

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE  
MONDAY 16 APRIL 2018**

**CABINET**  
3 April 2018

**PRESENT** – Councillor Dixon (in the Chair); Councillors C L B Hughes, McEwan, S Richmond, A J Scott and Wallis. (6)

**INVITEES** – Councillors Curry, I G Haszeldine and Mrs Scott. (3)

**ALSO IN ATTENDANCE** – Councillors Knowles.

**APOLOGIES** – Councillor Harker.

**C130. REPRESENTATIONS** – No representations were made by Members or members of the public in attendance at the meeting.

**C131. DECLARATIONS OF INTEREST** – In respect of Minute C135(1) below, Councillor C L B Hughes declared a non-pecuniary interest as she was a Director at Carmel Education Trust.

**C132. MINUTES** - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 6 March 2018.

**RESOLVED** - That the Minutes be confirmed as a correct record.

**REASON** – They represent an accurate record of the meeting.

**C133. MATTERS REFERRED TO CABINET** - There were no matters referred back for re-consideration to this meeting.

**C134. ISSUES ARISING FROM SCRUTINY** - There were no issues arising from Scrutiny considered at this meeting.

**C135. KEY DECISIONS – (1) Children Services Capital Programme** - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the proposed Education and Inclusion Service Condition Improvement Programme for 2018/19 and to the release of the funds to support that programme.

The submitted report stated that the authority funded the capital maintenance and improvement of maintained schools from a variety of sources; the Council had been allocated a School Condition Allocation of £110,000 to address capital maintenance needs; there was a balance of £168,145 which would be rolled forward to 2018/19; and that once a school converted to an Academy it was no longer eligible to be considered for capital maintenance funding allocated to the Local Authority but could apply directly to the Education and Skills Funding Agency for funding, as required.

Particular references were made to the prioritisation process; asset management costs; urgent and contingency works; future condition work programming; and to the key milestones for the Summer 2018 programme.

**RESOLVED** - That the School Condition Allocation of £110,000, be released, and the proposed prioritised capital investment programme for maintained schools, as detailed in the submitted report, be agreed, and delegated authority be given to the Director of Children and Adult Services to manage the authorisation of this funding.

**REASONS** – (a) Release of the funds will enable capital investment to be undertaken in the areas identified with the greatest need, in terms of asset management priorities.

(b) Detailed planning to identify priorities has been undertaken which ensures effective use of all investment.

**(2) Procurement Plan Update** - The Leader introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the Annual Procurement Plan (also previously circulated); updating Cabinet on the outcomes of procurement(s) previously designated as Strategic; the decisions taken by the Procurement Board to waive the Contract Procedure Rules and agreed direct contract awards; and providing a general update on the function and activity of the Corporate Procurement Unit.

The submitted report stated that under the Contract Procedure Rules one of the responsibilities of Cabinet was to agree the Procurement Plan; a set of criteria (also previously circulated) had been developed to assist in determining whether a contract should be deemed as strategic or non-strategic, based on value and significance; and that Contract Procedure Rules could be waived by the Procurement Board in appropriate cases.

**RESOLVED** – (a) That the assessment of strategic and non-strategic contracts, as presented in Appendix 1 of the submitted report; be approved, and that:-

- (a) further reports/updates on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet;
- (b) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director, as listed in the plan at Appendix 1 of the submitted report; and
- (c) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 of the submitted report, be delegated to the Procurement Board to approve and be reported back to Cabinet.

(b) That the contents of the report, in respect of the update of strategic procurements, Procurement Board waiver decisions and the general update, as detailed in the submitted report, be noted.

**REASONS –** (a) In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -

- (i) the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic;
- (ii) contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (iii) the contracts designated as non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -

- (i) in order to comply with the Contract Procedure Rules; and
- (ii) to provide Cabinet with information about the decisions made by the Procurement Board.

**C136. DELIVERY OF NEW HOMES AT STAG HOUSE FARM - JOINT VENTURE PROPOSAL AND LAND DISPOSAL** - The Leader introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) requesting that consideration be given to the disposal of the Council's land at Stag House Farm, as shown on the plan appended to the submitted report, for residential development, part to a Joint Venture Company and part to a national housebuilder; establishing a Joint Venture Company which will provide the infrastructure to open up the site and then build and sell homes on parts of the site; and to selling the remaining parts of the site to a national housebuilder.

The submitted report outlined the background to the proposal; land disposals; Joint Venture proposal; costs and financial implications; risks and mitigation of those risks; and the legal advice received.

Discussion ensued on the release of the units on a staged basis; trees on the site; environmental impact of the development; and on planning procedures in general.

**RESOLVED –** (a) That the establishment of the Joint Venture Company to deliver, build and sell new homes at Stag House Farm, as detailed in the submitted report, be approved.

(b) That the disposal of land at Stag House Farm, part to a Joint Venture Company and part to a national housebuilder, as shown on the plan appended to the submitted report, be agreed.

(c) That £12m from the Investment Fund to fund the Joint Venture Company, be approved, to be financed by prudential borrowing subject to a Legal Charge in favour of the Council over the land acquired by the Joint Venture Company together with a Guarantee from the Joint Venture Partner in respect of 50 per cent of the loan sum.

(d) That conditional upon completion of the Joint Venture Agreement, the sale of the land to the Joint Venture Company, be approved, and delegated authority be granted to the Director of Neighbourhood Services and Resources to finalise the negotiations for the establishment of the Joint Venture Company and the disposal of the land to the Joint Venture Company in line with the terms and supporting Development Appraisal, as detailed in Appendix 2 of the submitted report.

(e) That conditional upon completion of the Joint Venture Agreement, the sale of the land to the national housebuilder by private treaty, be approved, and delegated authority be granted to the Director of Economic Growth to finalise the negotiations in line with the terms, as detailed in Appendix 3 of the submitted report.

(f) That the Assistant Director Law and Governance be authorised to execute the sale of the property, the entering into the joint venture and associated documents, accordingly.

(g) That conditional upon completion of the Joint Venture agreement, a secured loan facility be entered into with the Joint Venture Company, as a secured loan simultaneous with the land transaction.

(h) That the Director of Neighbourhood Services and Resources, the Assistant Director Housing and Building Services and the Assistant Director Law and Governance be appointed to act as Directors in the Joint Venture Company, as part of its Executive Board.

(i) That the Joint Venture be funded from prudential borrowing from the Capital Investment Fund established by the report to Council dated July 2017.

(j) That the Council will not dispose of any parts of Stag House Farm, until the new owners have entered into a Deed of Covenant ensuring that the Section 106 obligations are adhered to.

**REASONS –** (a) To deliver a Capital Receipt and income for the Council.

(b) To assist in the delivery of the Economic Strategy by speeding up the building of new homes.

**C137. MEMBERSHIP CHANGES –** There were no membership changes reported at the meeting.

**C138. EXCLUSION OF THE PUBLIC - RESOLVED -** That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

**C138. KEY DECISION – (URGENT ITEM) LAND TO THE NORTH OF MORTON PARK (EXCLUSION PARAGRAPH NO 3) –** With the prior approval to the matter being treated as urgent to enable a decision to be made at the earliest possible date, the Leader introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the acquisition of 0.99 acres of land, as shown

on the plan appended to the submitted report, to facilitate a strategic access road to deliver wider transport and economic benefits to the surrounding area.

The submitted report outlined the background to the proposal; the proposed terms; and the financial and legal implications.

**RESOLVED** – (a) That the urgent acquisition of the land, as shown on the plan appended to the submitted report, be authorised, on the terms as set out in the submitted report.

(b) That the Assistant Director Law and Governance be authorised to complete the necessary documentation.

(c) That this strategic acquisition be funded from the Economic Growth Investment Fund.

**REASONS** – (a) Significant contribution to economic growth.

(b) Clear transport benefits will accrue.

(c) Guaranteed and more straightforward access to land at Symmetry Park.

**DECISIONS DATED –  
FRIDAY 6 APRIL 2018**