

Minutes

Extraordinary Council Tuesday, 30th July, 2019

Attendance

Cllr Parker (Mayor)	Cllr Keeble
Cllr Ms Sanders (Deputy Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Kerlake
Cllr Barrett	Cllr Laplain
Cllr Dr Barrett	Cllr Lewis
Cllr Bridge	Cllr McCheyne
Cllr Clarke	Cllr Morrissey
Cllr J Cloke	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Mrs Davies	Cllr Mrs Pearson
Cllr Fryd	Cllr Poppy
Cllr Mrs Fulcher	Cllr Mrs Pound
Cllr Haigh	Cllr Reed
Cllr Hirst	Cllr Tanner
Cllr Mrs Hones	Cllr Tierney
Cllr Hossack	Cllr Tumbridge
Cllr Jakobsson	

Apologies

Cllr Chilvers	Cllr Mrs McKinlay
Cllr McLaren	Cllr Nolan

Officers Present

Jean Sharp	-	Governance and Member Support Officer
Steve Summers	-	Interim Chief Executive
Kim Anderson	-	Partnership, Leisure and Funding Manager
Phoebe Barnes	-	Corporate Finance Manager
Philip Drane	-	Director of Strategic Planning
Christopher Gill	-	Strategic Asset Manager
Chris Leslie	-	Executive Director of Commercial Services
Daniel Toohey	-	Head of Legal Services and Monitoring Officer
Jacqueline Mellaerts	Van -	Director of Corporate Resources

150. Apologies for Absence

Apologies for absence were received from Cllrs Chilvers, Mrs McKinlay, McLaren and Nolan.

151. Declaration of Interest from Members and Officers

No declarations of interest were made.

152. Appointment of a Joint Venture Partner

The report before Members sought approval to award the Joint Venture (JV) contract to the preferred bidder. The JV contract was for a 30 year 50:50 Joint Venture partnership between Seven Arches Investments Ltd (SAIL) and the preferred bidder.

An initial 3 sites were selected to be the first to have site development schemes prepared by the JV and formal approval for this was sought.

As a 50:50 partnership an equity cash contribution might be required in addition to the land value to ensure funding remained matched between the partners. There was also opportunity to provide loan funding to the JV, which would provide an additional income stream.

A number of confidential appendices had been provided for Members' information and since Members wished to allude to the exempt information during the discussion members of the press and public were excluded from the meeting under Schedule 12A of the Local Government Act 1972 for the duration of debate on this item.

Cllr Hossack **MOVED** and Cllr Mrs Hones **SECONDED** the recommendations in the report with an amendment to 2.4 as follows:

2.4 That a funding facility of up to £60m at any one time be made available to provide equity and senior debt in relation to the Joint Venture with the use of the facility ~~delegated to the~~ on the recommendation of the Section 151 Officer in consultation with Group Leaders with the approval of Policy, Resources and Economic Development Committee.

Following a debate a recorded vote was requested and Members voted as follows:

FOR: Cllrs Barrett, Dr Barrett, Bridge, Jon Cloke, Hirst, Mrs Hones, Hossack, Jakobsson, Keeble, Kerlake, McCheyne, Morrissey, Parker, Mrs Pearson,

Poppy, Mrs Pound, Reed, Miss Sanders, Tanner, Mrs Tierney and Tumbridge (21)

AGAINST: Cllrs Aspinell, Clarke, Sarah Cloke, Mrs Davies, Mrs Fulcher, Fryd, Haigh, Kendall, Laplain, Lewis, Naylor and Mynott. (12)

ABSTAIN: (0)

The **MOTION** was **CARRIED** and it was **RESOLVED**:

1. That the Joint Venture partnership contract and framework agreement be awarded to Morgan Sindall Investments Ltd through Seven Arches Investments Ltd, subject to agreement of final detailed terms between the parties in compliance with procurement regulatory requirements.
2. That the Director of Corporate Resources be given delegated authority in consultation with the Leader of the Council, to agree the final detailed terms and to enter into the Joint Venture partnership agreement and related contracts in compliance with procurement regulatory requirements.
3. That the three initial sites (William Hunter Way Car Park, Maple Close garage site and Westbury Road Car Park) have site development schemes worked up under the agreement by the Joint Venture.
4. That a funding facility of up to £60m at any one time be made available to provide equity and senior debt in relation to the Joint Venture with the use of the facility on the recommendation of the Section 151 Officer with the approval of Policy, Resources and Economic Development Committee.

Reason for Recommendation

Council approval is required to award a major contract.

153. King Georges Playing Field

At the 27 February 2019 Ordinary Council meeting Members agreed to the inclusion of £7m for the development of King George's Playing Fields within the Capital Program as part of the budget setting process. It was agreed at 23 January 2019 Policy Projects and Resources Committee that expenditure would only occur subject to the full business plan and operating model details being approved by a future Policy, Projects and Resources Committee (or relevant committee).

A report (Appendix **A**) and business plan (Appendix **B**) for King George's Playing Fields improvements were provided at 10 July Policy, Resources and Economic Development Committee meeting for consideration where Members requested some further information. It was therefore recommended that the report and further information (set out in Appendix **C**, **D** and **E**) be submitted to Extraordinary Council on 30 July 2019 as well as a request for an additional £173,000 to be allocated to the capital programme to support the delivery of the project.

The business plan had looked at a number of options for the pavilion and the outdoor adventure play to ensure that the business model for the improvements was both financially viable and supported the needs of the community both now and in the future. The Football Hub Development was also included within the business plan as it was intrinsically linked to the King George's Playing Fields improvements.

Cllr Hossack **MOVED** and Cllr Poppy **SECONDED** the recommendations in the report and following a discussion a recorded vote was requested and Members voted as follows:

FOR: Cllrs Aspinell, Barrett, Dr Barrett, Bridge, Clarke, Jon Cloke, Sarah Cloke, Mrs Davies, Mrs Fulcher, Fryd, Haigh, Hirst, Mrs Hones, Hossack, Jakobsson, Keeble, Kendall, Kerlake, Laplain, Lewis, McCheyne, Morrissey, Naylor, Mynott, Parker, Mrs Pearson, Poppy, Mrs Pound, Reed, Miss Sanders, Tanner, Mrs Tierney and Tumbridge (33)

AGAINST: (0)

ABSTAIN: (0)

The **MOTION** was **CARRIED** and it was **RESOLVED UNANIMOUSLY**:

1. That Members agree to the recommendations in the business plan:

In particular agree to:

- 1. Option 4 for the pavilion building**
- 2. Option 2 for the Splash Pad**
- 3. Option 2 for the outdoor adventure play**
- 4. Option 3 for the operating model**

2. Members approve that the total budget allocation of £7.173m is included in the capital programme and approve the drawdown of funds to support the delivery of the project

3. Installation of a new changing places facility that will support the outdoor play activities

4. Agree for officers to commence a procurement exercise to appoint a contractor to undertake the football feasibility works to support the football hub development at the Brentwood Centre site

Reasons for Recommendation

1. As part of the Council's due diligence in delivery a successful Leisure Strategy, Members and officers need to have a complete picture of the current associated costs, risk profiles of the Borough's Leisure facilities and identify opportunities for income generation.
2. Comments from Sport England as part of the Local development Plan consultation, stated that a Leisure Strategy is required that assesses Council owned sports and leisure facilities in order that the Council can continue to work with partners to ensure that appropriate provision is made for the residents of Brentwood. The strategy should not only consider how the Council can provide services, but also how other partners can. The strategy should also use current sports facility evidence to identify strategic priorities to then inform what will be included in the Council's Infrastructure Delivery Plan. Following this feasibility work, the Council will then be able to determine which projects will be funded by the Community Infrastructure Levy (CIL) and those funded by planning obligations.
3. The Council's Asset Management Strategy 2014/15 also sets out the need to obtain and maximise income where possible from its asset portfolio.
4. The KGPF improvements support all six workstreams of the Leisure Strategy Built Facilities, Play Areas, Sport, Open Spaces, Health and Wellbeing and Governance Arrangements.
5. The Football Hub Development supports the strategic improvement and development of grassroots football across the Borough which will support a number of football clubs.
6. Both sites will provide a much improved fully inclusive offer of activities and facilities for residents and families.
7. The new pavilion will provide a more energy efficient and effective building.
8. Any delay in the decision-making process will impact on planning and build timelines for the project and therefore impact on the financial allocation for the project. Some of the surveys required for the planning application have to be done in a timely manner, so any delay may result in those surveys having to be repeated incurring additional costs to the Council in the region of £64,000. The impact could also delay the Council getting to cost certainty and the possibility of increased build costs as a result.

154. Urgent Business

There was no urgent business.

The meeting ended at 20.15 hours

