax Rebate scheme. A more detailed assessment of the full range of new burden costs incurred as a result of delivering the scheme would be carried out by the DLUHC and a further payment would be made if the costs incurred were assessed to exceed the initial payment.

In presenting this Item, Councillor J McKee, Cabinet Member for Finance and Corporate Transformation thanked Financial Services staff for their work in dealing with the energy rebate and discretionary fund.

#### **DECISION:**

- (1) That the outline proposals for Braintree District Council's Energy Rebate Discretionary Fund policy, as set out in paragraphs 3.7 and 3.8 of the Agenda report, be approved.
- (2) That the Section 151 Officer, in consultation with the Cabinet Member for Finance and Corporate Transformation, the Cabinet Member for Communities, and the Cabinet Member for Climate Change and the Environment be authorised to determine the final details of the Council's 'Energy Rebate Discretionary Fund' policy.
- (3) That the Section 151 Officer, in consultation with the Cabinet Member for Finance and Corporate Transformation, the Cabinet Member for Communities, and the Cabinet Member for Climate Change and the Environment, be authorised to determine any future 'Energy Rebate Discretionary Fund' policy issued by the Council if further Government funding is provided.

**REASON FOR DECISION:** To consider outline proposals for an 'Energy Rebate Discretionary Fund' policy and to delegate authority for the determination of a final policy.

7. **\*\*RURAL VERGE GRASS CUTTING IN THE BRAINTREE DISTRICT – AWARD OF A THREE YEAR CONTRACT**

Minutes Published: 24th May 2022 Call-in Expires: 31st May 2022
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**INFORMATION:** Members of the Cabinet considered a report on the award of a contract for rural verge grass cutting in the Braintree District.

It was reported that Essex County Council as the Highway Authority had statutory responsibility for the maintenance of roadside verges in Essex. However, responsibility for rural verge grass cutting in the Braintree District had been delegated to Braintree District Council, which managed the programme on behalf of the County Council using an external contractor to carry out the work. Following discussions with the County Council it had been agreed that the District Council should carry out a competitive procurement exercise for a new three year contract for the cutting of rural grass verges from 2022 to 2025 based on a single cut in the Autumn of each year. The County Council would place an annual order with the District Council to carry out the work. This would include a fee for managing, monitoring and delivering the annual programme and dealing directly with any operational issues, including requests for ad-hoc safety cuts of grass verges prior to a full-width cut being undertaken.

The procurement process had taken place, which had required tenderers to submit prices for two lots. Lot 1 sought an annual single full-width cut of verges in the Autumn and Lot 2 sought a half-cut of verges in Spring and a full-width cut in Autumn. Both Lots required tenderers to submit an all-inclusive price for 40 ad-hoc safety cuts of verges also. Two tenders had been submitted and these had been evaluated in terms of finance and quality, with weightings of 70% and 30% being applied respectively. The tender submitted by P Crawford Contracting Ltd in the sum of £64,850 per annum had achieved the highest combined score following evaluation and it was more competitive over the three year contract period. Accordingly, it was recommended that P Crawford Contracting Ltd should be the preferred supplier.

The procurement process would result in a net annual surplus of approximately £65,000 against the annual budget of £130,000. It was proposed that Essex County Council should utilise part of this surplus to commission an ecological and environmental survey to fully evaluate and assess the impact of a single grass cut of rural verges in terms of sustainability and biodiversity. This information would be used to determine the specification when the contract was re-tendered.

During the consideration of this Item, Councillor J Abbott, Leader of the Green and Independent Group, asked if consideration had been given to selected grass verges being enhanced by the planting and/or sowing of wild flowers, and he also queried the definition of 'Autumn' in terms of the proposed contract. It was agreed that Councillor Mrs W Schmitt, Cabinet Member for Climate Change and the Environment, should respond to these queries in writing.

**DECISION:** That a three year contract for Lot 1 - a single full-width cut of rural grass verges in the Autumn only be awarded to P Crawford Contracting Ltd for a total value of £64,850 per annum.

**REASON FOR DECISION:** To seek approval for Braintree District Council to award a contract on behalf of Essex County Council for the provision of rural verge grass cutting.

8. **\*\*NEW BRAINTREE DISTRICT COUNCIL OFF-STREET PARKING PLACES ORDER AND ON-STREET PARKING PROVISIONS**

Minutes Published: 24th May 2022
Call-in Expires: 31st May 2022

**INFORMATION:** Consideration was given to a report on the making of a new Braintree District Council Off-Street Parking Places Order (OSPPO) to reflect changes to car parking provision in the Braintree District and the making of a Traffic Regulation Order to control on-street parking at Horizon 120, Great Notley.

The effect of the new OSPPO if confirmed as proposed would be to revoke the existing Braintree District Council (Off-Street Parking Places) Order 2021 (No. 2). However, the provisions in the 2021 Order would be incorporated within the new OSPPO together with the additional elements proposed. An on-street Traffic Regulation Order was required for Horizon 120, Great Notley in order to manage traffic flow and parking and to enable enforcement action to be taken against any infringements. The proposed Traffic Regulation Order would be made by the North Essex Parking Partnership (NEPP).

With reference to off-street parking, it was reported that The Plaza, Horizon 120, Great Notley was due to open in July 2022. The car park had limited space and in order to discourage casual parking, it was proposed that a 'pay and display' tariff should be adopted, in addition to permits. The proposed tariff and terms and conditions for the new car park were set out in the Agenda report. Furthermore, a Travelodge had opened at Victoria Square, Braintree and it had been agreed with the Council that hotel customers could purchase 24-hour car park tickets for £3 each. Whilst this arrangement had been included in the OSSPO for 2021, it was proposed that parking should only be permitted in car parks located at Station Approach, Braintree, George Yard, Braintree and Victoria Street, (lower ground floor), Braintree and that customers should not be able to transfer their ticket to other Council-owned car parks. The OSSPO would be amended to reflect this. It was reported also that electric vehicle charging points/bays had now been installed in the majority of the Council's public car parks in Braintree and Witham in addition to those at George Yard car park, Braintree. In order to control the use and availability of the electric vehicle charging bays at these car parks, it was proposed that Articles 11 and 25.1 of the existing OSPPO should be varied to make it an offence for a person to cause or permit a vehicle to wait in an electric vehicle parking bay if it was not an electric vehicle, or to cause or permit an electric vehicle to wait in an electric vehicle parking bay without being connected to the charging point and in the process of being charged. Details of the additional car parks which incorporated electric vehicle

charging bays and the restrictions which applied to each of them were set out in the Agenda report.

With respect to on-street parking, it was proposed that a 'no parking at any time' restriction should be implemented on roads at Horizon 120, Great Notley in order to manage traffic flow effectively. In addition, the Council proposed to work with NEPP to design a red route at the site, which would seek to restrict parking, loading and unloading.

The proposed OSPPO would be subject to statutory consultation in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended) and it was recommended that the Cabinet Member for Operations and Commercialisation should be authorised to consider any representations submitted during the consultation period and to determine whether the Order should be confirmed with or without modification. It was proposed that Colchester Borough Council, as the Lead Authority for the NEPP, should be instructed to commence the statutory consultation process for the introduction of a new on-street Traffic Regulation Order for the site of Horizon 120, Great Notley.

#### **DECISION:**

- (1) That Cabinet authorises the commencement of the process for making a Braintree District Council Off-Street Parking Places Order to:
  - (a) Add the new car park at The Plaza, Horizon 120, Great Notley, Braintree, together with the tariff as set out in the Agenda report, subject to the hours of operation of electric charging bays being amended from 7am to 10pm;
  - (b) Include the new tariff for customers of the Travelodge, Victoria Square, Braintree, as set out in the Agenda report;
  - (c) Amend Articles 11 and 25.1 of the Off-Street Parking Places Order so that an electric vehicle may only wait in an electric vehicle parking bay if it is connected to a charging point and is being charged; and
  - (d) Confirm the tariffs and associated restrictions for electric vehicle charging bays at Station Approach, Victoria Square, Causeway House and Enterprise Drive car parks in Braintree; Mill Lane, Newlands Drive and White Horse Lane car parks in Witham; and Halstead Leisure Centre car park in Halstead, as set out in the Agenda report.
- (2) That Cabinet authorises the North Essex Parking Partnership to commence the statutory process for the introduction of a new Traffic Regulation Order restricting on-street parking at Horizon 120, Great Notley, as set out in section 3 of the Agenda report, to ensure that appropriate traffic management is in place.
- (3) That the Corporate Director (Growth) be authorised to agree the red route design for the on-street Traffic Regulation Order at Horizon 120, Great Notley as proposed by the North Essex Parking Partnership.

- (4) That the Operations, Strategy and Policy Manager, in consultation with the Head of Governance, be authorised to take all such steps as are expedient and necessary to make a new Braintree District Council Off-Street Parking Places Order in accordance with paragraph (1) of this decision.
- (5) In the event that representations are submitted to the making of the new Off-Street Parking Places Order, the Cabinet Member for Operations and Commercialisation be authorised to consider the representations submitted within the statutory consultation period and to determine whether the Order should be confirmed with, or without modification.

**REASON FOR DECISION:** To authorise the making of a Braintree District Council Off-Street Parking Places Order to reflect changes to car parking provision in the Braintree District and to authorise the making of a Traffic Regulation Order in respect of on-street parking at Horizon 120, Great Notley.

9. **\*\*HACKNEY CARRIAGE FARE INCREASE**

Minutes Published: 24th May 2022
Call-in Expires: 31st May 2022

**INFORMATION:** Consideration was given to a request, which had been received from Hackney Carriage Proprietors for the Council to amend its Table of Fares for Hackney Carriages.

In accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Council was able to set the rates or fares for Hackney Carriages within the District for time as well as distance and all other charges in connection with the hire of a vehicle. It had previously been agreed with the local Taxi Association that they should review the fares charged for Hackney Carriages on an annual basis and if, considered necessary, to submit requests for amendment to the Council. The annual review sought to avoid requests being submitted after several years, which could lead to high fare increases. It was noted that the last request for a fare increase had been considered by the Council in February 2018.

Details of the recent request submitted by the Hackney Carriage Proprietors were attached at Appendix 1 to the Agenda report. The request proposed that the Mileage Tariff One starting rate for the initial distance travelled should be increased from £3.50 to £3.70, and that the subsequent incremental yardage should be reduced from 104 yards to 95 yards thereby increasing the rate per mile from £1.68 to £1.85. This represented a 7.5% increase in fares. The justification for the request was rising fuel costs and the last request having been made in 2018.

The request for an increase in fares would be subject to statutory public consultation and it was proposed that the relevant Corporate Director, in consultation with the Cabinet Member for Operations and Commercialisation and the Chairman of the Licensing Committee should be authorised to consider any representations submitted and to determine whether the increase in fares should take effect with, or without modification.

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## DECISION:

- (1) That the request by Hackney Carriage Proprietors to amend the Braintree District Council Hackney Carriage Table of Fares by increasing the Mileage Tariff One starting rate from £3.50 to £3.70 and reducing subsequent incremental yardage from 104 yards to 95 yards be approved with effect from 1st July 2022.
- (2) That statutory public consultation be commenced.
- (3) To authorise the relevant Corporate Director, in consultation with the Cabinet Member for Operations and Commercialisation and the Chairman of the Licensing Committee, to:
  - (a) Consider any representations received during the 14 day consultation period and to determine whether the amended Table of Fares should come into effect with, or without modification.
  - (b) Set a further date in the event of representations being made, not later than two months after the first effective date, when the amended Table of Fares will come into effect.

**REASON FOR DECISION:** To consider a request from Hackney Carriage Proprietors to amend the Braintree District Council Table of Fares for Hackney Carriages by increasing the Mileage Tariff One starting rate from £3.50 to £3.70 and reducing subsequent incremental yardage from 104 yards to 95 yards.

## 10. **\*\*COMMUNITY CENTRE, MALTINGS LANE, WITHAM - DEVELOPMENT**

Minutes Published: 24th May 2022
Call-in Expires: 31st May 2022

**INFORMATION:** Members were reminded that this item was linked to Item 11a in the Private Session of the Agenda and that if any Member wished to refer to the private information contained within the report/Appendix for that Item it would be necessary for the meeting to be moved into Private Session.

**DECISION:** That, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting if it is necessary to discuss Item 11a of the Agenda and the private report/Appendix, on the grounds that it involves 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 private report/Appendix. However, Members agreed that the information contained in the private report/Appendix would remain exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

Minutes of both the public report and the private report/Appendix have been produced and these are set out below.

**INFORMATION:** Consideration was given to a report on the proposed construction of a community centre at Maltings Lane, Witham.

As part of the planning process for the development of land at Maltings Lane, Witham it had been acknowledged that additional community infrastructure would be required to meet the needs of residents and that a new hall, or building should be provided that the community could use for meetings and events. Subsequently, and in accordance with a Section 106 Agreement, land had been transferred by the developer to the Council for this purpose, together with a financial contribution towards the cost of constructing the community building. Further contributions for the provision of community facilities, which amounted to £1,568,895, had also been secured via Section 106 Agreements for other residential developments. The expenditure of some of these contributions was subject to specific requirements, such as the provision of indoor sports facilities and changing rooms. It was also proposed that a contribution of £200,000 associated with a Section 106 Agreement for residential development at Conrad Road, Witham should be allocated towards the community centre at Maltings Lane on the basis that it would serve Witham town as a whole.

Following consultation with representatives of the local community, it was proposed that the community centre should have a mixed-use, including sports facilities and other flexible space which could be used to provide meeting rooms. A design had been prepared, which estimated that the total cost of the project would be £4,039,733. As this was in excess of the funds currently secured for the project via Section 106 Agreements, the Council would be required to make a contribution to the cost if the project was to proceed. The Council's contribution would amount to £2,270,838 and it was proposed that it should be met from unallocated New Homes Bonus funds.

It was proposed that a local, third sector organisation should operate the new community centre and it was proposed that an agreement with an operator should be put in place before construction commenced. This arrangement would enable the operator to retain any revenue and it would keep the Council's on-going revenue costs to a minimum. Furthermore, this arrangement would enable VAT costs relating to the construction of the centre to be reclaimed. It was anticipated that the Council would be responsible for meeting the cost of any future capital re-investment in the building, such as planned maintenance. If any lease arrangement was to cease, the Council would be responsible for meeting the operating costs of the building until a replacement operator could be found. It was estimated that the annual costs could be £41,000.

In progressing the project, the Council would be required to undertake a number of procurement exercises to secure contracts for various supplies/works and it was proposed that the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills, should be authorised to approve the award of these contracts provided that the successful bids were within the approved budget.

It was also proposed that Full Council at its meeting on 20th June 2022 should be recommended to include the project in the Council's capital programme and to

allocate a budget. In the meantime, work would be carried out on the final design and specification for the project, including the preparation of an application for planning permission. It was estimated that the cost of this work would be £325,000 and it had been included within the overall estimated capital cost of the project. Details of the costs associated with the project were set out in a confidential Appendix to the Agenda report, which had been circulated to Members of the Cabinet.

During the consideration of this Item, Councillor T Cunningham, Cabinet Member for Economic Growth and Deputy Leader, thanked Councillor F Ricci, Cabinet Member for Communities and Officers for their work on this matter

#### **DECISION:**

- (1) That the project for a community centre at Maltings Lane, Witham, with a capital budget of £4,039,733 be approved.
- (2) That it be **Recommended to Full Council** that the project for a community centre at Maltings Lane, Witham with a capital budget of £4,039,733 be added to the Council's capital programme. The proposed funding of this expenditure to be from a combination of contributions from Section 106 Agreements and the New Homes Bonus.
- (3) That it be **Recommended to Full Council** that £200,000 that has been secured by the Council from a Section 106 Agreement for development at Conrad Road, Witham (planning permission reference number 19/00026/FUL), be allocated to the project for a community centre at Maltings Lane, Witham.
- (4) That subject to Full Council's approval to the inclusion of the project for a community centre at Maltings Lane, Witham within the Council's capital programme and budget, and subject to compliance with the approved budget, the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills, be authorised to:-
  - (a) Select an appropriate lessee, negotiate and approve the terms of a lease and enter into an Agreement to Lease for the community centre on condition that the lease terms enable the recovery of VAT on development costs.
  - (b) Procure and enter into contracts for the appointment of design and technical consultants and to undertake necessary surveys.
  - (c) Prepare and submit a planning application.
  - (d) Procure and enter into a contract with a construction company, provided that an Agreement to Lease has been entered into with an appropriate lessee before the construction contract is awarded.
  - (e) Procure and enter into contracts, such as for the purchase of furniture, fixtures and equipment, which are considered reasonable and necessary for the successful delivery and operation of the centre.

**REASON FOR DECISION:** To consider a proposal for the construction of a community centre at Maltings Lane, Witham and to determine whether to recommend to Full Council that the proposal is funded from the Council's capital programme.

11. **\*\*COMMUNITY CENTRE, MALTINGS LANE, WITHAM – DEVELOPMENT PRIVATE (Minute Admissible in the Public Domain)**

Minutes Published: 24th May 2022 Call-in Expires: 31st May 2022
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**INFORMATION:** 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 private report/Appendix. However, Members agreed that the information contained in the private report/Appendix would remain exempt from public disclosure in accordance with paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972. This Minute does not disclose any private information contained in the private report/Appendix and it is admissible in public.

**INFORMATION:** Consideration was given to a report on the proposed construction of a community centre at Maltings Lane, Witham.

As part of the planning process for the development of land at Maltings Lane, Witham it had been acknowledged that additional community infrastructure would be required to meet the needs of residents and that a new hall, or building should be provided that the community could use for meetings and events. Subsequently, and in accordance with a Section 106 Agreement, land had been transferred by the developer to the Council for this purpose, together with a financial contribution towards the cost of constructing the community building. Further contributions for the provision of community facilities, which amounted to £1,568,895, had also been secured via Section 106 Agreements for other residential developments. The expenditure of some of these contributions was subject to specific requirements, such as the provision of indoor sports facilities and changing rooms. It was also proposed that a contribution of £200,000 associated with a Section 106 Agreement for residential development at Conrad Road, Witham should be allocated towards the community centre at Maltings Lane on the basis that it would serve Witham town as a whole.

Following consultation with representatives of the local community, it was proposed that the community centre should have a mixed-use, including sports facilities and other flexible space which could be used to provide meeting rooms. A design had been prepared, which estimated that the total cost of the project would be £4,039,733. As this was in excess of the funds currently secured for the project via Section 106 Agreements, the Council would be required to make a contribution to the cost if the project was to proceed. The Council's contribution would amount to £2,270,838 and it was proposed that it should be met from unallocated New Homes Bonus funds.

It was proposed that a local, third sector organisation should operate the new community centre and it was proposed that an agreement with an operator should be put in place before construction commenced. This arrangement would enable the operator to retain any revenue and it would keep the Council's on-going revenue costs

to a minimum. Furthermore, this arrangement would enable VAT costs relating to the construction of the centre to be reclaimed. It was anticipated that the Council would be responsible for meeting the cost of any future capital re-investment in the building, such as planned maintenance. If any lease arrangement was to cease, the Council would be responsible for meeting the operating costs of the building until a replacement operator could be found. It was estimated that the annual costs could be £41,000.

In progressing the project, the Council would be required to undertake a number of procurement exercises to secure contracts for various supplies/works and it was proposed that the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills, should be authorised to approve the award of these contracts provided that the successful bids were within the approved budget.

It was also proposed that Full Council at its meeting on 20th June 2022 should be recommended to include the project in the Council's capital programme and to allocate a budget. In the meantime, work would be carried out on the final design and specification for the project, including the preparation of an application for planning permission. It was estimated that the cost of this work would be £325,000 and it had been included within the overall estimated capital cost of the project. Details of the costs associated with the project were set out in a confidential Appendix to the Agenda report, which had been circulated to Members of the Cabinet.

During the consideration of this Item, Councillor T Cunningham, Cabinet Member for Economic Growth and Deputy Leader, thanked Councillor F Ricci, Cabinet Member for Communities and Officers for their work on this matter

#### **DECISION:**

- (1) That the project for a community centre at Maltings Lane, Witham, with a capital budget of £4,039,733 be approved.
- (2) That it be **Recommended to Full Council** that the project for a community centre at Maltings Lane, Witham with a capital budget of £4,039,733 be added to the Council's capital programme. The proposed funding of this expenditure to be from a combination of contributions from Section 106 Agreements and the New Homes Bonus.
- (3) That it be **Recommended to Full Council** that £200,000 that has been secured by the Council from a Section 106 Agreement for development at Conrad Road, Witham (planning permission reference number 19/00026/FUL), be allocated to the project for a community centre at Maltings Lane, Witham.
- (4) That subject to Full Council's approval to the inclusion of the project for a community centre at Maltings Lane, Witham within the Council's capital programme and budget, and subject to compliance with the approved budget, the Corporate Director (Growth), in consultation with the Cabinet Member for Housing, Assets and Skills, be authorised to:-

- (a) Select an appropriate lessee, negotiate and approve the terms of a lease and enter into an Agreement to Lease for the community centre on condition that the lease terms enable the recovery of VAT on development costs.
- (b) Procure and enter into contracts for the appointment of design and technical consultants and to undertake necessary surveys.
- (c) Prepare and submit a planning application.
- (d) Procure and enter into a contract with a construction company, provided that an Agreement to Lease has been entered into with an appropriate lessee before the construction contract is awarded.
- (e) Procure and enter into contracts, such as for the purchase of furniture, fixtures and equipment, which are considered reasonable and necessary for the successful delivery and operation of the centre.

**REASON FOR DECISION:** To consider a proposal for the construction of a community centre at Maltings Lane, Witham and to determine whether to recommend to Full Council that the proposal is funded from the Council's capital programme.

The meeting commenced at 7.15pm and closed at 8.20pm

COUNCILLOR T CUNNINGHAM  
(Deputy Leader of the Council)