

# Minutes

## Cabinet

### 5th February 2018



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at [www.braintree.gov.uk](http://www.braintree.gov.uk).

#### Present:

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

Also present as invitees of the Leader:

Councillor Mrs Pell, Leader of Halstead Residents Association

Councillor Mann, Representative of the Labour Group

Councillor Barlow, Chairman of the Overview and Scrutiny Committee

Councillors Mitchell and Schwier were also in attendance.

#### 46 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

- Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 6a – ‘Council Budget and Council Tax 2018-19 and Medium-Term Financial Strategy 2018-19 to 2021-22’ and Agenda Items 7a and 11a – ‘Proposed Acquisition of Strategic Employment Site, Great Notley’ as a Member of Great Notley Parish Council.
- Councillor Mann declared a Non-Pecuniary Interest in Agenda Item 8 – ‘Cabinet Member Decisions made under Delegated Powers’ as the Chair of Trustees of the Tabor Centre.

- Councillor Mrs Pell declared a Non-Pecuniary Interest in Agenda Item 6a – ‘Council Budget and Council Tax 2018-19 and Medium-Term Financial Strategy 2018-19 to 2021-22’ as a representative of the Halstead Community Centre Charitable Company. Councillor Mrs Pell declared a Non-Pecuniary Interest also in Agenda Items 7b and 11b – ‘Proposed Disposal of Land and Property within the Land East of High Street Site in Halstead’ as the objectors and owners of the site were known to her.
- Councillor Ricci declared a Non-Pecuniary Interest in Agenda Item 6a – ‘Council Budget and Council Tax 2018-19 and Medium-Term Financial Strategy 2018-19 to 2021-22’ as a Member of Great Notley Parish Council. Councillor Ricci declared a Non-Pecuniary Interest also in Agenda Items 7a and 11a – ‘Proposed Acquisition of Strategic Employment Site, Great Notley’ as a Member of Great Notley Parish Council and as he provided a non-financial service to the landowner.

## 47 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Cabinet held on 27th November 2017 be approved as a correct record and signed by the Chairman.

## 48 **QUESTION TIME**

**INFORMATION:** There was one statement made. Details of the person who spoke at the meeting are contained in the Appendix to these Minutes.

Due to the public attendance at the meeting for Items 7b and 11b – ‘Proposed Disposal of Land and Property within the Land East of High Street Site in Halstead’ it was agreed by Members to re-order the Agenda and take this as the first Item of business.

## 49 **\*\*PROPOSED DISPOSAL OF LAND AND PROPERTY WITHIN THE LAND EAST OF HIGH STREET SITE IN HALSTEAD**

Minutes Published: 12th February 2018  
Call-in Expires: 20th February 2018

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

**DECISION:** That, under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting if it is necessary to discuss Item 11b of the Agenda and from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

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

**INFORMATION:** Members were asked to consider the disposal of a piece of land and two residential properties at Land East of High Street, Halstead.

The Land East of High Street site comprised of 1.898 hectares (4.69 acres) of predominantly overgrown, unused land together with two residential properties and was situated in the centre of the town just east of the High Street. The site comprises 6 landowners, including the Council. The Council's Development Management service had required that a comprehensive development scheme should be produced in this location to avoid piecemeal development. The Council had previously acquired 2 residential properties to include within the assembled development site due to the large gardens at the rear of both properties that protrude into the site. The 6 landowners had entered into a Vendor Cooperation Agreement to enable the assembled site to be jointly disposed of in the open market.

Disposal terms had in the past been agreed with a supermarket and then a residential developer but unfortunately both parties had subsequently decided not to proceed with the acquisition of this site.

After a protracted period of negotiation, terms had now been agreed to dispose of the site to a residential developer subject to planning. This disposal had been approved by the other five members of the Vendor Consortium and Member approval was now sought to enable contracts to be exchanged with the purchaser.

**DECISION (PUBLIC REPORT):** That Cabinet Agreed:

- 1) That Members approve the disposal of the Council owned land and property contained within the Land East of High Street site, on the terms agreed with the Purchaser and as set out in the report, to enable the Land East of High Street site to come forward for residential development.
- 2) That Members approve that the Council enters into a Supplemental Cooperation Agreement to formalise the disposal arrangements agreed between the 6 landowners that are jointly disposing of their interests in the Land East of High Street site in Halstead.
- 3) That Members approve the transfer of the strips of land situated along the western boundary of the site at nil consideration to the Council to enable the Vendor Consortium to control access or easement rights over the Land East of High Street site to any adjoining third party land.
- 4) That powers be delegated to the Corporate Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to agree any amendments or variations to the disposal terms and disposal arrangements set out in the report.

**REASON FOR DECISION:** To approve the disposal of the Council's land and property interests within the Land East of High Street site in Halstead which will provide a key access into the site together with additional development land to enable a residential development scheme to come forward in this location.

**DECISION (PRIVATE REPORT):** That Cabinet agreed:

- 1) That Members approve the disposal of the Council owned land and property contained within the Land East of High Street site, on the terms agreed with the

Purchaser and as set out in the report, to enable the Land East of High Street site to come forward for residential development.

- 2) That Members approve that the Council enters into a Supplemental Cooperation Agreement to formalise the disposal arrangements agreed between the 6 landowners that are jointly disposing of their interests in the Land East of High Street site in Halstead.
- 3) That Members approve the transfer of the strips of land (the ransom strip) situated along the western boundary of the site at nil consideration to the Council to enable the Vendor Consortium to control access or easement rights over the Land East of High Street site to any adjoining third party land.
- 4) That powers be delegated to the Corporate Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to agree any amendments or variations to the disposal terms and disposal arrangements set out in the report.

**REASON FOR DECISION:** To approve the disposal of the Council's land and property interests within the Land East of High Street site in Halstead which will provide a key access into the site together with additional development land to enable a residential development scheme to come forward in this location.

## 50 **LEADER'S UPDATE**

The Leader had no updates to make.

## 51 **COUNCIL BUDGET AND COUNCIL TAX 2018-19 AND MEDIUM-TERM FINANCIAL STRATEGY 2018-19 TO 2021-22**

**INFORMATION:** Councillor Bebb, Cabinet Member for Finance and Performance updated Members on the following.

The withdrawal of the revenue support grant was confirmed, reducing from the current level of approximately £770,000 to £270,000 for next year and the funding resource ceasing completely in 2019/20. In addition, the Council will also have an adjustment of £290,000 to the business rates tariff in 2019/20 resulting in a reduction to the estimated amount of business rates retained in that year.

The Council Tax referendum principles were confirmed at less than 3% or £5 (whichever was greater) for 2018/19 and 2019/20.

It was reported that the Government had confirmed that there were no changes to the New Homes Bonus scheme for 2018/19. The Council will receive a total of £1.27 million in 2018/19. However, of this amount the actual allocation for year 8 (2018/19) is £16,240. This is significantly lower than previous years and is due to the number of new dwellings built being less than the 0.4% growth threshold.

On 20th December 2017, the Government had issued regulations enabling planning application fees to be increased by 20% from 17th January 2018. This had been implemented along with an agreement to ensure that the additional income raised would be ring-fenced for planning services.

In terms of Business Rates, calculations had been updated for 2017/18 with business rates retained at £4.55 million which was £1.29 million above the baseline, and for 2018/19 at £4.3 million which was £1.18 million above baseline. This was £240,000 and £232,000, respectively, higher than in the November report, which had contributed towards offsetting other emerging pressures.

In the Medium Term, proposals appeared to be changing, with 75% Business Rate Retention rather than 100% now being proposed. The Business Rate Retention scheme is to be introduced from 2020/21 and will incorporate the long awaited Fair Funding Review.

As the Essex Bid for Pilot Status in 2018/19 had been unsuccessful, the Council has agreed to participate with the Essex Business Rate Pool for 2018/19, with a potential share of growth of £560,000 to the Council. The actual amount would however be received after the end of that financial year.

The previous Pay Award assumption had been impacted by an offer by the Employers Organisation, as of 5th December 2017, of a 2% annual increase for the majority of grades (larger increases at the lowest grades) for the next two years, rather than the 1% increase that had been included in estimates. However, this offer was yet to be agreed.

The Council had already agreed to continue with the Council Tax Support Scheme with no changes. The Council Tax Collection Fund surplus of £181,000 had already been agreed to be shared, with £33,170 of this being allocated to Town and Parish Councils.

Essex County Council had confirmed that its contribution to the Community Transport Scheme would be frozen at the 2017/18 level for years 2018/19 and 2019/20.

Members were informed that the Councillor Community Grant Scheme would continue at £1500 per Councillor per annum, but there would be no carry over of unspent grants in 2017/18.

It was confirmed that the refuse recycling calendars would continue to be provided to all residents in the District.

The Council Tax Taxbase was calculated as at 30th November 2017 and was set at 51,980, a small increase of 80 over that estimated in the November report.

The anticipated growth in the District was likely to see a 1.5% increase in the taxbase for subsequent years.

The revised financial profile shows an addition to balances of £246,000 for 2018/19, followed by a significant shortfall in 2019/20 of £603,000. The shortfall for 2020/21 was £258,000 and £48,000 for 2021/22.

The proposed Council Tax is made in the knowledge of the shortfalls over the four year period. For a Band D property for 2018/19 there would be an increase of 2.97%, making a Band D property in the District £174.51.

In response to a question raised at the meeting of the Overview and Scrutiny Committee held on 31st January 2018, Members were advised that in recent years the capital receipts received from Right to Buy sales were as follows:

- 2017/18 (to end December 2017) - £1,340,000 (12 sales) – as notified by Greenfields Community Housing
- 2016/17 - £3,907,464 (38 sales)
- 2015/16 - £1,712,890 (24 sales)
- 2014/15 - £3,081,401 (51 sales)
- 2013/14 - £2,229,712 (37 sales)
- 2012/13 - £684,201 (11 sales)

The estimates for capital receipts received from Right to Buy sales included in the capital resources statement were:

- £1,500,000 for 2017/18
- £1,000,000 for 2018/19 onwards

Members were informed that there were no Braintree District Councillors who were two or more months in arrears with their Council Tax accounts and therefore all Councillors would be eligible to vote on the 2018/19 Budget and Council Tax setting at the next meeting of Full Council being held on 19th February 2018.

**DECISION:** That Cabinet agreed:

**That it be Recommended To Council that the following be approved:**

1. The budget variations to the current base budget as detailed in Section 3 of the main report;
2. The additional income and cost reductions as detailed in Section 5 of the main report;
3. The unavoidable revenue budget demands and new investments of £624,550 as detailed in Section 4 of the main report;
4. The package of support to claimants experiencing difficulties as a result of the Local Council Tax Support scheme as detailed in Section 10.7 of the main report;
5. The Council's discretionary fees and charges for 2018/19 as detailed in Appendix A to the main report;
6. Delegated authority is given to the appropriate Cabinet Member to determine the level of charges for Trade Waste collection and Environmental permits for 2018/19;
7. The Council's housing rents are reduced by 1% for 2018/19, as detailed in Appendix A to the main report;
8. That delegated authority is given to the appropriate Cabinet Member to agree variations to Trade Waste, Town Hall Centre, Building Control and Car Parking fees and charges for commercial purposes;

9. The surplus of £725,670 on the Business Rates Collection Fund be transferred to the Business Rates Retention Reserve;
10. To extend the Council's policy for Discretionary Business Rate Relief (under section 47 of the Local Government Act 1988) to extend the Public House Relief scheme until 31st March 2019 as recommended and funded by the Government;
11. Discretionary council tax discounts, exemptions and premium for 2018/19 are:
  - Discount applicable to empty dwellings undergoing major repairs is set at 0% for the twelve month period;
  - Discount applicable to vacant dwellings is set at 0% for the six month period;
  - Discount applicable to second homes is set at 0%;
  - Empty Homes Premium charged on dwellings vacant for over two years be set at 50%;
12. The Council's Pay Policy for 2018/19 as detailed in Appendix C to the main report;
13. A transfer of £246,302 to the General Fund unallocated balance in 2018/19;

### **Capital**

14. The General Fund Capital bids for 2018/19 listed in Appendix H to the main report;

### **Treasury Management**

15. The Prudential Indicators and limits set out in Appendix J to the main report;
16. The Policy on Minimum Revenue Provision as recommended in Appendix J to the main report;
17. The Treasury Management Strategy, including annual investment strategy, for 2018/19 (Appendix J to the main report);

### **Council Tax**

18. The proposed estimates (producing a budget requirement for Council Tax purposes of £14,802,682) as detailed in Appendix D and the Council Tax for 2018/19 of £174.51 for a Band D property, having taking into consideration:
  - The consultation feedback, if any, received and reported verbally at the meeting;
  - The assessment of risks in the budget assumptions;
  - The Equalities Impact Assessments and
  - The Section 151 Officer's report on the robustness of the estimates and the adequacy of balances (Appendix L to the main report).

**REASON FOR DECISION:** To determine the budget and Council Tax level proposals for 2018/19 to be submitted to Full Council for consideration, in accordance with the Budget and Policy Framework Procedure Rules contained in the Constitution.

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**\*\*PROPOSED ACQUISITION OF STRATEGIC EMPLOYMENT SITE, GREAT NOTLEY**

Minutes Published: 12th February 2018  
Call-in Expires: 20th February 2018

**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 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 from the Private Report, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 2 of Schedule 12 of the Act.

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

**INFORMATION:** Members were advised that Braintree District Council was proposing to undertake a strategic acquisition of the Great Notley Employment site which was situated to the west of the A131 at Great Notley. The gross area of the site comprised of 63 acres (25.5 ha.).

Under the emerging District Local Plan (2016-2033) provision had been made for significant housing and employment growth in the District over the Plan period. The Council's District Investment Strategy recognised the need for the District Council to provide investment to support growth across the District and also provide a return for the Council. An important element of this investment would involve the District Council investing in employment premises and employment land to provide opportunities for new businesses and employment in the District while also creating a reasonable financial return.

Members were advised that the delivery of this important strategic employment site had stalled and required Council intervention in order to bring it forward.

The Council was proposing to initially purchase the land and then develop and submit a detailed business case for approval by Members. The business case would detail the disposal strategy including usage mix and potential construction of the site infrastructure to enable serviced land to be sold to occupiers or developers for the development of modern, high quality employment premises.

The Council also owned part of the access land into the site between the "Tesco Roundabout" on the A131 and the Great Notley Employment Site. Landowner 1 also owned part of the access land and had agreed terms to dispose of this land to the Council which would provide the Council with full control of the whole site.



Members were asked to agree to acquire both the Masterplan Land owned by Landowner 2 and the Access Land owned by Landowner 1 to realise the Council's aspiration to release this land onto the market.

**DECISION (PUBLIC REPORT):** That Cabinet agreed:

- 1) That Members approve the purchase of the Access Land owned by Landowner 1 on the terms set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 2) That Members approve the purchase of the Masterplan Land owned by Landowner 2 on the terms set out in this report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 3) That **Cabinet recommends to Council** the approval of the total budget which will be required to fund both acquisitions. This will be funded initially from the Council's cash balances (internal borrowing) with a longer term funding strategy determined as part of the detailed business case.

**REASON FOR DECISION:** To enable the Council to acquire the Great Notley Employment Site to facilitate the availability of vacant employment land for the purpose of providing opportunities for new business investment in the District, support the expansion of existing businesses, create employment opportunities, generate business rates revenue and provide the Council with a reasonable rate of return on its investment.

**DECISION (PRIVATE REPORT):** That Cabinet agreed:

- 1) That Members approve the purchase of the Access Land owned by Landowner 1 for the sum set out in the report, purchase costs and stamp duty on the terms set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 2) That Members approve the purchase of the Masterplan Land owned by Landowner 2 for the sum set out in the report (VAT is not payable) plus purchase costs and stamp duty on the terms set out in the report, subject to contract and due diligence, and on such other terms and conditions as agreed by the Corporate Director (Sustainable Development) in consultation with the Cabinet Member for Corporate Services and Asset Management and the Corporate Director (Finance).
- 3) That **Cabinet recommends to Council** the approval of a total budget set out in the report which will be required to fund both acquisitions and develop a strategy for the future development of the site. This will be funded initially from the Council's cash balances (internal borrowing) with a longer term funding strategy determined as part of the detailed business case.

**REASON FOR DECISION:** To enable the Council to acquire the Great Notley Employment Site to facilitate the availability of vacant employment land for the purpose of providing opportunities for new business investment in the District, support the expansion of existing businesses, create employment opportunities, generate business rates revenue and provide the Council with a reasonable rate of return on its investment.

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

**DECISION:** That Members note the delegated decisions.

The meeting commenced at 7.15pm and closed at 7.59pm.

COUNCILLOR G BUTLAND  
(Leader of the Council)

APPENDIX

CABINET

5TH FEBRUARY 2018

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Agenda Item 7b - Proposed Disposal of Land and Property within the Land East of High Street Site in Halstead

Statement by Mrs Anne-Marie Robertson, for Halstead 21st Century Group, 7 Brook Place, Halstead.