

# Revolving Investment Fund Committee

Wednesday, 10 August 2016

**Attendees:** Councillor Paul Smith (Member), Councillor Tim Young (Member)  
**Substitutes:** Councillor Dominic Graham (for Councillor Mark Cory)  
Also in attendance: Councillors Barlow, Davies and D. Ellis

## Publication and Call in Arrangements

Date Published 11 August 2016

Date when decisions may be implemented (unless 'called in') 5pm 18 August 2016

NB All decisions except urgent decisions and those recommended to Council may be subject to the Call-in Procedure. Requests for the scrutiny of relevant decisions by the Scrutiny Panel must be signed by at least ONE Councillor AND FOUR other Councillors to countersign the call-in form OR to indicate support by e-mail. All such requests must be delivered to the Proper Officer by no later than 5pm on 18 August 2016

### 38 Appointment of Chairman

*RESOLVED* that Councillor Cory be appointed as Chairman for the 2016-17 municipal year.

### 39 Appointment of Deputy Chairman

*RESOLVED* that Councillor T. Young be appointed as Deputy Chairman for the 2016-17 municipal year.

### 40 Election of Chairman for the meeting

*RESOLVED* that Councillor Smith be appointed as Chairman for the meeting.

### 41 Minutes

*RESOLVED* that the minutes of the meeting on 8 March 2016 be confirmed as a correct record.

### 42 Purchase of properties - urgent - public

The Committee considered a report from the Head of Commercial Services about strategic land purchase of properties at Vineyard Street, Osborne Street and Arthur Street. The Leader of the Council and Chairman of Cabinet had agreed that this item should be added to the agenda as an urgent item. The opportunity to purchase these properties had arisen at short notice and the Council had had to move quickly to take advantage of the opportunity. He thanked Councillor Davies, Chairman of Scrutiny Panel, for agreeing that this item could be added to the agenda, notwithstanding that due to the need to proceed quickly the provisions of the Access to Information Regulations 2012 had not been met.

Councillor Davies, Chairman of Scrutiny Panel, attended and with the consent of the Chairman addressed the Committee. Whilst she had given her consent for the item to be considered, this did not mean that all her concerns about the decision had been allayed, and she was disappointed that a press statement had been issued before she had the opportunity to fully consider the issues. To prevent a repetition, Councillor Davies suggested that the Chairman of the Scrutiny Panel should in future be consulted at the same time as the Chairman as Cabinet needed to take the role of Scrutiny Panel seriously and place its trust in the Chairman of the Panel. She also proposed that the Leader should meet with her to discuss how this could best be achieved.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked Councillor Davies. He expressed his regret that there had been issues with the consultation process with Councillor Davies on this occasion due to the need to move quickly and confirmed that he was happy to meet with her.

*RESOLVED* that:-

- (a) The confidential report on Part B of the agenda for the purchase of land and buildings at 8-13 Osborne Street, car park at Vineyard Street and 4 Arthur Street be noted.
- (b) The request in Part B of the agenda for delegated authority to the Strategic Director for Commercial and Place in consultation with the Portfolio Holder for Culture and Regeneration to conclude the purchase within a set time period as required by the vendor.

*REASONS*

In a report to Cabinet on 17 March 2014 Cabinet agreed to set aside funds in the RIF to acquire land required for the development of the Vineyard Gate scheme.

Whilst negotiations are still ongoing to bring forward a scheme on the land, an opportunity has arisen to purchase land belonging to Caddick Developments as they now wish to dispose of their ownerships in Colchester. The ability to secure a greater

land holding in this area provides the Council with a stronger negotiating position in any future discussions but also gives it the ability to accelerate the process of delivery.

The vendor has indicated that they wish to complete any sale within 4 weeks of issue of legal document.

#### *ALTERNATIVE OPTIONS*

The Council could have decided not to purchase these sites, however, if they were purchased by a third party, who improved them, then this could result in a higher compulsory purchase price for the Council when redevelopment and full site assembly is required.

### **43 Purchase of Properties at Osborne Street, Colchester**

The Committee considered a report about a strategic land purchase of properties at Osbourne Street. Howard Davies, Regeneration Project Manager, presented the report to the Committee and explained that the properties that were the subject of this report were in addition to the properties identified in the previous item. The properties had come up for auction in late July and therefore the Council had had to move quickly to purchase them. They had been purchased at below the guide price and would add to the Council's property holdings in the area.

Councillor Smith, Leader of the Council and Portfolio Holder for Strategy, thanked officers for identifying the opportunity and moving quickly to secure the purchase of the properties.

#### *RESOLVED*

(a) The purchase of the two identified properties in Osborne Street which were purchased at auction on 27th July 2016, pursuant to the provisions of Cabinet Procedure Rule 22. (Matters of Urgency), be noted.

(b) Authority be delegated to the Strategic Director for Commercial and Place in consultation with the Portfolio Holder for Regeneration to conclude the purchase within a set time period as required by the auction process.

#### *REASONS*

In a report to Cabinet on 17 March 2014 Cabinet agreed to set aside in the RIF up to £6million to acquire land required for the development of the Vineyard Gate scheme.

Whilst negotiations with the developer have still to be concluded, there was an immediate opportunity to acquire two key properties which are within the original land acquisition boundary. The ability to secure a greater land holding in this area provides the Council with a stronger negotiating position in any future discussions.

The auction process provided the Council with the opportunity to acquire the properties at a price which is less than Compulsory Purchase Order values.

#### *ALTERNATIVE OPTIONS*

The Council could have decided not to bid for these sites, however, if they were purchased by a third party, who improved them, then this could result in a higher purchase price for the Council when redevelopment and site assembly comes forward.

#### **44 Appointment of an Operator for the Colchester Borough Council Town Centre Fibre Network**

The Committee considered a report concerning the appointment of a network operator for the town centre fibre network. Nigel Myers, Economic Development Manager, presented the report. This would provide ultra-fast broadband in the town centre, which was a considerable improvement on superfast broadband. It would put Colchester in the top 5 places in the country for connectivity.

*RESOLVED* that authority be delegated to the Strategic Director for Commercial and Place, in consultation with the Portfolio Holder for Resources, to select the most suitable and commercially viable bid from among companies responding to the tender for a fibre network operator, and to conclude the appointment of the successful bidder.

#### *REASONS*

To ensure that a network operator is appointed to run the Council's newly completed fibre network in the Town Centre which provides the best possible commercial return on the asset and provides the opportunity for all town centre businesses to connect to ultrafast broadband.

To meet a proposed start date of 1st September 2016 for provision of the service.

#### *ALTERNATIVE OPTIONS*

The alternative would be to rely on other infrastructure providers to bring forward this exciting opportunity, which would be likely to take considerable time and would not necessarily offer the upload and download speeds possible through this project.

**45 Minutes (Part B)**

The Committee resolved under Section 100A(4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following items as they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

*RESOLVED* that the not for publication extract from the minutes of the meeting held on 8 March 2016 be confirmed as a correct record.

**46 Purchase of Properties at Osborne Street, Colchester (Part B)**

**The Committee resolved under Section 100A(4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following items as they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person (including the authority holding that information)).

**47 Appointment of an Operator for the Colchester Borough Council Town Centre Fibre Network (Part B)**

**The Committee resolved under Section 100A(4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following items as they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs

of any particular person (including the authority holding that information)).

**48      Urgent Item - Purchase of Properties at Osborne Street, Vineyard Street and Arthur Street**

**The Committee resolved under Section 100A(4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 to exclude the public from the meeting for the following items as they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

This minute is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person (including the authority holding that information)).